

**THE GENESIS, EVOLUTION AND DEVELOPMENT OF LOCAL
GOVERNMENT IN BUNGOMA COUNTY, KENYA 1895-1978**

BY

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**A Thesis Submitted to the School of Arts and Social Sciences, Department of
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DECLARATION

Declaration by Candidate

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DEDICATION

This thesis is dedicated to my mother Metrine Nasibwondi Makona Wafula and my late father Dishon Wafula Tietie. They sacrificed to educate me. After graduating with my Bed Arts degree, they told me to implement fully the power I was given by the chancellor “.... to read and to do all that appertains to that degree”. They advised me not only to implement ‘do’, but also ‘read’. Papa, where you are, I want to inform you I followed your advice.

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ABSTRACT

This is a study of the genesis, evolution and development of local government in Bungoma County from 1895 to 1978. Local governments in Kenya are important propellants of development. They have undergone a series of transformation since the colonial period. However, Specific objectives of the study were; to analyse the pre-colonial systems of government in Bungoma County; to establish the British conquest and the genesis of local government in Bungoma County, 1895-1924; to examine the successes of local government in social, economic and political developments in Bungoma County, 1925-1978 and finally to assess the challenges that faced local government in Bungoma County, 1925-1978. The study employed two theories; namely the Max Weber's bureaucracy and the agency theory. Research methodology was guided by the theme of the study therefore, historical research design was used. The research was qualitative, primary and secondary data was collected. The first category of primary data involved oral interviews. Purposive and snowball sampling were used to identify respondents. The second category of primary data comprised archival information. Secondary sources included books, journals, theses, dissertations, seminar papers, government reports, and magazines. Information contained in the above documents was scrutinized and relevant items extracted for assimilation of the research report. Descriptive data analysis, interpretation and narration were the basis in the writing of the report. In chapter two, political leadership provided a number of services such as administration of justice, security and religion. In chapter 3, the coming of colonialism to Kenya led to a new type of local governance, indirect rule. The office of chief was created after the enactment of the Native Authority Acts of 1902 and 1912. A number of chiefs such as Namachanja wa Khisa, Sudi, Murunga among others were empowered by the colonial government to play various roles such as maintenance of law and order, collection of taxes, restricting the brewing of *busaa* and *chang'aa* among other functions. In chapter 4, LNCs played a number of functions such as provision of social services and promoting economic developments. However, the study established a number of challenges that faced LNCs in Bungoma. Challenges included, financial constraints, constant interference from the central government just to mention but a few. In chapter 5, ADCs played important roles in terms of social, economic and political development. ADC had a number of challenges including insufficient finance, ethnic balkanization in the council and under-utilization of resources such as land. In chapter six, it was found out that, in early years of Kenya's independence, the council contributed in the social and economic development of Bungoma. However, the council faced a number of challenges during the Kenyatta era which led to a decline in terms of service delivery. By 1978, Bungoma County Council just like many county councils in Kenya had lost its relevance. Consequently, the study contributes to the historiography of local government in Kenya.

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ABBREVIATIONS/ACRONYMS

ADC	– African District Council
AEMO	– African Elected Members Organization
AIM	– Africa Inland Mission.
BU	– Bukusu Union
CMS	– Church Missionary Society
CNC	– Chief Native Commissioner
DC	– District Commissioner
DO	– District Officer
DYM	– Dini Ya Musambwa
EAA	– East African Association
EN	– Elgon Nyanza
FAM	– Friends African Mission
GPT	– Graduated Personal Tax
IBEAC	– Imperial British East Africa Company
KADU	– Kenya African Democratic Union
KANU	– Kenya African National Union
KAR	– Kings African Rifles.
KAU	– Kenya African Union
KCA	– Kikuyu Central Association KNA
KES	– Kitosh Educational Society
KNA	– Kenya National Archives
KTWA	– Kavirondo Taxpayers’ Welfare Association
LAC	– Locational Advisory Council
LEGCO	– Legislative Council

LG	– Local Government
LNC	– Local Native Council
MHM	– Mill Hill Missionaries
NCU	– Native Catholic Union
NK	– North Kavirondo
NKCA	– North Kavirondo Central Association
NKTWA	– North Kavirondo Taxpayers Welfare Association
NN	– North Nyanza
NZA	– Nyanza
OBE	– Order of the British Empire.
OI	– Oral Interview
PC	– Provincial Commissioner
UK	– United Kingdom
YKA	– Young Kikuyu Association.

DEFINITION OF TERMS

- Development –** it is a synonym for improvement. It is conceived as an aspect of change that is desirable. Development drives at improving quality of life by action such as offering education, introducing modern methods of cultivation, improved transport and communication network, improved medical facility, all inclusive and democratic system and finally growth in the economy.
- Evolution–** gradual unfolding of events spread over a long period of time.
- Indigenous-** the people who occupied the study area before the arrival of both the Indians and the colonialists. These inhabitants were predominantly of Luhya and Kalenjin origin.
- Local Government –** this is a system which allows the process of making decisions, allocation of funds and provision of services at the local level. It comprises institutions, mechanisms and ways, through which citizens can articulate their interests.
- Nation-State-** A group of people with common social and economic characteristics, living as a political unit under one government.
- Peasant-** Rural households engaged in agricultural production (commodity production) by the use of simple agrarian techniques.

Post-Colonial Kenya – Independent Kenya from British Colonialism from 1963.

Pre-Colonial Kenya- Before British Colonialism in Kenya.

Socio-economic Development – any program that creates sustainable access to the economy for its beneficiaries and thus leads to improved standards of living of the concerned people. It includes education, health, roads, water supply and sewerage facilities.

Transformation – A gradual process of change which alters the performance of something.

CHAPTER ONE

1.0 Introduction

This chapter provides an overview of the entire study whose focus is on the genesis, evolution and development of local government in Bungoma County, Kenya 1895-1978. Local governance attracted my attention given the fact that it plays a pivotal role in the development of rural areas. The form of local government in Kenya has changed frequently to adapt to the societal changes. No society is static, dynamism is inevitable.

Various sections of chapter one include: The background to the study whose concern is to give a general historical context of the study. However, the chapter articulates the statement of the problem that sets out what the study focused on. There are also sections on the objectives of the study, research questions, significance of the study as well as on the scope and limitation of the study. The chapter also comprises a section on literature review and theoretical framework. The final section describes the research methodology that the study adopted.

1.1 Background of the Study

Local governance has been glorified as a panacea for development, with a number of authors highlighting its positive attributes in development globally. On the contrary, it has also faced a number of challenges. Originally, it was established in the West and later on introduced in European colonies with a belief that decentralization would improve not only the relationship between citizens and the state, but also the mobilization and distribution of resources and ultimately, the quality of democracy through representation.

In a global survey, the United Kingdom of Great Britain (a union of four countries: England, Scotland, Wales, and the province of Northern Ireland) have county councils as the upper tier, district or borough councils as the lower tier and smaller units of local representation, known as parishes. They have responsibility for fire and civil defence, waste disposal, local economic development, and transport.¹

However, in Australia, local government is recognised in all state constitutions, but there is no reference to local government in the Australia's national constitution.² Therefore, local government is an agent of the central government in terms of service delivery as espoused by the agent/principal model. In this case it is subordinated to the national government and as an appendage of state.³

Moreover, in Canada, the founding fathers originally envisaged a relatively centralized system of government, reflecting their desire for a powerful national authority. In the 20th Century, political realities deemed that a more decentralized form of government would prevail.⁴ Hence, Federal-provincial jurisdiction evolved and the third level of government was local government. However, local governments have historically been excluded from constitutional recognition. Indeed, while the federal and provincial governments relish in autonomous power, local governments have been subordinately constitutionalized as “creatures of the province”, this has limited their role in service delivery.⁵

Notably, the British introduced local governments in India not by building on the traditional structures of local governance, such as the village panchayats, but instead

¹ Shah, A. Local Government in Developing Countries. Washington D.C. *World Bank*. 2006.

² Bailey, S.J (1999). *Local Government Economics: Principles and Practice*, Macmillan, London.

³ Boyne, G.A (1998). *Public Choice, Theory and Local Government*, Macmillan, Basingstoke.

⁴ Gregory, J. (2013). *Understanding Canadian Federalism*. Toronto: Pearson Canada.

⁵ Slack, E. (2009). "*Provincial-Local Fiscal Transfers In Canada: Provincial Control Trumps Local Accountability*", (Draft paper prepared for Conference on General Grants Versus Earmarked Grants: Theory And Practice, Copenhagen.

from scratch, following the annexation of Sindh in 1843 and of Punjab in 1849.⁶ The main objective of the system was to co-opt the native elite by establishing representative local governments. However, local governments were never substantively empowered as they were frequently controlled by the colonial state through the deputy commissioners.⁷

Furthermore, the evolution of local government can be traced back to the pre-colonial Nigeria where traditional institutions were used in the indirect model of the British administration considering the shortage of manpower, communication systems, language barrier, to mention but a few.⁸ In the Eastern region, both the District and the local council system were created in the rural areas. This was done to enhance the principles of representative government through elective processes. Also, to maintain law and order, provide some limited range of social services and co-operation of the inhabitants in joint endeavours towards the improvement of their conditions of living.⁹

In Tanzania, The United Republic of Tanzania is a unitary republic, administratively divided into regions. Regions are divided into districts, which are then further subdivided into divisions. Local government authorities are divided into Urban and Rural areas. Local government can be traced back to the period from 1954 when the British administration established local government through a Local Government Ordinance, 1953 (Cap .133). This was a system whereby the people of a particular

⁶ Tinker, H. (1968). *The Foundations of Local Self-Government in India, Pakistan and Burma*. New York: Praeger.

⁷ Ahmed, V. and Amjad, R. (1984). *The Management of Pakistan's Economy, 1947-82*. Karachi: Oxford University Press.

⁸ Nwatu, D.N. (1995). *Local Government in Nigeria: An Introduction*. Enugu: Agartha Service Pub Ltd. Political Bureau Report 1987; Vol. 1 No. 3 Nov.

⁹ Orewa, G. et al (1992). *Local Government in Nigeria: The Challenging Scene*. Benin, Pub Cooperation.

locality had a council of representatives known as councillors.¹⁰ However, after independence, local governments in Tanzania have been established, abolished and re-established not because of any actual demands by local interest, but largely to promote some particular schemes in the interests of the centre.¹¹

On the same token, the constitution of the United Republic of Tanzania of 1977 empowers local government to perform a number of functions; social development and public service delivery, facilitation of maintenance of law and order and promotion of local development under participatory process. They are administered through local councils responsible for overseeing local government activities.¹²

In Uganda, due to deficiency in administrative manpower, the British colonial state had to rely heavily on traditional African rulers, chiefs and religious authorities to help in administration. In this way, the indirect rule system permitted traditional rulers and chiefs to take part in administration, but under the careful supervision of European authorities. In the post-colonial period, chiefs remained important pillars in the local government.¹³

In the local arena, most of what is now Kenya came under the British administration with the establishment of the East Africa Protectorate in 1895 taking over from Imperial British East Africa Company (IBEACo). After the establishment of colonial rule, the colonial state was born which undertook to dismantle and rearrange the pre-colonial political, economic, and social institutions of the African people and

¹⁰ Warioba, M. (1999) *Management of Local Government in Tanzania: Some Historical Insight and Trends Mzumbe*: Institute of Development Management.

¹¹ Mwaikusa, J.T. (1994) *Local Government Policies in Tanzania: "The Political Guinea Pig"* in Rothchild D. *Strengthening African Local Initiative: Local Self-governance, Decentralisation and Accountability* Hamburg: Institut für Afrika-Kunde, pp 59-74.

¹² Rugeiyama, R. et.al (2019). *Role of Local Government Authorities in Promoting Local Economic Development and Service Delivery to Local Community in Tanzania*. Tanzania, Dodoma.

¹³ Geller, S. (1986) *"The Colonial Era"*, in Phyllis M. Martin and Patrick O'meara, (Eds.), *Africa*, Sec. Ed., Bloomington, Indiana University Press.

incorporate them along the exploitative frameworks of European capitalism. In this way, the colonial state became an agency of the British state.¹⁴

The period between 1895 and 1925 was characterized by the search for a workable local administrative structure after the British conquest in Kenya. The Policy of indirect rule guided the establishment of local administrative institutions at the beginning of colonialism replacing African pre-colonial political institutions.¹⁵

Under the guidelines of the policy of indirect rule, the British appointed a chief in every administrative unit called locations and placed the free peasants totally under the mercy of the chief whose powers were largely despotic and authoritarian. As part of the establishment of colonial administration, therefore, chiefs were identified and appointed into the system of the provincial administration.¹⁶

Similarly, from 1902, the colonial government started creating more powers for the institution of chiefs. The 1907 Courts Ordinance created Native Courts and recognized tribunals under the direct authority of chiefs. Later, in 1911, the Native Tribunal Rules recognized the institution of the council of elders in accordance with traditional customs. The 1912 Native Authority Ordinance enlarged the formerly relatively minor powers of chiefs. Chiefs were appointed to represent specific areas, later to be called locations whose boundaries were supposed to coincide with pre-existing clan boundaries.¹⁷

¹⁴ Berman, B and Lonsdale, J. *The Unhappy Valley: Conflict in Kenya and Africa*. Nairobi: Heinemann. Kenya, 1992, 13-16.

¹⁵ Smoke, J. *Local Government Finance in Developing Countries: The Case of Kenya*, London: Oxford University Press. 1994, 62-63.

¹⁶ Ogola, Y. *Chiefs And Local Government Administration in West Budama County In Uganda during the Colonial period, 1900-1962*, PhD Thesis, Kenyatta University 2015, 83.

¹⁷ Ndege, P.O. *Economic Change in Kasipul and Kabondo, 1800-1962*. M.A. Thesis, University of Nairobi. 1987, 94-95.

However, Bruce Berman reveals that by early 1920s colonial chiefs had become ineffective in driving the British imperial mandate. The first generation of chiefs used their positions to acquire mostly the traditional forms of wealth in terms of wives, livestock and land. By 1920s the richest chiefs possessed automobiles, European-style clothing, and houses. Indeed chiefs became unpopular among the Africans.¹⁸

The period between 1917 and 1924 constituted the formative years in the establishment of LNCs. During this period, a new social class which comprised the African mission educated young men had emerged. The African educated elite were critical on the issue of service delivery by the colonial government and the question of African representation in the legislative council.¹⁹ Early political organizations led by African elite created awareness among the Africans on the need for adequate representation. The result of political awareness led to a resentful and negative attitude of Africans towards colonial policies. Therefore, the colonial government established LNCs in 1924 as a strategy to contain African elite.²⁰

However, by 1948, local authorities in the African areas had evolved beyond their original scope. Significant constitutional changes came after the Second World War as a direct result of Colonial Office initiative. The decolonization policy was initiated by the British government to prepare African to take charge of their affairs.²¹ Consequently in 1950, the ADC Ordinance (No. 12 of 1950) was passed hence ADCs

¹⁸ Berman, B. *Control & Crisis in Colonial Kenya: The Dialectic of Domination*. London, Ohio University Press. 1990, 212.

¹⁹ Omosule, M. *Ph.D. Thesis Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya 1895-1963*. Syracuse University. 1974, 91-92.

²⁰ Muendo, K. L, *Local Government and Development in Kenya: The Case of Machakos District, 1925-1974*, M.A Thesis, Egerton University. 2016, 36-37.

²¹ Kipkorir, B.E. *Descent from Cherang'any Hills: Memoirs of Reluctant Academic*. Nairobi, Macmillan Kenya. 2009, 80-81.

replaced LNCs. ADCs were then made corporate bodies with increased powers and responsibilities.²²

In July 1963, ADCs were renamed County Councils. The change in the name was purely instigated by Kenya's independence. County Council leadership was under the African chairman as opposed to most ADCs which were under European District Commissioners (DCs).²³

From 1963 to 1978, center-periphery politics impacted negatively on local governance in Kenya. So many functions were given to the local authorities of which did not have the human and financial resources. In this way the central government deliberately allowed councils to underperform to create the condition necessary for the government to legitimately centralize services and expenditure.²⁴

From the foregoing background, a number of fundamental questions are raised touching on a wider picture in Kenya and subsequently Bungoma County. For instance, why were local governments established in the study area? What were their achievements and challenges? These important issues and questions paved way for an academic investigation. Therefore, the origin, evolution and development of local government in Bungoma County, 1925-1978 remains a puzzle in the academic discourse. It is against this background that this study sought to bridge the gap in knowledge.

²²Moss, N.C, *'The Dilemma of Councillors.'* 2016, 52-53.

²³Hardacre Commission-*Report of the Local Government Commission of Inquiry 1966.*

²⁴ Stamp, P. Local Government in Kenya: Ideology and Political Practice, 1895-1974. *African Studies Review*, Vol. 29, No. 4 (Dec., 1986), pp. 17-42 Published by: Cambridge University Press Stable URL. 1986, 12-32.

1.2 Statement of the Problem

The colonial state in Kenya employed a system of local government from 1895 to achieve its mandate. However, local governance has undergone a series of transformation since the colonial period. Notably, LNCs were established from 1925, ADCs replaced LNCs in 1950 and subsequently county councils replaced ADCs from 1963.

As a corollary, a number of fundamental questions are germane. What was the nature of and characteristic of the local governance situation in Bungoma at the onset of British colonialism? Why and in whose interest were the local governments created from? Did the local government deliver its mandate in service delivery and representation? Why did the local government change frequently in terms of structure and functions?

Despite numerous academic flows on local governance in Kenya, not much has been done to address the above questions. This has left a huge academic lacuna, which this study attempts to fill by examining the origins, development, success and challenges of local government in Bungoma County. Motivated by the need to fill this gap, coupled with the centrality of local governments as propellants of development in rural areas, this study therefore seeks to establish the historical origins, development and justification of local government in Bungoma County, from 1895 to 1978.

1.3 Objectives of the Study

The main objective of the study was to examine the genesis, evolution and development of local government in Bungoma County, Kenya 1895-1978. Specific objectives were:

- i. To analyse the pre-colonial systems of government in Bungoma County.

- ii. To establish the British conquest and the genesis of local government in Bungoma county, 1895-1924.
- iii. To examine the successes of local government in social, economic and political developments in Bungoma County, 1925-1978.
- iv. To assess the challenges that faced local government in Bungoma County, 1925-1978.

1.4 Research Questions

The study was guided by the following research questions.

- i. How were the pre-colonial systems of government in Bungoma County?
- ii. How was the British conquest and genesis of local government in Bungoma County, 1895-1924?
- iii. What were the successes of local government in social, economic and political developments in Bungoma County, 1924-1978?
- iv. What were the challenges that faced local government in Bungoma County, 1924-1978?

1.5 Scope and Limitations to the Study

The study focused on the genesis, evolution and development of local government in Bungoma County covering the period 1895 to 1978. 1895 is the year when the British Indirect Rule established local governance through chiefs in what is now Kenya. The year 1978 was significant in the sense that it was the end of the Kenyatta era that was against local government in favour of the provincial administration. During the Kenyatta epoch, a series of legal amendments such as the 1963 Local Government Act which empowered the Minister for Local Government to regulate the affairs of local government, the Transfer of Functions Act of 1970 and the 1974 Act that

transferred the responsibility for collection of Graduated Personal Tax (GPT) from local authorities to the provincial administration, just to mention but a few, eroded the powers of local government.

1.6 Review of Related Literature

The study was inspired by studies and works carried out by other scholars in related fields in Kenya and elsewhere. This section discussed literature relevant to this study. The literature reviewed was organized thematically in line with the objectives of the study. A selected number of materials on local government both internationally and locally were surveyed because of their relevance to the study's objectives.

1.6.1 The Pre-colonial Systems of Government

Ogola²⁵ contends that by the time of colonial rule, the Jupadhola people of the present day Uganda were already settled down under a noncentralized political organization in which the rule of clan elders was dominant. There was no standing army and the defense of the community was the responsibility of able-bodied persons. The clan was a center of reference and identity, reputation and pride. As a result, clan leaders possessed tremendous political and social authority and were at the center of all social, religious and political activities. However, in relation to the theme of the current study, Ogola's study comes short of demonstrating the issue of representation, and service delivery among the pre-colonial Jupadhola. The present study attempts to analyse representation and service delivery in the pre-colonial governance situation in Bungoma County.

Ochieng also notes that, with the exception of the Wanga state and the Coastal Swahili states, ethnic societies in Kenya lacked any form of centralized, traditional

²⁵ Ogola, Y. *Chiefs And Local Government Administration in West Budama County In Uganda during the Colonial period* 2015.

bureaucracy. He further observes that, political systems were influenced by various modes of production in the individual societies.²⁶ The present study however sought to analyse whether the pre-colonial African political system exhibited some elements of democracy and service delivery to the people.

However, the Agikuyu traditional political system did not have Chiefs. Members of one family group were considered as forming a family council (*ndundu ya mocie*), with the father as the president. The father represented the family group in the government. The next group was the village council (*kiamakiaitora*), composed of the heads of several families in the village. The senior elder acted as the president of the council and this group represented the villagers in the next level of government. Another wider group was formed, and was at the level of a modern county named district council (*kiamakiarogongo*), in which all the elders of the district participated; this council was presided over by a committee (*kiamakiandundu*), composed of the senior elders of the villages. Amongst these elders, the one most advanced in age and wisdom was elected as a judge and president (*mothamaki or mociiri*) of the *ndundu*. From the district council a national council (referring to the Kikuyu nation) was formed, composed of several *ndundu*, representing the whole population. Among the judges, a president was elected at the meetings of the national system of government council. All these councils were composed of men from the age of about thirty onwards.²⁷ Kenyatta's views demonstrate the existence of a bureaucratic system among the pre-colonial Gikuyu. However, the present study attempted to demonstrate how colonialism interfered with already established and functional political systems among the communities in Bungoma County.

²⁶ Ochieng' W.R. *A history of Kenya*. Nairobi: Macmillan Kenya. 1985.

²⁷ Kenyatta, J. *Facing Mount Kenya: The Tribal Life of the Gikuyu*. London: Mercury Books. 1965

However, Kakai²⁸, Nakitare²⁹, Wafula³⁰, Nasimiyu³¹, Wandibba³², and Makila³³ demonstrate that the pre-colonial Bukusu community in the present day Bungoma County had a decentralized form of government. The studies also indicated that a council of elders made decisions on behalf of each clan. However, the studies do not explain the colonial transformation of the Bukusu, Tachoni and the Sabaot pre-colonial governance system into the new forms of colonial local governance system which the present study analysed.

Lihraw³⁴ asserts that the Tachoni community in Bungoma County had a bureaucratic system of administration in which the head of the whole community was referred to as *Letia*. *Letia* had a council of ministers each with a specific portfolio. Lihraw's observation informed our analysis; however it was short of demonstrating how indirect rule impacted on the Tachoni pre-colonial political systems.

Cokumu's³⁵ works demonstrate that Luo leaders discharged their functions in consultation with each other and other elders in different councils, such as *buch piny*, in which general territorial matters were discussed. *Buch Iweny* discussed war matters and *buchy doho* handled cases of indebtedness and other infractions of the law. There was a police force, *ogulmama*, which enforced the law. Cokumu also demonstrates that the Luo political system was hierarchical. The family was the lowest political unit and *Oganda* was the highest political unit a Luo could belong. *Oganda* was headed by

²⁸Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts, 1875-1997*. P.h.D. Thesis, Kenyatta University. 2000.

²⁹Nakitare, M. MA Thesis. *A Pre-Colonial History of Abatachoni, 1500-1900 A.D.* University of Nairobi. 1991.

³⁰ Wafula, P. *Politics and Nationalism in Colonial Kenya: The Case of the Babukusu of Bungoma District, C. 1894-1963*. Ph.D Thesis, Kenyatta University. 2000

³¹ Nasimiyu, Ruth. *The Participation of Women in the Political Economy of Kenya: A Case Study of Bukusu Women in Bugoma District, 1902 - 1960'* (M.A. Thesis, University of Nairobi). 1984.

³²Wandibba, S. "*The Bukusu Forts*", B.A. Dissertation University of Nairobi. 1974

³³ Makila, F.E. *An Outline History of the Babukusu*, Nairobi: Kenya Literature Bureau. 1978.

³⁴Ibid.

³⁵Cokumu, P.O. "*The Colonial Transformation of Agriculture in Siaya* 2001.

the *ruoth*. In summary, Cokumu indicates that the Luo political system was bureaucratic, representative and offered a number of services such as judicial, internal security and defense, just to mention but a few. Cokumu further revealed that the colonial establishment interfered with the pre-colonial political arrangement in Luoland. The study was useful in interrogating if the same was the case among the people of Bungoma.

Wanyonyi³⁶; and Lemoosa³⁷ assert that the political systems in pastoral communities were highly influenced in terms of their operation by pastoral economic engagement. Wanyonyi argues that among the Pokot all spheres of life surrounded livestock. He further reveals that a council of elders in most cases dealt with settling disputes emanating from conflicts over grazing grounds, water points and cattle rustling. Lemoosa posits that, the *Kiama* institution ensured that the Samburu pastoral resources were utilized by all herders in the most appropriate way. He further reveals that *Kiama* administered punishment to herders who defied the laid down grazing procedures. Lemoosa and Wanyonyi studies failed to interrogate the transformation of Samburu and Pokot political system into the new colonial systems of local governance. This present study sought to investigate how indirect rule dismantled pre-colonial African political systems in Bungoma County.

Having looked at various academic materials, the next sub-section analyses various literature on the establishment of the new forms of local government in the colonial and post-colonial Kenya.

³⁶ Wanyonyi, D. MA Thesis: *Ethnic Conflicts and the Livelihoods of the Pokot and the Turkana Communities in Kainuk and Sigor Divisions in Kenya*, 2018.

³⁷ Lemoosa, P.L.A *political Study of the Economic Transformation of the Samburu of North-Central Kenya, 1909-1963*.M.A Thesis, Kenyatta University, 1998.

1.6.2 The International Experience and its Implications on Local Government in Kenya

There are various legal foundations of local government in various parts of the world. For instance local government created by state constitutions comprises Australia and the United States. Those created by an ordinary legislation of a higher level of central government included New Zealand and the United Kingdom. In some countries like Canada and Pakistan local governments were created by provincial or state legislation while in China they were created by an executive order.³⁸ Local government system in Britain evolved in realization of urbanization and industrialization. Cities required services, such as sewage disposal, street cleaning and traffic regulation.³⁹ Shah and Skinder have drawn much of their examples from Europe, Asia and North America. It should be pointed out that the situation in Kenya was significantly different from various regions drawn as case studies. The present study therefore, endeavoured to establish the origin, evolution and development of local government system in Kenya with a focus on Bungoma County.

The first formally established local authority was Salisbury which was enacted by the first Municipal Law of the year 1897 which granted municipal status to Salisbury (now Harare). Later on more urban municipalities were created but the colonial government excluded Africans from urban governance.⁴⁰ The creation of the Gwai and Shangani reserves under the Matabeleland Order in Council of 1894 signified the beginning of colonial local government. Modern municipalities were established in

³⁸Shah, A. Local Government in Developing Countries. Washington D.C. *World Bank*. 2006.

³⁹ Skinder, T.A Theoretical Framework of Local Government. *International Journal of Humanities and Social Science* Vol. 5, No. 6(1); June 2015 Viqar-un-Nisa Post Graduate College Rawalpindi, Pakistan. 2015.

⁴⁰Kurebwa, J.A Review of Rural Local Government System in Zimbabwe from 1980 to 2014. *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)* Volume 20, Issue 2, Ver. V, PP 94-108 e-ISSN: 2279-0837. 2014.

urban areas where most Europeans lived. Traditional leaders were in charge of certain municipalities, mostly in rural areas in a system of indirect rule.⁴¹ Kurebwa and Chagwena works even though represents a different colonial environment; it inspired the study which endeavoured to establish why the colonial government established local government system in Kenya.

It has been documented that the British Empire had a mission to liberate and pave way for self- development of the Africans so that they could feel their interest was safeguarded. The Africans were to manage their own affairs through their rulers, under the guidance of the British staff and subject to the laws and policy of administration.⁴² Though the theory of indirect rule provided for a limited measure of indigenous participation in foreign rule, in practice, the architects of the theory did not mean to protect or preserve traditional political structures because it would have negated colonialism itself. The powers of the traditional chiefs therefore, remained implicit because they operated under the provincial administrators.⁴³ For the case of Uganda, the Buganda people were sub-imperialists and village despots working for the white man as agents in the British indirect rule. The success of indirect rule in Uganda was partly credited to the Buganda colonial administrators who worked as imperial agents.⁴⁴ However, Collins', Wallerstein's and Mamdani's works informed the present study on how the policy of indirect rule influenced the establishment of local government in the colonial Kenya.

⁴¹ Ibid

⁴² Collins, R.O. *Historical Problems of Imperial Africa*. Markus Wiener Publishers. Princeton. 1970.

⁴³ Wallerstein, I. *Africa- The Politics of Independence*, New York. 1961.

⁴⁴ Mamdani, M. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Kampala, Fountain Publishers. 1996.

Having looked at the international experience and its implications on local governance in Kenya, the next sub-section will discuss the historical origin of local government in Kenya.

1.6.3 Historical Origin of Local Government in Kenya

Fazan⁴⁵ writes that, LNC established legally in 1924 was signified earlier on when Nandi council hall which was built in 1916, presumably from community members' contributions. He further notes that, in South Nyeri a council of 15 members held its first meeting in January 1917. The members comprised eight government headmen, five senior elders, one Roman Catholic and one member of the Church of Scotland. In Central Nyanza a quarterly meeting of chiefs was instituted in 1920. In Fort Hall District, an African advisory committee was constituted in 1922. Fazan's works provided a useful background for a critical analysis of the events which led to the establishment and evolution of local government in the colonial Kenya.

Kariuki⁴⁶ notes that, despite the policy statement which was a product of the Devonshire White Paper 1923, affirming that Kenya was an African territory, and that the interests of the Africans were to be paramount, it remained just a policy on paper. In practice, it extended more control to Europeans, giving them a share as well as exercise of colonial mandate. They retained a clear majority in the Legislative Council. However, the Devonshire White Paper did not address any of the key grievances of the Africans neither did it give them any prominence. In fact, Africans were represented in the LegCo by a European Missionary, Dr John Arthur. The Devonshire Paper failed to address the question of African representation hence

⁴⁵ Fazan, S.H, Lonsdale, J. (Ed) *Colonial Kenya Observed: British Rule, Mau Mau and the Wind of Change* London. I.B.Tauris& Co. Ltd. 2015.

⁴⁶ Kariuki, G. G. "*Lancaster Constitutional Negotiation Process and its Impact on Foreign Relations of Post-Colonial Kenya*.56-60, 2015.

increasing the agitation by African elite championing for political and civil rights. Kariuki's study is limited in details pertaining the researcher's concerns such as other factors which led to the establishment of LNCs in 1925 other than the failures of the White Paper. Nevertheless, Kariuki's study informed the discussions on the reasons why LNC were established in Kenya. The present study therefore provided an in depth analysis of why local government system was established in Kenya with specific interest in Bungoma.

Furthermore, LNCs were created as a means of co-opting dissidents into the colonial establishment. When the LNC was first created in 1924, its composition comprised selected chiefs, headmen and representatives of mission churches.⁴⁷ From 1925, due to political agitation by mission educated Africans; the colonial administration changed the composition of the LNC to accommodate African elite.⁴⁸ It is also argued that the immediate origin of local government can be traced directly to the African political protests of the 1920s.⁴⁹ The colonial administration first created LNC in the years 1924-25 in Central and Nyanza provinces where political agitation had manifested under the leadership of young missionary educated Africans.⁵⁰ Even though Matheka's and Kipkorir's studies paid a lot of attention on Machakos and Elgeyo-Marakwet Districts respectively, their views informed the study from a national perspective on the establishment of the LNCs in the study area.

⁴⁷ Matheka, R.M. *the Political Economy of Famine: Ecology and History in Machakos District During the Colonial Era M.A Thesis*, Kenyatta University. 1992.

⁴⁸ Ibid.

⁴⁹ Kipkorir, B.E. *Descent from Cherang'any Hills: Memoirs of Reluctant Academic*. Nairobi, Macmillan Kenya. 2009.

⁵⁰ Ibid.

However, Ogot⁵¹ underscores the fact that, LNC served as a consultative body to judge local feeling, and as an organization through which the decisions of the central government were explained. In Central Nyanza, LNC was initially resisted by Africans who felt that it never represented their concerns. Africans through Kavirondo Tax Payers Association demanded for African representation in the Legislative Council (LegCo) which was denied on the basis that it could not accommodate everybody. Therefore Africans were to make good use of the LNC in terms of representation. Ogot further argues that, the LNC explicit objective was to counteract any mischievous tendencies which might have developed in the African political societies by providing local forums in which Africans could harmlessly let off steam. LNC was also created as a local government body that would exercise limited legislative and executive functions, thereby providing Africans with tutelary experience in the responsible conduct of their own affairs. The foregoing views were useful in understanding the motive behind the establishment of LNCs in Kenya and subsequently the study area. However Ogot's study was limited to the initial establishment of LNC in central Nyanza. The study also failed to analyse the transformation of LNCs to ADCs and subsequently the post-colonial county councils.

It was noted that, South Nyanza was the only district that had two LNCs, namely for the Luo and the Abasuba and the other for the Gusii and the Kuria. The reason why the colonial government created many LNCs in South Nyanza was to ensure that the Luo did not infect other communities with agitative Luo politics.⁵² This could have been a strategy to deny Africans a common forum that would have increased the level of activism. Local authorities from 1940s acted as an avenue, where the colonial

⁵¹ Ogot, B. A. 'Kenya Under the British, 1895 to 1963' in Ogot, B.A. (ed), *Zamani: A Survey of East African History*, New Edition, (Nairobi: East African Publishing House, 1974.

⁵² Ndege, P.O. *Economic Change in Kasipul and Kabondo*. 1987.

government through the provincial administration and colonial sympathizers such as B.A Ohanga preached propaganda against Mau Mau. The LACs and ADCs confined Africans at local levels limiting their knowledge on African Nationalism.⁵³ However, the importance of Ndege's views to the current study raised fundamental questions on the covert colonial intentions in establishing the LNCs in Kenya. Ideally the issue of local government serving the interest of the colonial state was expounded.

Ndege⁵⁴ asserts that the colonial governance through chiefs' councils, native tribunals and LNC was a mockery of democracy. He further observes that the purpose of the LNC was to impose administrative costs on Africans and promote the interest of the Euro-Capitalist. The two pieces of works were vital in stimulating further reflection in the collection of more empirical evidence to ascertain the motive behind the establishment of LNC in Bungoma County.

Due to African political pressure towards the end of the Second World War, on 21st March 1944 the executive council accepted the establish of the Provincial Councils. In 1945, Provincial Councils only provided advisory opinion to the Provincial Commissioner (PC).⁵⁵ The Provincial Councils formed the highest level of local government in African areas.⁵⁶ Omosule's study though useful fails to explain the impact of the Second World War on local governance in Kenya. His findings failed to address the shortcomings of LNCs that led to the colonial government establishing the Provincial Councils. However, these gaps constituted the purpose of this study.

⁵³ Ibid

⁵⁴Ndege, P.O. *Colonialism and its Legacies in Kenya*. Lecture delivered during Fulbright – Hays Group project abroad program: July 5th to August 6th 2009 at the Moi University Main Campus.

⁵⁵ Omosule, M. *Ph.D. Thesis Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya*. 1974.

⁵⁶ Ibid.

In 1950, the ADC replaced the LNC. Unlike the LNC, the 1950 ADC Ordinance provided considerable responsibility and powers to the ADCs. ADC had powers to source finances and pass By-Laws.⁵⁷ Moss does not delve deeper into the success and failures of LNCs that led to their transformation to ADCs. However, all these was investigated in the study and given more attention.

The Second World War had an impact on local authorities, especially decolonization policies instituted by the colonial office.⁵⁸ The theory of indirect rule that was initially coined by Lord Lugard was modified to allow more democratic space among Africans; elections formed the basis of ADCs.⁵⁹ Mboga's works though generalized to represent the colonial state in Kenya; inspired this research study which moved an extra mile to provide more facts especially on the establishment of the ADC in response to the British decolonization policy. Unlike Mboga's study, this research study discussed the role of ADC in economic, social and political developments in Bungoma County.

Hardacre Commission-Report of 1966 demonstrates that the ADC Ordinance of 1950 was a major step towards a democratic system of local government in the African areas.⁶⁰ Though the DC still remained the chairman of the council, with considerable powers of control, and the administrative chiefs being members, still the ADCs were made up of a large proportion of elected members, and the new councils had greatly enhanced status and powers.⁶¹ The Hardacre report was generalized with no specific details; hence its findings could not be used to make conclusions to represent the study area. However, the report informed the research study from national angle.

⁵⁷Moss, N.C, *The dilemma of councillors.* 2016.

⁵⁸ Mboga, H. *Understanding the Local Government System in Kenya.* A Citizen's Handbook. 2009.

⁵⁹ Ibid.

⁶⁰Hardacre Commission-Report of the Local Government Commission of Inquiry. 1966.

⁶¹ Ibid.

Hornsby writes that at independence, Kenya had acquired a new structure of local government.⁶² A hierarchy of elected county councils, area and location or urban councils had been established with an elected chairman or mayor replacing the colonial DC. Education, health, social services and roads were all handled at county council level, funded by the graduated personal tax (GPT) - a form of income tax, by rates, taxes on local produce, and license fees, topped up by central government grants.⁶³ This observation provided a useful basis for examining the establishment of county councils in the independent Kenya. However, the study was too general hence justifying the present study which endeavoured to examine the evolution and development of local government in Bungoma.

The next sub-section will attempt to review literature on the successes of local government in social, economic and political developments in Kenya, 1925-1978.

1.6.4 The Successes of Local Government in Social, Economic and Political Developments

The colonial government gave Africans the responsibility to finance some of the school expenses through the LNCs.⁶⁴ Africans used their membership in the LNC to vote funds for establishment of new schools. In 1926, for instance, established LNCs cumulatively voted Shs. 20,000 towards education. In its early days, the council devoted 50 per cent of its revenue to land reconditioning activities while education and health shared the remaining revenue.⁶⁵ To the surprise of the colonial administration, the very first African representatives used the LNCs enthusiastically

⁶² Hornsby, C. *Kenya: A history Since Independence*. London. Tauris Co. Ltd. 2012.

⁶³ Ibid.

⁶⁴ Amatsimbi, H.M. Christian Missions, Government and Local Councils Partnership in Educational Development: The Case of Western Kenya, 1911 – 1938. *International Journal of Education and Research*. Vol. 1 No. 9. University of Nairobi. 2013.

⁶⁵ Ibid

by voting in levies for education.⁶⁶ By 1930, LNC apart from general financing of schools also gave bursaries to needy student.⁶⁷ In 1934, District Education Boards (DEBs) were formed in response to the need of Africans to be involved in education. Amatsimbi's, Omosule's and Muendo's observations provided a useful background for critical assessment of how LNCs provided education to Africans in Kenya.⁶⁸ However, following the lead of the above works, this study seeks to establish the extent to which the role of LNC in education in Bungoma County was in coherent with the overall picture that unfolded in other regions of Kenya.

Kitching⁶⁹ reports that, in 1920s LNC was empowered to collect taxes at 1/- per each hut and per poll. Towards the end of 1920s the tax rates were increased to 2/- and later on adjusted upwards. Increased taxes were meant to cushion the African economic and social development. Kitching notes that, LNCs gave loans to Africans who purchased lorries and diesel powered posho-mills. Paul Agoi a Maragoli headman was able to purchase a diesel powered posho-mill which operated at South Maragoli meat market. He further mentions that LNC provided employment opportunities to agricultural extension officers, veterinarians, teachers and medics. Kitching works lacks detailed discussions on whether funds collected were sufficient enough for various functions of the LNCs. The study also fails to interrogate the transformation of LNC into ADC. The current study attempts to establish LNC service delivery in relation to money raised in Bungoma County.

⁶⁶ Muendo, K. L. *Local Government and Development in Kenya*. 2016.

⁶⁷ Omosule, M. *Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya 1895-1963*. 1974.

⁶⁸ Ibid.

⁶⁹ Kitching, G. *Class and Economic Change in Kenya: The Making of an African Petite Bourgeoisie 1905-1970* (New Haven: Yale University Press, 1980).

It is argued that, LNCs raised local rates to finance their activities. For instance in 1925, the LNCs voted £2,500 for reconditioning activities such as afforestation, seed bulking, road construction and maintenance, and dam-making. Agricultural centers in Nyanza were operated by LNCs, seeds were acclimatized to local conditions, mixed farming methods demonstrated and simple experimental trials conducted.⁷⁰ Ndege⁷¹ observes that, by 1938, South Nyanza LNC had powers to control commercial transactions. The LNC influenced ghee production and processing to be in the hands of Africans. He further explains that, throughout the 1940s the South Nyanza LNC slowly expanded its activities in the development of more local services. It used rates it levied to expand its budget.⁷² Matheka's and Ndege's reports influenced our discussions in the research report on the economic impacts of local government in the study area. Their works formed a basis of comparative analysis in relation to the study area.

The agitation that Africans be allowed to cultivate coffee remained a dominant feature of LNC meetings in North Kavirondo district throughout the 1930s. In one such LNC meeting in 1931 Rev. Jeremiah Awori asked the president of the LNC to state whether Africans were allowed to grow coffee.⁷³ However, the LNC president response was that African could grow coffee upon payment of the yearly coffee tax of thirty shillings. Makana documents that, Pascal Nabwana, who represented Kimilili location in Bungoma argued that the coffee tax amounted to virtual prohibition, as it was

⁷⁰ Matheka, R.M. *the political economy of famine*. (1992).

⁷¹ Ndege, G. O. *South Nyanza District, 1900 to 1960. The Transformation of Cattle Economy in Rongo Division*, M.A. Thesis. University of Nairobi. 1989.

⁷² Ibid.

⁷³ Makana, E.N. Metropolitan Concern, Colonial State Policy and the Embargo on Cultivation of Coffee by Africans in Colonial Kenya: the Example of Bungoma District, 1930-1960. *History in Africa*, 36 2009.

indicative of the government's reluctance to allow Africans to grow coffee.⁷⁴ Makana's findings motivated this study which endeavoured to bring forth more information on the economic concerns and impacts of local government in Bungoma County. It should be pointed out that the study sought to investigate the success of LNC in the economic, social and political developments.

Kipkorir⁷⁵ asserts that, by 1955 the ADC of North Nyanza was the most developed after Nairobi under the leadership of 'mission boys' namely Cannon Awory, Henry Kerre and Jonathan Barasa. Kipkorir demonstrates how the council members used their agency to bargain and get what they thought was best for their people. He further explains that leaders mobilized resources for development and decided the direction in which development in their areas had to take.⁷⁶ Kipkorir's works will greatly inspire the present study and help to analyse the role of African agents in the evolution of local authorities in Kenya with specific reference to Bungoma County.

The Report on civil service in Kenya⁷⁷ reveals that, in 1969; the central government transferred all major roles from the local authorities to state line ministries. Some functions that were taken away included provision of primary education, public health and roads. The transfer was justified by the central government in terms of the need 'to alleviate the financial burden placed on the councils'. Together with these services, also transferred to the central government were the principal sources of the councils' revenue, namely GPT and the general grants. The report further reveals that, in 1973 the government announced the abolition of the GPT with effect from 1st January, 1974; these completely crippled the operations of local authorities and its

⁷⁴ Ibid

⁷⁵ Kipkorir, B.E. *Descent from Cherang'any Hills*. 2009.

⁷⁶ Ibid.

⁷⁷ Republic of Kenya, *Report of the Civil Service Review Committee 1979-80*, September. Government printers. 1980.

impact in terms of service delivery was hampered.⁷⁸ The report highlighted a number of issues affecting local authorities in terms of inability to offer services in post-colonial Kenya. The report will form part of the reference material that will inform the study from a wider national picture.

Throughout the 1970s, local authorities in Kenya continued to rely on local rates to finance their operations.⁷⁹ By 1978 local authorities provided a limited range of services as compared to early 1960s. Some services provided included garbage collection, provision of sewerage services, regulation of commercial activities just to mention but a few.⁸⁰ Moss used case studies such as the County Councils of Nakuru, Kakamega and Kwale. The above works will be used as yardstick in the analysis of data in the present study.

The following section of the review now focuses on the challenges that faced local government in Kenya from 1925 to 1978.

1.6.5 The Challenges Faced by Local Government in Kenya from 1925 to 1978.

From the literature review surveyed, three major challenges that faced local government in Kenya can be highlighted as follows: Lack of autonomy, suffered from the challenge of negative image and finally had limited mandate thereby impeding their effectiveness as propellants of rural development.

Berman⁸¹ opines that, LNCs were under the control of the colonial agents. The DC was the president of the LNC in his district. Berman further observes that:

⁷⁸ Ibid.

⁷⁹ Moss, N.C. *The dilemma of councillors* 2016.

⁸⁰ Ibid.

⁸¹ Berman, B. *Control & Crisis in Colonial Kenya* 1990.

LNCs were most fully elaborated in the populous districts of Central and Nyanza provinces where the local populations displayed a degree of political consciousness and organization. In the more remote districts, especially those with pastoral populations with the most minimal articulation with the centers of colonial economic and political power, they languished in apathy. However, even in the 'advanced' districts the fundamental intentions of the councils substantially restricted their effectiveness both as local government bodies and arenas for African political expression. The councils were not given any real legislative authority and were permitted to make appropriations for only a limited range of local services. The District Commissioners prepared the council budgets as well, since Africans were regarded as unready to exercise fiscal responsibility and incapable of understanding the intricacies of public finance. Prior to 1938, the majority of the members of each council consisted of administrative appointees selected by the field officers almost entirely from among the official chiefs and other government employees who could be counted on to be cooperative.⁸²

Berman's analysis provided an insight that the current study utilized for comparative purpose on the extent of autonomy of local government in Bungoma during the colonial period.

At Kenya's independence, local authorities were faced with a number of challenges that made the central government to pass a number of legislations to control its affairs.⁸³ They further observe that, county councils failed to collect a newly instituted Graduated Personal Tax (GPT) in 1965; hence their revenue fell well short of their needs. Local authorities experienced difficulty in attracting qualified and experienced staff while elected councillors were mostly inexperienced in public affairs. Around independence, with uncertainty in the air; many people had refused to pay tax, forcing councils to borrow to finance their activities.⁸⁴ By 1966, most councils were in serious difficulties, as the demands on their services massively exceeded their income. Kakamega County Council was dissolved as insolvent as early as 1965, and the

⁸² Ibid

⁸³ Southhall, R. and Wood, G. *Local Government and the Return to Multi-Partyism in Kenya*. Oxford University Press. 1996.

⁸⁴ Hornsby, C. *Kenya* 2012.

responsibility for collection of GPT moved to the provincial administration.⁸⁵ The finances and administration of local government were to remain a problem for the four decades that followed. Southall and Wood study was in reference to the wider Kenyan context. The current study established how national policies impacted on local governance in Bungoma County.

The problems that faced local government in independent Kenya started at the eve of independence. The Ministry of Local Government was designed to play a prefectural role over local authorities countrywide.⁸⁶ The activities of the ministry as an agency of the central government negated the effectiveness of local authorities. By 1969, local authorities were at the verge of collapse under the watch of the local government ministry.⁸⁷ However, the foregoing work failed to demonstrate how service delivery was impacted negatively due to the declining relevance of local governance. Nevertheless, the works informed the current study on how declining local authorities impacted on service delivery in the rural areas of Kenya.

Local Government Act of 1963 provided immense powers to the Minister for Local Government to the extent that he had to approve virtually all matters that concerned local authorities.⁸⁸ The powers given to the minister led to the central government interfering with the activities of local government. It is further observed that, the Transfer of Functions Act of 1970 deprived county councils of their role in providing health care, and all municipalities of the task of providing primary education. The assumption of revenue-raising powers by central government resulted in further erosion of the fiscal base of local authorities, which nonetheless earned the blame for

⁸⁵Ibid.

⁸⁶Himbara, D., *Kenyan Capitalists, the State and Development*.(Nairobi: East African Educational Publishers, 1994).

⁸⁷ Ibid.

⁸⁸ Esidene, E.C. *Local Government Administration in Kenya: Problems and Prospects*. Keffi.B.A Desertation, Nasarawa State University. 2010.

the non-delivery of services.⁸⁹ The Transfer of Functions Act of 1970 informed the study in terms of its implication within the context of study area. However, the present study provided more details on the challenges that faced local governance in Bungoma County.

Esidene⁹⁰ observes that the years after 1974 saw a dramatic and sustained attack on local government particularly on the financial autonomy of the municipal councils. In January 1974, Kenyatta announced the abolition of the GPT, replacing it with a centrally controlled sales tax as a source of revenue. She further notes that the rationale was that rural councils had experienced difficulty in collecting the tax, as it was hard to assess self-employed or subsistence farmers. Even when the central government had taken over the task of tax collection from the county councils, the changes yielded limited fruits. GPT was the major source of revenue for municipalities.⁹¹ From the foregoing arguments, stamp raises fundamental issues in regard to the challenges that affected post-colonial local governance situation in Kenya. However, she falls short of demonstrating how financial challenges of local authorities impacted on service delivery. Notwithstanding, her views were useful in analysing the findings of the present study.

The full implementation of the *Majimbo* constitution was derailed soon after Kenya's independence in 1963. Regions as provided in the independence constitution were custodians of local governments. KANU government argued against regionalism on the premise that it divided Kenyans.⁹² The eventual collapse of regionalism left local governments in disarray. From the above, Muendo's line of argument is an important

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Muendo, L.K. *Local Government and Development in Kenya: The Case of Machakos District, 1925-1974*. M.A. Egerton University. 2016, 92.

resource in understanding local governance in Kenya especially on the ideology and political challenges that faced the post-colonial local authorities.⁹³ However, this work is a generalization of the central government versus local government relationship. The present study endeavoured to address more specific issues of local governance in the study area. Issues addressed included, how national politics impacted on the image of local governance in Bungoma County and how local people perceived their leaders including councillors, chiefs and so on in terms of service delivery and leadership.

The issue of legitimacy of LNC among the Nandi can be traced from the colonial period. Maiyo⁹⁴ study revealed that, the establishment of the Nandi LNC faced the challenge of resistance from the African population. The Nandi regarded the LNC as an organization for European affairs which was full of lies. In addition, the local community perceived the LNC as an organization of chiefs appointed by the colonial government. Among the Nandi pre-colonial political organization, the institution of chiefs never existed. The Africans perceived a council of headmen and chiefs appointed by the government as its best way to tax them and plan for their money.⁹⁵ Even though Maiyo's findings were based on Nandi District, his proposition was used to interrogate if the case in Bungoma County was the same.

In 1974, a number of functions were shifted from local government to line ministries. Resources then followed functions staffing off local Authorities. Local authorities evolved into dysfunctional units under constant control of the central government.⁹⁶ By 1978 the role of local authorities had declined to near insignificance. Most of their powers had been removed from them by the central government, and as such they

⁹³ Ibid.

⁹⁴ Maiyo, J. K..*Local Native Councils and the Development of Western Education among the Nandi of Kenya, 1923 – 1963*.MA Thesis, Kisii University. 2019. 53.

⁹⁵ Ibid.

⁹⁶ Stamp, P. *Local Government in Kenya*.1986.

were no longer in a position to deliver their services as designed. 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 localized centres of power.⁹⁷ The above works, though critically discussed the negative trajectory local authorities underwent in the post-colonial Kenya, it failed to demonstrate in details why the central government initiated legal and policy changes that weakened local Authorities in Kenya. The present study therefore attempted to identify a number of legal changes that reduced the powers and responsibilities of local authorities in Kenya.

The foregoing literature review is hardly exhaustive but all the same it demonstrates that no comprehensive research has so far been done on the evolution and development of local government in Bungoma County 1895-1978.

Nevertheless, the literature reviewed was a yard stick to fill in gaps in order to achieve the study objectives. To start with, the first objective; to analyse the pre-colonial systems of government in Bungoma County was thematically in line with the literature review on the pre-colonial systems of government. A number of pre-colonial social formations among different African communities in Africa and Kenya were identified and studied. However the major gap in knowledge that was identified and subsequently the study addressed was the issue of service delivery and democratic practices in the study area. Secondly, the objective of the study; to establish the British conquest and genesis of local government in Bungoma county, 1895-1924, was in consonance with the theme of the literature review; on both international and local experience on the establishment of local government. The major missing link in knowledge identified was lack of clear connection between local government and

⁹⁷ Ibid.

service delivery. A clear relationship between local government and indirect rule was also missing in the literature reviewed. However, this study filled in the gap by providing analysed evidence on the aforementioned concerns.

The third objective, to examine the success of local government in social, economic and political developments in Bungoma County was in line with the theme of literature reviewed; the success of local government in social, economic and political developments. The key concern in the surveyed literature under this theme was that the findings of studies carried out in regions other than the study area could not be generalized to represent the study area.

Lastly, the fourth objective, to assess the challenges that faced local government in Bungoma County was in unison with the theme of the literature reviewed, challenges faced by local government in Kenya. Discussions were done in various studies on local governance under this theme. However, the findings enriched the study. Nonetheless, the findings could not be speculated to fit the study area hence the need for the research study.

However, it is noted that the body of literature on local government in post-colonial Kenya is huge.

Having looked at the literature review, the next section will focus on the theoretical framework that guided the study.

1.7 Theoretical Framework

In order to achieve a deeper and broader understanding of this study, two theories were used to inform the study. They included agency theory and the Weberian bureaucracy. Agency theory informed the study on the less complex pre-colonial

political formations among the Bukusu, Tachoni and the Sabaot. Agency theory was also employed in less complex relation between the subjects and the governors during the colonial and post-colonial historical epochs. Bureaucratic theory was informative in the more complex form of local governance. For instance, while looking at the relationship between the provincial administration versus local authorities, bureaucratic theory came in handy.

1.7.1 Agency Theory

Agency theory emerged in the 1970s from the combined discipline of economics and institutional theorists. Stephen Ross and Barry Mitnick have claimed its ownership. Agency theory has been modified by social scientists over time to explain social and political institutional organization.⁹⁸

To be an agent means to be capable of exerting some degree of control over the social relations in which one is enmeshed, which in turn implies the ability to transform those social relations to some degree.⁹⁹ Agents are empowered to act with and against others by structures, they have knowledge of the schemas that inform social life and have access to some measure of human and nonhuman resources. Agency arises from the actor's knowledge of schemas, which means the ability to apply them to new contexts. Agency arises from the actor's control of resources, which means the capacity to mobilize an array of resources to achieve given objectives. Agency entails an ability to coordinate one's actions with others and against others, to form collective projects, to persuade, to coerce, and to monitor the simultaneous effects of one's own

⁹⁸ Bendickson, J., Muldoon, J., Liguori, E. W., & Davis, P. E. Agency theory: background and epistemology. *Journal of Management History*, 22(4), 437-449. 2016, 5.

⁹⁹ William H. Sewell, W.H.A Theory of Structure: Duality, Agency, and Transformation Source: *American Journal of Sociology*, Vol. 98, No. 1. Published by: The University of Chicago Press. 1992, 21-22.

and others' activities.¹⁰⁰ Structures are closely associated with agents; they are environmental setting within the society that surrounds agents/ actors. This brings in the concept of environmental determinism which implies that, agents are products of social structures such as education, religion, tradition, economic class, ethnicity and ideology.

Agency theory fits this kind of study in that, the colonial administration had field officers popularly referred to as the provincial administrators who implemented the British colonial policy of indirect rule. Berman¹⁰¹ refers to colonial administrators as trusted men on the spot. The administrator had to be the right man, who could be trusted to act in ways acceptable to the central authorities. The Colonial Governor, the Chief Native Commissioner (CNC), the PC, DC, DO, Chiefs, pre-colonial African rulers, Councillors, Council Presidents just to mention but a few used their agency to influence the decisions of local governance. Most of the white colonial administrators were recruited from the best British universities such as Cambridge and Oxford. The Colonial Office ensured that administrators had the necessary qualities to implement colonial policies. The choice of European colonial administrators was influenced by their education and experience, for the case of African administrators, loyalty, ability to command, knowledge of Kiswahili and religion mattered.

Agency theory informed the study on how governance was influenced by political agents. However, Agency theory is limited to individual leadership qualities such as charisma, courage, wisdom, diplomacy among others. It is important to note that agent-structure relationship shaped the history of local governance. It was noted that, Agency theory did not fully address the political structures that agents influenced and

¹⁰⁰ Lamsal, M. The Structuration Approach of Anthony Giddens: *Himalayan Journal of Sociology and Anthropology* Vol V. 2012, 111-112.

¹⁰¹ Berman, B. *Control and Crisis*. 1990, 97.

how the structures influenced the decisions of agents. Agency theory was also limited in addressing complex governance structures such as the provincial administration, the post-colonial local governance structures among others as shall be addressed in the substantive chapters. Due to this limitation, the research employed Bureaucratic theory.

1.7.2 Max Weber's Model for Bureaucracy

Weberian bureaucracy was a term coined by Max Weber (1864-1920), a German sociologist, political economist, lawyer and administrative scholar, who contributed to the study of bureaucracy, public administration, and literature in the Nineteenth Century. It was Weber who began the study of bureaucracy and whose works led to the popularization of this term. Many aspects of modern public administration date back to him. This is epitomized in the fact that a classic, hierarchically-organized civil service is still called a "Weberian civil service".¹⁰²

Bureaucracy originated from a Greek word 'bureau' meaning writing-table and office, and the last part of the word meaning 'rule', in order to imply bureaucracy as the rule of officials. Over time, bureaucracy has been an accepted term in the conventions and practice of political discourse.¹⁰³

Weber's principles for ideal bureaucracy were identified as follows : Hierarchical organization in which each level controls the level below and is controlled by the level above; A formal hierarchy which is the basis of central planning and centralized decision making; delineated lines of authority with fixed areas of activity in which rules allow decisions made at high levels to be executed consistently by all lower

¹⁰² Ngundo, V.W. Thesis: *Devolved Governments In Kenya: A Case Study Of Their Establishment In Machakos County*. MA Thesis, University of Nairobi. 2014.

¹⁰³ Steward, C.& Dunkerley, D, *Organisation, Class and Control*, Routledge&Kegan Paul, London. 1980. 75.

levels; bureaucratic officials have expert training, work is to be done by specialists, and people are organized into units based on the type of work they do or skills they have; rules are implemented by neutral officials; the final principle was Career advancement depending on technical qualifications judged by organization, not individuals.¹⁰⁴

Weber's theory informed the study, in terms of the organization structure and operation of the colonial system of administration and the post-colonial administration. The system of the provincial administration that influenced local government was understood from the bureaucratic theoretical perspective. One of the weaknesses of the Weberian framework in practice was the length of time involved before a decision could be effected hence negatively affecting service delivery. The theory was also too complex to address the pre-colonial governance system among the three studied communities. However, this shortcoming was addressed by engaging the agency theory.

1.8 Rationale and Justification of the Study

According to the literature reviewed, there is a lacuna in the historiography of local governance system in Bungoma. In Kenyan history, the Bukusu community is known to have strongly resisted the British colonialism and establishment of indirect rule. The Tachoni fought alongside the Bukusu who had sought refuge in their territory. Moreover, Bungoma is also on historical records to be the first one in the colonial state to have a Locational Advisory Council (LAC) of Kimilili. The council accommodated young educated elite like Pascal Nabwana as advisors to Chief Amutalla. Nabwana had earlier on challenged the suitability and legitimacy of

¹⁰⁴ Ngundo, V.W. Thesis: *Devolved Governments In Kenya: A Case Study Of Their Establishment In Machakos County*. MA Thesis, University of Nairobi. 1914.

colonial chiefs. Notably, Nabwana became the first African in Kenya Colony to head an ADC as a president. He was also the first African to receive the British award of Order of the British Empire (OBE).

Notably, there is no other study that has addressed the objectives of this study. The study therefore contributes to knowledge on the colonial system of administration in Kenya and the historical evolution and development of local governance system in Kenya. It is also expected that the study will inspire other scholars and researchers to carry out related studies elsewhere in Kenya.

1.9 Research Methodology

This section explains how the researcher collected and analysed the relevant data to investigate the genesis, evolution and development of local government in Bungoma County, Kenya 1895-1978. The nature of the research theme and theoretical discourse influenced the choice of the research design, data collection methods, sampling strategy, and data analysis.

1.9.1 Study Area

The Study was confined within Bungoma County. However, for the purpose of clarity, reference was made beyond Bungoma county. The study area comprised majorly the Luyia (Bukusu and Tachoni) and the Sabaot communities. The term 'Abaluyia' literally means 'people of the same fire'. It can also be interpreted to stand for people of the same homestead or courtyard.¹⁰⁵ Luyiaism was created in the 1935

¹⁰⁵ Aseka, M. "*Political Economy of Buluyia: 1900 – 1963*" (Ph.D. Thesis, History Department, Kenyatta University). 1989, 77

by Luyia elders who had a meeting to bring the Luyia sub-groups linguistically related together.¹⁰⁶

The Sabaot of Bungoma County occupy mostly the slopes of Mt Elgon. Since 1883, the name of "Mt. Elgon" was enlarged in scope to encapsulate not only the community living on the slopes of the thickly forested extinct volcanic mountain, but also the actual identification of Kenya's second largest mountain, as well as other administrative boundaries. Thus in the early colonial period, Mt. Elgon was administratively a sub-location of North Kavirondo until 1930s when the name was used to refer to a location. In the 1970s Mt. Elgon was elevated to a divisional status within Bungoma District.¹⁰⁷

The name Bungoma originates from drum. The town was a meeting place for the Bukusu elders who used drums *Engoma* to summon people to meetings. It was therefore referred to as the place of drums hence the name Bungoma.¹⁰⁸

Bungoma County initially comprised two locations (South Bukusu and North Bukusu) of the North Kavirondo District until 1949 when the District changed its name to North Nyanza District, in 1956, Elgon Nyanza District which covered the modern Busia and Bungoma Counties was carved off the North Nyanza District.¹⁰⁹ In 1963, Elgon Nyanza was divided into Busia and Bungoma Districts. However, in 1993 Mount Elgon District which is dominated by the Sabaot was hived off Bungoma District. It is important to note that between 2002 and 2012, Bungoma District and Mt Elgon District were further subdivided into a number of districts. After the

¹⁰⁶ Nabwera, B. *How it Happened*. Limuru: Kolbe Press. 2017.

¹⁰⁷ Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts*. 2000, 35.

¹⁰⁸ Bungoma *Local Urban Development Plan, 2016-2026*:8

¹⁰⁹ Wolf, J. *Politics and Religion among the Bukusu*. Universities Social Sciences Council Conference. 1971.

promulgation of the Kenyan new Constitution of 2010, regions covering Mount Elgon and Bungoma Districts were combined to form Bungoma County. Bungoma County has so far been subdivided into 11 sub counties namely; Bungoma North, Kimilili Bungoma, Webuye East, Webuye West, Bungoma Central, Bungoma West, Bungoma South, Tongaren, Bumula, Cheptais and Mt Elgon.¹¹⁰

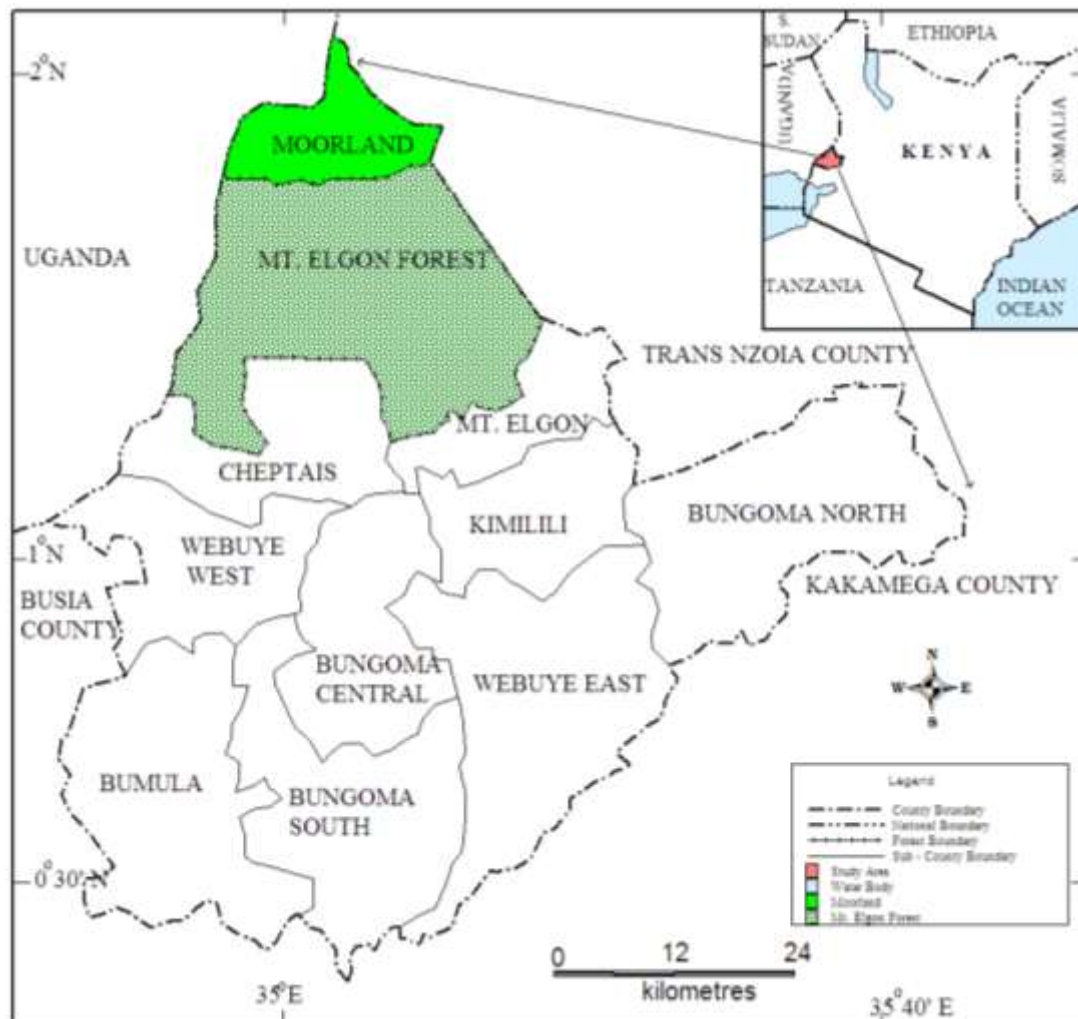


Figure 1: Map of Bungoma County Showing Administrative Unit.

Source: Moi University Department of Geography and Environmental Studies.

1.9.2 Research Design

The study employed historical research design. Historical research design is a systematic and objective location, evaluation and synthesis of evidence in order to

¹¹⁰ Bungoma County *Integrated Development Plan (2018 – 2022)*.

obtain facts and come up with conclusions about past events. It involves examining the meaning and relationship of past events. The method relies on both primary and secondary data.¹¹¹

1.9.3 Population and Sampling Strategy

The target population in this study comprised: former councillors, custodians of community cultures, family members of councillors and senior citizens with colonial and post-colonial experiences to the year 1978. Sampling techniques involved purposive and snowball. Purposive technique allows a researcher to use cases that have the required information with respect to the objectives of the study.¹¹² Respondents with necessary information were identified at the discretion of the researcher. Snowball sampling involves a subject who displays the qualities the researcher is interested in and he is identified by those who are aware of the required characteristics.¹¹³

1.9.4 Data Collection

The study employed both primary and secondary sources of data. Primary sources included carrying out oral interviews with two people from each of the 11 sub counties knowledgeable in the subject matter. However, the use of oral sources is of paramount importance in African history for a number of reasons. To start with, due to high levels of illiteracy, the majority of Africans did not keep written records; and, secondly, oral sources allow us insight into the history of ordinary people as opposed

¹¹¹Walliman, N. *Your Research Project: Designing and Planning Your Work*, 3rd Edition, London: SAGE Publications. 2011.

¹¹² Wekesa, B.M.: *Cultural Continuity and Change: A Historical Study on Music and Dance among the Bukusu of Bungoma County, Kenya, Circa 1900 – 2012*. Phd. Thesis Kenyatta University. 2015, 29.

¹¹³ Wanyonyi, D MA Thesis: *Ethnic Conflicts and the Livelihoods of the Pokot and the Turkana Communities in Kainuk and Sigor Divisions in Kenya*. 2018.

to the legends.¹¹⁴ Oral societies tend to be more concerned with the present whereas literate societies have a very definite awareness of the past. Notwithstanding, oral sources have disadvantages such as loss of memory, biasness and accuracy in terms of time. The kind of bias is determined by the nature of the social groups which transmit the traditions from one generation to the next. Therefore, the historian has to be keen on the origin on the present category of people he interviews. He must establish their roots.¹¹⁵

However, the study relied on people who experienced local governance in Bungoma County up to 1978. Nevertheless, people knowledgeable in oral tradition were identified and interviewed. Notably, former councillors, Mumbwani, John Masinde and Njebwe gave very crucial information. Pascal Nabwana's son Benticto Nabwana gave important information on the contribution of Nabwana to local governance. The researcher was assisted by two research assistants. Notably, the researcher and his assistants used, note books, pens and a tape recorder during field interviews. Consequently, the researcher introduced himself and sometimes he was introduced by research assistants before putting forward reasons for the research. English, Kiswahili, Luhya and Sabaot dialects were used appropriately.

Apart from oral interviews, documents in the KNA constituted the second category of primary data. Several archival materials for Nyanza Province, North Kavirondo/North Nyanza, Elgon Nyanza Districts and the County Council of Bungoma were analysed. Notably, Archival materials included annual reports, minutes, official letters, Memos and official government reports. Minutes on council proceedings were the most useful information because it captured the mood of the time. Minutes used included; general

¹¹⁴ Opondo, P.A. *"Fishers and Fish Traders of Lake Victoria: Colonial Policy and the Development of Fish Production in Kenya, 1880-1978"*. Ph.D. Thesis, University of South Africa. 2011.

¹¹⁵ Tosh, J.A. *Political Authority among the Langi of Northern Uganda, Circa 1800 to 1939*. 1973, 25.

council sessions, annual general meetings and departmental committee meetings. However, archival sources have some limitations such as, biasness, because some reports were written by colonial officials such as D.Os, D.Cs among others who might have 'painted' the colonial government positively.

Furthermore, secondary sources including, books, journal articles, theses, dissertations, seminar papers, government reports, magazines as well as newspapers relevant to the subject were utilized. Information contained in the above documents were scrutinized and relevant items extracted for assimilation in the research report. Published books were vital in the formulation of research questions through identification of the gaps and shortcomings in the existing literature. Secondary materials were vital in terms of guiding the research on periodization and assessing which gaps to be filled. Notably, some core materials included; Omosule, M. (1974). *Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya 1895-1963* Ph.D. Thesis and Moss, N.C, (2016) '*The Dilemma of Councillors': The History of Local Government in Kenya, 1945 - 2010*, PhD thesis, Durham University.

1.9.5 Data Analysis

However, Data collected was mainly qualitative and to a small extent quantitative. Quantitative data included social, economic and political statistics. Quantitative data was presented in form of tables and was used to enhance qualitative data. Data was derived from both primary and secondary sources. After data collection and categorization, descriptive data analysis and chronological narration followed immediately.

1.10 Ethical Considerations

Prior for commencing the study, ethical clearance was sought from the National Commission for Science, Technology and Innovation (NACOSTI) as well as from Moi University. The researcher informed all the participants about the purpose of the research-to collect data for compilation of the Ph.D. thesis. Participants were informed that there were no risks involved as a result of being part of the research. No respondent was coerced to give information.

CHAPTER TWO

PRE-COLONIAL SOCIAL FORMATION AMONG THE BUKUSU, THE TACHONI AND THE SABAOT UP TO 1895.

2.1 Introduction

The purpose of this chapter is to discuss the pre-colonial social formation among the Bukusu, the Tachoni and the Sabaot up to 1895. The aim of this chapter is to demonstrate that the pre-colonial ethnic groups had social formations that championed the welfare of the society. Additionally, the establishment of colonial rule disrupted the African traditional formations rendering them moribund.

In order to understand the evolution and development of local governance in Bungoma County, it is important to bring into focus the pre-colonial social formation among the Bukusu, the Tachoni, and the Sabaot. The major argument is that pre-colonial African social, economic and political institutions operated in harmony and responded to the needs of people. The coming of colonialists dismantled and rearranged African institutions replacing them with the Western institutions which epitomized capitalism.

However, in the late Stone Age epoch, governance emerged as a product of socio-economic transformations. Among the traditional societies studied, political experiences were products of social and economic forces. As mentioned in my theoretical framework, societal structures (structuralism) influenced the behaviour of agents. Such structures in the context of our study included religion, customs, and modes of production just to mention. In this research, it is demonstrated that leadership was a calling by the super-natural. Leaders were mediators between their subjects and gods. African agents played both political and religious roles. In addition, land as a basis of economic production brought several related families

together forming sub-clans and clans. Land was communally owned by people with close kinship ties. It was at sub-clan and clan levels where leadership and governance emerged. African traditional agents eventually became custodians of community land.

Nevertheless, some social and economic facets among the three communities studied in relation to governance were discussed. I avoided delving deeper into social and economic organization because these are independent academic zones of social and economic history already handled by academic gurus such as V.G. Simiyu, P.W. Kakai, F.E. Makila, D.O. Lihraw, M. Nakitare among others.

This chapter is divided into sections and sub-sections to discuss the Bukusu, the Tachoni, and the Sabaot social formation.

2.2 The Pre-Colonial Social Formations among the Bukusu

2.2.1 The Political Organization

The Bukusu are part of the North Kavirondo Bantu. The history of the Bukusu has generated a lot of debate because there seems to be no generally accepted version about their origin, migration and settlement and even their political organization.

It is believed that the equivalence of the Biblical Adam and Eve is Mwambu and Sela among the Bukusu. Mwambu (husband) and Sela (wife) bore Masaba who is said to have married a Maasai girl called Namurwa and they had three sons. The eldest one was called Mukisu, the second born Mubukusu and the third born Kundu.¹

The Bukusu are thought to have originated from Misri via Sirikwa, Sengeli and Mbayi. The Babukusu eventually occupied Tororo and finally Bukusu regions in the

¹ Simiyu, V.G. *The Emergence of the Luyia Nation: A Research Agenda*. A Paper Presented at the Annual Conference of the Western Kenya Cultural Festival Symposium. 1985.

Seventeenth Century before moving to Bungoma.² The Babukusu acquired their name while inhabiting areas around Butiru, Bukobelo and Bubulo foothills regions in modern Bukusu regions in the Eastern Uganda.³

It is documented that, the name 'Bukusu' is derived from a nickname previously given to a section of Bukusu ancestors then known as *Banabayi* (People of Mbayi). *Banabayi* were entrepreneurs who used Butiru hills as their bases from which they traded their merchandise up to the shores of the Lake Victoria. *Banabayi* exchanged iron products for other items at low prices. Since *Banabayi's* low prices were characteristic of their trade, possibly Luyia speaking groups began to refer to these traders as *Babandu be bukusi* meaning 'the people of price'.⁴ This reference was warmly welcomed by *Banabayi* who gradually shortened *Babandu be bukusi* to *Babukusu*.

As aforementioned, the Bukusu 'Adam and Eve' was equivalent to Mwambu and Sela.⁵ However, a different account show that the Bukusu originated from Misri. The Bukusu oral tradition as narrated by mzee Mukolongolo indicate that the Bukusu originated from Misri and then sojourned at Mt Masaba before migrating to the present day Bungoma County.⁶ The Bakimwei clan of the Bukusu settled at Sirikwa and that is why they 'praise' themselves as people who came from Sirikwa.⁷ Fundamentally, the critics of the Misri legends have suggested that the reference to "Misri", taken to mean Egypt, is a distortion of African history by biblically

² Were G.S and Wilson, D.A. *East Africa Through a Thousand Years*. Nairobi: Evans Brothers Limited. 1974.

³ Simiyu, V.G. "*The Emergence of a Sub-Nation: A History of Bukusu to 1900*". *Transafrican Journal of History* Vol.20 (Nairobi: G.S. Were Press). 1991, 7-14.

⁴ Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts*.2000, 55.

⁵ Nasimiyu, O.I.2021.

⁶ Mukolongolo, O.I. 2021.

⁷ Mariselina O.I, 2021.

influenced informants who have crafted the Bible story of Moses migration from Misri (Egypt) to the Promised Land of Israel.⁸

After the Bukusu had settled in the present day Bungoma region, they experienced external attacks mostly from the Iteso and Karamojong who forced them to leave to Eastern Uganda as fugitives. It took the courage, patriotism and military expertise of a Bukusu man called Mukite *wa* Nameme to summon back the fugitives of the Babukusu and embarked on a military re-organization. Under the leadership of Mukite, the Babukusu were imbued by a renewed spirit of nationalism by which they sought to regain and protect their property, social, political, economic and cultural freedom.⁹

Other than the Bukusu migration and settlement, the Bukusu grew into a number of sub-groups. The sub-groups are known as *chikholo*. They include Basonge, Baala, Bameme, Batilu, Bakimweyi, Baengele, Bachemwile, Bakhoma, Babulo, Balonja, Bamukoya, Babuya, Bakiyabi, Baafu, Batecho, Bakunga, Bakitang'a, Bawayila (Tachoni assimilated by the Bukusu), Balako, Bakhwami, Bayundo, Bakipemuli, Bakhurarwa, Baechelo, Banasaka, Babichachi, Bayemba (formerly Banyala), and Bamoyaye.¹⁰

It is clear that, Individual *ekholo* evolved into individual political system. It is important to note that, the pre-colonial political organization among the Bukusu resembled other Luyia cousins apart from the Abawanga that had a centralized system of government. The Babukusu did not constitute one political unit at any given time.¹¹

Their political organisation was based on homogeneous *ekholo* which often

⁸Wafula, P. *Politics and Nationalism in Colonial Kenya*.2000, 39.

⁹ Ibid

¹⁰ Simiyu, O.I, 2021, and Waliaula, O.I, 2021.

¹¹ Omosule, M. *Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya 1974*, 15-17.

constituted a number of families who occupied a distinct territory. There are well over one hundred clans that form the Bukusu but some clans are further subdivided into various *kimiliango* (sub-clans) that had closer relations. People of the same sub-clans were not allowed to inter-marry.¹²

According to the Bukusu oral tradition, as narrated by Mariselina¹³ each Bukusu clan was headed by *omwami*, and every Bukusu *kumuliano* (sub-clan) was headed by *omusakhulu*. One clan had a number of *Basakhulu* and a group of *Basakhulu* formed a council of elders. *Omusakhulu* majorly played a judicial role resolving conflicts within his area of jurisdiction. In matters of greater magnitude, a group of *basakhulu* came together as a council of elders to resolve issues; sometimes *omwami* (the clan head) could attend.¹⁴

Omukasa being the clan head combined both judicial and executive duties. The judicial system was informal. *Omukasa* communicated with the public through; "*ekokwa*" (discussion) similar to the modern chief's *barasa* at which emerging events were reviewed. *Etolondo* (conference or meeting) was organized at which issues were discussed and resolved.¹⁵

Below *omukasa* there were a number of lesser leaders usually heads of various sub-clans and family lineages known as *babami be kamachabe* (a council elders). These were people whose opinion was most respected and sought whenever matters of concern to the community arose.¹⁶ The institution of *bakasa* was later on adopted by the colonial government and later on by the post-colonial government as part of the provincial administration at village level. Women in the Bukusu society were looked

¹² Makila, F.E. *An Outline History of the Babukusu* 1978, 66.

¹³ Mariselina, O. I, 2021

¹⁴ Sichangi O.I, 2021.

¹⁵ Makila, F.E. *An Outline History of the Babukusu* 1978, 66.

¹⁶ Wafula, P. *Politics and Nationalism in Colonial Kenya*. 2000.

down upon and played no role in societal leadership. The extent to which women were allowed to operate was restricted to roles as witnesses and their word was taken as true as the word of a child.¹⁷ However, women played important social and economic roles in the society. The man was a political head who owned means of production in the homestead such as land and livestock. Ironically it is women who cultivated farms and harvested, it is also women who milked cows.¹⁸

Apparently, *omukasa* wielded power as a political representative of the powerful ancestral spirits. His position was recognized through the symbolism of various insignia, such as *kumukasa* (copper bracelet); *lichabe* (ivory armband); *sicholong'o* (rhino horn club); *ekhorere* (cowrie shell hat) and the *ekutusi* cloak made from the Columbus monkey. The position of *omukasa* carried prestige and influence.¹⁹

Conversely, the name and rank of a Bukusu clan head is still paradoxical, Nasimiyu²⁰, Sichangi²¹ and Nasimiyu²² argue that *omukasa* was a colonial creation referring to the lowest rank in the provincial administration. Nasimiyu²³ contends that *omukasa* comes from the word *kumukasa* in *Lubukusu* (Bukusu language) meaning copper. Copper was never mined or smelted among the pre-colonial Bukusu community. *Omwami we pokoto* was the clan head and the head of the fort. He was assisted in his duties by *babami be lichabe* (council of elders). The clan head determined where the clan was to be settled.²⁴ Nasimiyu²⁵ shares similar observation with Mariselina²⁶ and

¹⁷ Mariselina I.O, 2021.

¹⁸ Nasimiyu, Ruth. *The Participation of Women in the Political Economy of Kenya*.1984.

¹⁹ Makila, F.E. *Significance of Chetambe Fort in Bukusu History, Department of Culture*. Official Monograph Nairobi.1982, 44-43.

²⁰ Nasimiyu, O.I, 2021.

²¹ Sichangi, O.I, 2021.

²² Nasimiyu, Nasimiyu, Ruth. *The Participation of Women in the Political Economy of Kenya* .1984.

²³ Nasimiyu, O.I. 2021.

²⁴ Opcit.

²⁵ Nasimiyu, O.I, 2021.

²⁶ Mariselina I.O, 2021.

Kuloba²⁷ that the head of a Bukusu clan was *Omwami* but not *Omukasa* in contrast with what was mentioned earlier by Wafula²⁸ and Makila.²⁹

Even so, in the absence of a centralized form of government, the Bukusu were organized efficiently to a level where by they built all those walled villages (forts) they were living in. To become a leader of a walled village was the only way in which ambitious Bukusu could gain political power and influence. This finding do not contradict the earlier observations in this chapter but only clarifies that Omukasa/Omwami was not so much solidified like the case of the Wangas to a level of Kingship rather the Bukusu were more liberal politically.³⁰

Notably, the Babukusu in pre-colonial times did not have a single military organization under one command; each clan conducted its wars and raids separately except on rare occasions when the interests of the entire community or a section of the community was under threat. The war leader was known as *laitirian*; each Bukusu clan had its own *laitirian*.³¹ Inter-clan wars among the Bukusu were experienced but the intensity was not as much as the Bukusu with other ethnic communities.³² Before any war, the services of *omung'osi* (dream prophet) were sought to predict the outcome. *Bayooti* (intelligence officers) were engaged to assess the chances of a successful expedition and the power and plans of the enemy.³³

²⁷Kuloba, I.O, 2021.

²⁸Wafula, P. *Politics and Nationalism in Colonial Kenya*.2000.

²⁹Makila, F.E. *Significance of Chetambe Fort in Bukusu History, Department of Culture*.Official Monograph Nairobi.1982, 44-43.

³⁰ Wafula, P. "*Imperialism and Collaboration in Colonial Kenya: A Case Study of Ex- Chief Sudi Namachanja of South Bukusu Location, Bungoma District C.1907-1950*" B.A. Dissertation, Kenyatta University. 1996, 55.

³¹Wolf, J. "*Religious Innovation and Social Change among the Bukusu*"Ph.D Dissertation, University of London. 1971

³²Barasa, O.I. 2021.

³³ Mutoro, H.W. *The Abaluyia Reactions to Colonial Rule, 1880-1930*, Student/Staff Seminar, Department of History, University of Nairobi.1975.

In terms of the tenure of the office of *omwami*, he ruled until he retired or died. When there was such a vacancy, elders looked for people with leadership qualities to succeed him. There was no formal installation of leaders. Voting or any form of democracy was never observed during the search for a qualified person to become a leader among the Bukusu. These views were affirmed by Sichangi who observes that, *omwami's* position was not hereditary. However, in case he died without nominating one of his sons to the leadership position, *bakasa* (a council of elders) nominated one of his sons on the basis of courage, honesty and general good qualities to become *omwami*.³⁴

In a nutshell, the Bukusu political system was segmentary in nature. Each *ekholo* was well represented by *omwami*. *Omwami* represented his subjects and also was a representative of the spiritual world on earth. *Omwami's* attire signified power and authority which eventually led to strong legitimate governance system. Women were missing in the political arena. They performed specific roles mostly house chore and farm work.

2.2.2 Social organization

Religion is one the social aspects that shaped the pre-colonial governance situation among the Bukusu. The word religion can be defined as the acceptance of obligations towards powers higher than man. It is used to describe man's relations with the supernatural powers as well as the various organised systems of belief and worship in which these relations have been expressed.³⁵

Among the Babukusu, religious norms, sanctions and obligations permeated the social, political and economic spheres and were intricately tied together. In the

³⁴Wafula, P. *Politics and Nationalism in Colonial Kenya*.2000, 55.

³⁵ Were, G.s. "Politics, Religion and Nationalism in Western Kenya" in ed. Ogot B.A. Hadith 4. 1972.

traditional Bukusu society, it was generally believed that good relationship with the supernatural being guaranteed the whole community happiness and the security needed for prosperity. In politics, for instance, religiously derived rules and beliefs legitimised rule by elders and brought about consent of the other members of the society.³⁶ Religion in this case effectively promoted cohesion in the society. In my own view, religion in the pre-colonial Bukusu equals democracy of the day in legitimizing enthronement of leaders.

Nonetheless, the Babukusu believed in one god *Wele Khakaba*, (god the provider and the creator of the universe). He was believed to be responsible for rains, crops, fertility in animals, fertility in human beings, peace, and general wellbeing of the Bukusu. The Babukusu prayed to him every morning by spitting towards the rising sun and in the evening by spitting towards the setting sun and uttering prayers for whatever they wanted (Sichangi, 0.1., 2021).

Apart from *Wele Khakaba*' as the supreme, the Babukusu also believed in two other gods, *Wele Murumwa* (god the messenger) and *Wele Mukhobe* (god responsible for peace and war). *Wele Khakaba* sent *Wele Murumwa* to prophets, rulers and peace-makers. In the dispensation of their various duties therefore, it was believed that these elders used the wisdom, intelligence and guidance provided by *Wele Murumwa* who was sent to deliver these leadership qualities. He spoke to them through dreams and visions (Simiyu, 0.1., 2021). During war time warriors prayed to *Wele Mukhobe* for protection before going to war. In times when peace was highly needed *Wele*

³⁶ Wafula, P. *Politics and Nationalism in Colonial Kenya: The Case of the Babukusu of Bungoma District, C. 1894— 1963*, 2000, P 90.

Mukhobe advised rulers through dreams and visions on diplomatic skills. Peace treaties were finally blessed by *Wele Mukhobe*.³⁷

Additionally among the Bukusu traditions *Kumusambwa* (the force which lies behind the taking up of a particular vocation) was the basis of some leadership positions. Someone had to exhibit signs of *Kumusambwa* before taking up the solemn role of a medicineman, prophet, diviner, circumciser, and so on.³⁸

In a nutshell, therefore, the centrality of the Bukusu traditional religious thoughts and beliefs lay in their role, that was geared towards maintaining cohesion and viability in the society. Religion was a unifying factor and an ultimate equalizer in the Bukusu pre-colonial traditional nation.

2.2.3 Economic Organization

The Bukusu economic base in the pre-colonial times, and their whole range of economic activities were influenced by the environment in which they lived. The favourable physical environment enabled them to develop a highly productive system in both farming and animal husbandry. This system was geared towards subsistence and the activities involved were harmonised by a structural relation that existed between the political and economic systems.³⁹

However, the right of access to agricultural land was vested in the clan elder (*Omwami we Pokoto*). He determined where the clan was to be settled. *Omwami we Pokoto* was the head of the fort where the clan lived. He was assisted in his duties by a council of elders (*Babami be Lichabe*). Each fort had its own portion of land and inhabitants of the fort tilled the area chosen for them by the head of the fort. The

³⁷ Simiyu, V.G. "The Emergence of a Sub-Nation: A history of Bukusu to 1900." 1991.

³⁸ Wolf, J. Politics and religion among the Bukusu. 1971. p65-70.

³⁹ Wafula, P. Politics and Nationalism in Colonial Kenya 2000, P 67.

individual allocation of the plots was done by *Omwami we Lichabe*. Every man in the fort was given a plot on which to plant crops.⁴⁰

Notably, given the prime importance attached to land, its organization was vital. At the level of the clan, omukasa determined the clan's access to land. However, once land was under cultivation, the clan leader had no control over it whatsoever, his powers terminated at the adjudication stage. Nevertheless, the clan leader could summon clansmen to clear uncultivated land to meet the threat of famine. In addition, he could disallow clansmen from cultivating a certain piece of land on the fringes of a common clan border to avoid conflicts. Borderlines had clear buffer zones.⁴¹

However, the communal land tenure system recognised the fact that certain sections of the individual allocations were open for use by the entire community, for instance grazing fields (*chikewa*). Additionally, the people who occupied one fort grazed their animals together for purposes of security. Members of the fort or clan therefore utilised common grazing fields, salt licks (*bilongo*) and water points.⁴²

The next section, therefore, moves on to discuss the Tachoni Social formation up to 1895.

2.3 The Pre-Colonial Social Formation among the Tachoni.

2.3.1 Political Organization

The etymological origin of the name Tachoni is well articulated in Kakai's study. 'Tachoni' derives from *Tabichan or Kilabichan* which signified people who initiated their youth through the *esitabicha* (sacred initiation place) mostly *olurende* (swampy). After the initiation ritual, the Tachoni and the initiates returned home in the evening.

⁴⁰ Nasimiyu, R. The participation of Women in the Traditional Economy of Kenya. 1984, p 34.

⁴¹ Wafula. P. Politics and Nationalism in Colonial Kenya, 2000, P 68.

⁴² Ibid.

Therefore 'Tachoni' derives from Kalenjin dialect *tainyon* that means 'go and come back'.⁴³

In addition, the Abatachoni, like most sub-ethnic collectivises of the Abaluyia, Kalenjin and Abagusii are believed to have originated from Misri. The place Misri has remained unresolved paradox on the basis of a number of academic discourses examined and oral evidence interrogated. It is not clear whether Misri was the regions of Karamoja or Turkana or Egypt.⁴⁴ 'Misri place' could be Karamoja region.⁴⁵ Nevertheless, the ancestors who insist on the Misri (Egypt) origin could not have all in all mistaken the general location of the ancient Egypt whose territory was much wider than the current political confines. The Egyptian Empire extended to part of Sudan which was occupied by black people.⁴⁶

However, the Abatachoni being originally part of the Kalenjin broke away at a place called Sengeli. Sengeli now is within the Uasin Gishu plateau that runs across the present Trans-Nzoia and Uasin Gishu Counties. At Sengeli, the breakaway Kalenjin group that later became the Abatachoni was neighbour to the Kamasya (Tugen) Abasawinyi (Sebei), Abakonyi (Kony), Abalaku (Bok) Abang'oma (Bongomek) and the Pokot. What made the Tachoni to migrate were the notorious Maasai cattle raids. The Abatachoni ancestors moved in small groups from Sengeli to Mbayi and then Sirikwa which are both within the Uasin Gishu plateau. The oral accounts of the Kony of Mt Elgon also show that they came from Sengwer (Sengeli). Their migration routes

⁴³Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts*. 2000.

⁴⁴ Kakai, P. 'Social Concepts in the initiation Rituals of the Abatachoni: A Historical Study' M.A. Thesis, History Department, Kenyatta University. 1992.

⁴⁵ Were, G.S. *History of the Abaluyia of Western Kenya C.1500-1930*, Nairobi: E.A.P.H. 1962.

⁴⁶ Ochieng' W.R. *A history of Kenya*. Nairobi: Macmillan Kenya. 1985, 48-53.

together with place names of settlement tend to tally with those of Abatachoni.⁴⁷ Among the Kalenjin oral tradition it is revealed that ‘Tachoni’ in Kalenjin dialect means ‘we shall return.’⁴⁸ The phrase ‘we shall return’ points at a possible close ethnic tie between the Kalenjin groups and the Tachoni.

It is evident that, the Abatachoni from their cradle land used various routes and eventually settled in Bungoma District and its neighbourhood. The Tachoni original clans such as Abarefu, Abaluu, Abayumbu, Abamakhuli, Abatulu and Abachikha originated from the mythological Misri and then came over to Sirikwa, Sengeli and Mbayi. From Mbayi, the Tachoni sojourned at the foot of Mt. Elgon- Eastern Uganda, before settling at Mwalie, Mwibale and Sang’alo in the current Bungoma County. It is important to note that the other Tachoni original clans of Abangachi, Abasioya, Abakabusi, Abasang'alo, Abachimuluku, Ababichu, Abasamba and Abakabusi did not use the Uganda side. They followed various routes within the terrain of Kenya before settling in present Bungoma and Kakamega Counties.⁴⁹ By 1875, the Tachoni had settled at Mabanga, Sitikho, Bokoli, Kimilili, Webuye and Lugari.⁵⁰

Paradoxically, the Bukusu proverb *orebanga kitimule wanyoa ebayumbu* (ask Kitimule who pioneered a visit to bayumbu region) is used to justify that the Tachoni were lost Bukusu brothers rediscovered by Kitimule a Bukusu messenger who had been sent to visit Bayumbu (Tachoni) region. When kitimule arrived there, he realized he could understand the language they were speaking. When Kitimule returned to

⁴⁷ Lihraw, D.O. *The Pre-Independence Kenya: Tachoni People History, Culture and Economy*. Nairobi: Perc-Pace International. 2010.

⁴⁸ Kirui, O.I. 2021.

⁴⁹ Kakai, P. *Social Concepts in the initiation Rituals of the Abatachoni*, 1992.

⁵⁰ Were, G.S. *History of the Abaluyia of Western Kenya C.1500-1930*.1962.

Bukusuland and explained what he had witnessed, it was concluded that the Tachoni were part of the lost and found Bukusu⁵¹

Following the settlement of fresh Bukusu clans in the vicinity of the Mwalie Hills in later years, an expedition headed by Kitimule, son of Wetozi, was sent out to learn more about the inhabitants of Mwalie Hills. The result of this expedition was startling. Babukusu were not only pleased to learn that the strangers investigated were not 'enemies', but they were, above all, thrilled to discover that they were their lost brothers. A new name of Bayumbu was coined to cover all Bamwalie clans who, soon afterwards, merged with surrounding Basilikwa clans under the banner of Namurwa. Some of the Bayumbu people who were not completely absorbed into the tribe at Mwalie Hills today form the sub-nation known as Batachoni (Tachoni).⁵²

After Kitimule's report, the Babukusu stopped referring to Abatachoni as '*Barwa*'; a term that was used to describe the Kalenjin related groups. The concept of '*Barwa*' was a language code that alerted the Bukusu against any possible danger that might have been sparked off by outsiders of Kalenjin origin. The Tachoni from that time were referred to as Bayumbu by the Bukusu.⁵³ However, the larger Abatachoni group rejected this label since it sub-ordinated the Tachoni under the Bukusu. The relations of brotherhood and intimacy which were revived since Kitimule's mission grew and enlarged to such an extent that Babukusu in their expansion assimilated some Abatachoni clans while also donating some of theirs to Abatachoni. Babukusu have philosophized over this assimilative process and coined a phrase '*siyanja barende*' which literally means that -Babukusu love strangers.⁵⁴

⁵¹ Makila, F.E. *An Outline History of the Babukusu*. 1978.

⁵² Ibid.

⁵³ Kakai, P. *Social Concepts in the initiation Rituals of the Abatachoni*, 1992.

⁵⁴ John Tietie O.I, 2021 a retired teacher argues that, Makila' book served the political reason of mobilizing the Bukusu clans to vote for Elijah Mwangale. The launching of the book coincided with the 1979 general elections. Elijah Mwangale had less competition in the 1969 and 1974 elections. In 1979, he had more competition comprising candidates such as David Nasokho, Peter Sifuma and Christopher Kisaka. Peter Sifuma was a Tachoni ironically just like Elijah Mwangale's Mother.

Lihraw⁵⁵ gives a unique account that contradicts the earlier version that the Tachoni were one of the Bukusu sub-group. He postulates that the Bukusu never existed until 1902. He affirms that the modern Bukusu is a product of the Abanyala and the Bakisu who ran away from the colonial construction of Tororo- Kisumu road and settled in the regions of the current Bungoma County and later on started calling themselves Bukusu. In fact, a section of the Bukusu was a product of Bakisu who were herds-boys of the Tachoni.⁵⁶ This argument bases on the fact that the Bukusu in terms of political organization had confederal clans. The clans had loose relationship.

From the foregoing evidence, chances are very high that the Tachoni shared the same origin with the Kalenjin. Linguistic analysis strongly confirms this premise. However, due to Tachoni closer proximity to Luyia sub-groups, the Tachoni were eventually assimilated by the Luyia nation.

The Tachoni traditionally occupy the counties of Bungoma, Kakamega, Trans-Nzoia, and Uasin Gishu. Nakitare⁵⁷ and Murumba⁵⁸ identified the Tachoni 42 clans as follows:

Abahabiya, Abasioya, Abangachi, Abameywa, Abakafusi, Abamwongo, Abasamo, Abasang'alo, Abatulu, Abakobolo, Abakavino, Abachambai, Abacharia, Abamakhanga, Abaluhu, Abachemuluku, Abasaniakia, Abasonge, Abaengele, Abamweya, Abakusi, Abasamo Abayumbu, Abalukulu, Abarefu, Abasakali, Abamutebi, Abakibeti, Abakipemuli, Abachemai, Abaabichwa, Abamalicha, Abamakhuli, Abamarakalu, Abasiu, Abakhusia, Abakamukong'i, Abakubwayi, Abachemwile, Abamachina, Abachewa and Abasituyi out of these clans, those who are found among Babukusu and have been assimilated include Abachemwile, Abayumbu, Abasonge, Abalukulu, Abaengele, Abusituyi and Abatulu. The Kabras on the other hand have assimilated some clans such as Abasonge, Abamachina, Abasamo, Abaluhu and Abakhusia.

⁵⁵ Lihraw, D.O. *The Pre-Independence Kenya: Tachoni People History, Culture and Economy*. 2009.

⁵⁶ Ibid.

⁵⁷ Nakitare, M. *A Pre-Colonial History Of Abatachoni, 1500-1900 A.D.* University of Nairobi. 1991.

⁵⁸ Murumba, O.I. 2021.

Lihraw⁵⁹ observes that, the Tachoni had a more organized political structure than the Bukusu.

The above assertion is supported by the fact that, the Tachon people were organized under a devolved government system headed by a *Letia* (leader). The state was called *bwami* or *letiadom*. The *bwami* was divided into divisions.

Lukoba (chingoba) headed by a *baoyet*. The *baoyet* ruled through council of elders while the *letia* ruled through a council of ministers. The *letia*, his ministers and their deputies received counsel from an advisory committee of three to five elders. The elders were picked from among the *chingoba* (forts) and they included men and women of great knowledge, wisdom and the capacity to unite and lead the people. They were beyond reproach. The *letia*, his council and the advisory committee formed the supreme council, which was charged with the management of the state and its resources for the benefit of the community.⁶⁰

Additionally, the institution of *omwami* was not hereditary but was elective by a council of elders. The power to elect the head of a fort enabled them to fire him if he became incompetent, stubborn or unpopular. This would be done by calling clan elders to a public meeting where the leader would be told his shortcomings followed by a public announcement of his dismissal. For instance, *letia* Iyeya of the Abangachi clan was elected to replace Wachilonga while at Mwalie because of the latter's unpopularity.⁶¹

It follows that; the institution of *letia* can be traced from 1409. The *letia* among the Tachoni was not a supernatural being, he never appointed himself neither was he imposed on the people. The Tachoni nation appointed him to this position in consultation with the Supreme Council. A vacancy occurred upon the death of a

⁵⁹ Lihraw, D.O. *The Pre-Independence Kenya: Tachoni People History, Culture and Economy*.2009, 73-83.

⁶⁰ Ibid

⁶¹ Nakitare, M. *A Pre-Colonial History of Abatachoni, 1500-1900 A.D.* University of Nairobi.1991.

sitting *letia* or a case where he was banished by his people.⁶² The appointment was reached by consensus provided the candidate fulfilled all the set out criteria for the position. The person was supposed to be patriotic, diplomatic, courageous and with good leadership qualities. Letia had instruments of power such as: *Yindabusi* (royal burner) which was made from the horn of a rhino; crown head dress; *ekutusi* (cloak) made of the skin of a colombus monkey; *esitiena* (three legged royal stool), *omukasa* (Copper wrist bracelet) worn on the left hand; *injabaasi* (arm band), *lichabe* (rectangular and worn on the right hand above the elbow), royal spear and royal shield to represent protection and security of the state; whisk to stand for wisdom, peace and tranquillity, and tenderness in leading the people.⁶³

Consequently, letia had a cabinet of six ministers representing the seven gods of the Tachoni people. They included the Chief Minister, Minister of State, Justice Minister, Defense Minister, Service Minister, and the Minister for Culture and Religious Activities. Ministers worked as a team and had a collective responsibility. The Chief Minister (oracle of the state), on various occasions, acted as the deputy to the Letia, he also acted as *omung'osi* (the chief seer).⁶⁴ The Minister of State (Drum Minister) was responsible for matters pertaining to internal security and enforcement of peace, information and communication, and creation and building of *chingoba* (Forts) and homesteads. Justice Minister (*omuse*) was the chief advisor; he was well educated on the judicial systems and structures, history, economic and political affairs of the Tachon nation.⁶⁵ The Defense Minister (*laitarian*), was the head of the army. He recruited and trained new armies. He organised and supervised raids and attacks on

⁶²Ibid, 256.

⁶³Murumba, O.I. 2021.

⁶⁴ Lihraw, D.O. *The Pre-Independence Kenya: Tachoni People History, Culture and Economy*.2009, 239-244.

⁶⁵Wasilwa, O.I. 2021.

enemy communities. The Service Minister (*omuliuli*) implemented medical system, exorcised bad omens and evil spirits; he was also the archenemy of all witches and wizards. The Service Minister worked in strict consultation with all the gods especially El Nalo (sea and waters), Sirikwa (light and the sun), El Nemsri (soil), and El Chepsri (wind and rain). Finally the Minister for Culture and Religious Affairs (*omubiti*) was the chief baptist of the nation, and also presided over at the swearing in of all the ministers and the council of elders.⁶⁶

Some notable chiefs included Munyei (Nile) who was in power in 1409. From 1798 the Tachoni were led by Voi and later on Lumbwami took over deputized by Lumbasi. In 1895, *Letia* Nyikuri Iyeya nicknamed as Sifuma took power.⁶⁷ Sifuma was the most popular *Letia* because it was during his reign that the colonial forces invaded his fort at Chetambe killing the Bagisu and Banyala who had conflicts with Nabongo Mumia- the British pointman in the Western region. *Letia* Nyikuri had allowed them as fugitives.⁶⁸ *Letia* Nyikuri and *laiterian* Chetambe moved his people northwards to Naitiri, Kipsis (Kibisi), and Ndivisi to avoid confrontation with the British.⁶⁹ Later on Wakoli and Namachanja leaders of the Bukusu (present section of the Bukusu) fugitives respectively, apologized and made peace with Nabongo Mumia and the British. The two leaders painted *Letia* Nyikuri to have organized attacks on Arab and Swahili caravans who were under the protection of Nabongo Mumia.⁷⁰ Namachanja was rewarded and *Letia* Nyikuri demoted and colonized. On March 3, 1896, Namachanja was appointed chief of the Bukusu, and Nyikuri made a head man of his people on the Webuye site of river Nzoia, while Lumbasi continued on the

⁶⁶Murumba, O.I. 2021.

⁶⁷ Lihraw, D.O. *The Pre-Independence Kenya: Tachoni People History, Culture and Economy*.2009, 260.

⁶⁸ Kakai, P. *Social Concepts in the initiation Rituals of the Abatachoni*, 1992, 39.

⁶⁹Ibid, 40.

⁷⁰Murumba, O.I. 2021.

Kakamega side. This by implication meant Nabongo Mumia extended his authority over the Tachon nations by the end of 1896. After Nyikuri's death, the Tachoni suffered power vacuum for some time. Later on Murumba the son to *Letia* Nyikuri was appointed by the British to a level of assistant chief. Murumba collaborated and worked for the British under a Wanga Chief Murunga.⁷¹

During the colonial period, the Tachoni were seen as a minority by other communities such as Kapras, Bukusu, and Nandi because at this time, the Tachoni had been split by district boundaries in four Districts of Elgon Nyanza, Uasin Gishu, Trans-Nzoia and North Nyanza (Kakamega).⁷² Their leadership structure and constitution had been dismissed by the colonialists. Rulers were imported into their land from the Wanga and the Bukusu.

On the basis of the above evidence, the Tachoni pre-colonial political system was hierarchical in which *Letia* was the highest office. Below *letia* there were a number of ministers with different responsibilities. *Letia* was selected to hold office by a council of elders. However in case *letia* violated rules and regulations then he was removed from office. Services provided in the *letiadom* included internal security, judicial services, religious services and defense. It should be noted that *letia* and his officials ruled with the people's consent.

2.3.2 Social Organization

Religion and culture are the two most dynamic forces of character influencing the development of man and society. They depend so much on societal productive forces, level of technology, human interactions and the spirit of change. A clear

⁷¹Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts*.2000.

⁷² Nabwera, B.*How it Happened*.Limuru: Kolbe Press. 2017.

understanding of the trends in religion and culture could easily lead to defining the future of man and his environment.

The family was the basic social and political institution. To offer his solace and prayers to god (*El/Wele*) the head of the house walked out of the house followed by his wife and children. Facing east they raised their hands or went on their knees as the head of the household spit towards the rising sun murmuring words of praise and solace and asked *Wele* to bless him, his family, entire household, his animals and crops.⁷³ He then turned to the *Yimbo wa Nambwiko* (West) asking the God of all Good to protect him, his family, entire household, his possessions against the wrath of the god of darkness. Looking straight into *Wele's* face, he asked Him not to let evil to drop on his house as *Wele* passed his torch from his left to the right hand, to allow the sun to sink and the night to approach. The father's prayers also included salutations to the ancestors of the East, West, North and South. His prayers were followed by a prayer session conducted by his eldest wife, who prayed for the protection of the children, mothers and the unborn.⁷⁴ Spitting was used to avert evil spirits and bad luck to usher in good luck. They also spit and prayed for good omen when they sighted new moon, (*yisulwe*) shooting stars and comets or when an eclipse of the moon or sun approached. The significance of the sun cultured the Tachon to build their huts facing the north or the east. This, it was believed, allowed for first conduct with *Wele* every day before anyone else. This enabled each household to receive *Wele's* blessings that brought beauty, strength, bravery and wisdom.⁷⁵

⁷³ Lihraw, D.O. The Pre-Independence Kenya: Tachoni people History, Culture and Economy. 2010, p 112-125.

⁷⁴ Ibid

⁷⁵ Murumba, O.I, 2021

Other than prayer at family level, the clan leader *omwami* and later on the Tachoni overall leader *Letia* presided over religious ceremonies such as appeasing the spirits during natural catastrophes, blessing warriors, and blessing the new initiates. Such prayers were accompanied by offerings and libation to make the ancestors happy.⁷⁶

Apart from religion, membership to the age-sets was through initiation after circumcision. Age set system was a determining factor to ascent to leadership position. Members of the oldest age sets mostly joined a council of elders. This membership to an age-set (*bakoki*) transcended real age or family relations and gave mates a life-long social bond. They maintained friendly ties and it was a taboo to engage in a fight. Their wives automatically became members of the age-set and they called each other *bakoki*.⁷⁷ There were (are) eight cyclic age-sets which, according to seniority, are, Kolongolo, Kikwameti, Kananachi, Kinvikeu, Nyange, Maina, Chuma and Sawa. At any time and all the years, there was hierarchical arrangement of men in terms of seniors and juniors, based on these age-sets.⁷⁸

2.3.3 Economic Organization

In both social as well as economic relations, land was an important factor in the pre-colonial Tachoni society. Land was owned as communal property, hence providing the focus for social interactions as well as economic activities. It was the lifeblood of the people for it was from land that people got their food and reared their animals. In theory, land was owned by the community on the basis of clans. In practice, however, individuals owned portions for their exclusive use.⁷⁹ However, ownership of such portions was rooted in the community or clan leadership which possessed the powers

⁷⁶ Ibid

⁷⁷ Wasilwa, O.I, 2021

⁷⁸ Nakitare, M. The Pre-Colonial History of the Abatachoni, 1500-1900 A.D. 1991, p70-71.

⁷⁹ Ibid p 91.

of allocation and disposal. The communal land tenure system, while recognizing exclusive land use by individuals of their respective portions, also recognized certain areas that were for public use. Such areas included grazing lands like moorlands, salt licks, water points and sacred places such as *estabicha* (initiation grounds in swampy areas).⁸⁰

Agricultural production among the pre-colonial Abatachoni was basically for subsistence. No motive for profit played a role in the process of producing food crops as it later did after the introduction of the cash economy by the colonialists. Food crops were only grown to provide enough for consumption within a season. Among the crops that were grown included simsim (Chinuni), bananas, sorghum (Amabele),⁸¹ millet (Obule), ground nuts (Chimbande), cassava, beans, peas, sweet potatoes. The most important crops were, however, sorghum, millet and cassava from which ugali were made. From sorghum and millet was also made the local beer which was a popular drink at feasts, marriage and other local cultural festivities. Food crops such as cassava, ground nuts and bananas were often exchanged for other goods or used as payment in kind, for any social labour an individual rendered to another. It was a common practice in traditional society to express gratitude and satisfaction for any help from one by giving him or her some quantity of foodstuff. It is important to note that there was no any form of taxation on the farm produce or barter trade. Governance was a free service to the community. Traditionally, community members would willingly offer to work on the *omwami*'s field out of respect.⁸²

⁸⁰ Lihraw, D.O. The Pre-Independence Kenya: Tachoni people History, Culture and Economy. 2010, p 127.

⁸¹ Ibid.

⁸² Munialo, O.I, 2021

Moreover, Farming was done outside the forts, normally at a place not far away. Men under clan heads went out to clear and prepare the fields for cultivation. Division of labour was on the basis gender and age. Men did bush clearance while women tilled the land. Gender roles were made clear as the youth grew up.⁸³ The young girls grew up learning from their mothers' duties like gardening, cooking, housekeeping, grinding millet as well as fetching fire wood. Boys, on the other hand, learned from their fathers how to clear fields, herd animals, and built granaries and houses. They were also taught martial arts as a preparation for warrior hood which they joined after initiation.⁸⁴

The next section will demonstrate that the Sabaot had a well pronounced social formation prior to colonialism.

2.4 The Pre-Colonial Social Formation among the Sabaot.

2.4.1 Social Organization

The Sabaot community is classified under the larger highland Nilotes. In terms of religion, the Sabaot believed in a Supreme Being called Yeyia. He was believed to be the creator of heaven and earth. It was believed that the sun was the dwelling place of Yeyia. In the morning the head of the family would pray facing the rising sun for blessings to help him face the day. In the evening, he would pray again facing the setting sun, specifically asking Yeyia that all those people who do not wish him well and family to go down with the sun.⁸⁵

Other than religion, during the initiation of the Sabaot, both boys and girls were circumcised. Girls and women were circumcised to eradicate prostitution and adultery

⁸³ Nakitare, M. *The Pre-Colonial History of the Abatachoni, 1500-1900 A.D.* 1991, p90.

⁸⁴ Ibid

⁸⁵ Kimosop, O.I, 2021; Ibunye, K.B. *Intra-Ethnic Relations among the Sabaot of Mt.Elgon, Kenya, 1945-2010.* 2016, p45-48.

since men would go out for grazing, raiding, war among other engagements for several days. Boys' circumcision enhanced cleanliness and inculcated bravery. Bravery was an attribute of charismatic leadership. It was impossible for someone to ascent to leadership position without having gone through circumcision and eventually initiation ceremony. After initiation, one joined the basic political leadership of warriorship.⁸⁶

However, an important social aspect that influenced governance among the Sabaot was that women were bestowed the social responsibility as peace keepers. They wore a belt, *legaret*, which symbolized peace and reconciliation.⁸⁷ During violent conflict, a woman would untie *legaret* and place it down a signal collectively recognized by the Sabaot as the end of a conflict between two parties.

2.4.2 Economic Organization

The pre- colonial Sabaot clans were semi-nomadic pastoralists who only moved when circumstances and geographical conditions disfavoured them. They could stay at a place for a good number of years if they were not interfered by the neighbouring communities. They were pastoralists in an uninhabited country who freely grazed, roamed and hunted in the neighbourhood. For the Sabaot, they had rights to caves and hunting grounds.⁸⁸

Migration, settlement and land use was determined by the clan elders. Land rules and regulations were also enforced by clan heads. *Laitirian* (village heads) ensured that land was fairly distributed among his subjects to avert any form of conflict. Leaders regulated land use and water points. Some sacred forests were reserved and protected

⁸⁶ Kirui, O.I., 2021.

⁸⁷ Khamala, G. Gender Dimensions of Ethnic Identities and Conflicts in Kenya. 2009 p76

⁸⁸ Were, G.S and Wilson, D.A East Africa Through A thousand Years. (Evans Brothers Limited) 1974.

from individual use. Water points were protected from pollution, especially being used by people to answer call of nature.

2.4.3 Political Organization

The Sabaot are a sub-ethnic group within the ethnic entity of the Kalenjin. People of the Kalenjin ethnic collectively comprise the Nandi, Kipsigis, Tugen, Keiyo, Marakwet, Pokot and Sabaot. Before acquiring the name 'Kalenjin' in the 1940s and 1950s as their symbol of reference, the collectivities were generally identified by their neighbouring communities as the Nandi related groups. The Sabaot comprises sub-groups of the Kony, Bok, Bongomek, Somoek and the Mosopisiek. The Kony are the oldest group occupying the slopes of Mt. Elgon and stretching into the Saboti Division of Trans Nzoia. It is important to briefly analyse each of the Sabaot sub-groups to understand their settlement pattern before 1895.⁸⁹

The Sabaot have dialects/clans namely: the Bok, Somek, Mosop/Chepkitale, Kony, Bongomek and Sabiny. However it is registered as an independent ethnic group by the Kenya government. Geographically, the Sabaot are divided into two categories; the Mosop (highland) and the Soy (lowland). The highest ritual leader among the Sabaot was called *Worgoondet*. Some clans called him *oloibon*. The singular form was *Worgoondet/oloibon* while the plural form was *Worgoik/laibon*.⁹⁰

Majority of the modern Sabaot traditionally occupy Mount Elgon region. In 1883, the Scottish explorer and adventurer Joseph Thomson and his companion J. Martin on

⁸⁹Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts*.200056.

⁹⁰ Imbuye, K.B. *Intra-Ethnic Relations among The Sabaot Of Mt. Elgon, Kenya, 1945-2010*.M.A Thesis, Kenyatta University. 2016.

their way to Uganda passed through the slopes of mount Masaba and encountered the El Kony, hence Thomson named the Mountain Elgon.⁹¹

Notably, Saboat oral tradition reveal that, King'oo and his wife Tamunae are the Kony ancestors who gave birth to children whose names were: Kupsomek, Kongin, Kibok, Kumosop, Kipsengwer and Kibongoin; each of these sons constituted a clan of the Kony. The Kony are believed to have originated from Kong'asis in the East as their cradle land. Konyland stretched from Mt. Elgon and the adjoining western territory to Kapenguria and Kitale. By 1625 the Kony were already living on Mt. Elgon.⁹²

However, according to Kony oral tradition, some Kony claim to have been with the Sengwer, Tugen, and the Cherang'ani before taking different migration routes. The Kony group from the East (likely Sirikwa) under the leadership of Sang'ut moved into Mt. Elgon and initially lived on hunting as well as pastoralism. Kimosop further reveals that, the Sang'ut group further evolved into Kipsang'ut clan of the Kony clan. Kipsang'ut clan is known to have produced Kony Prophets- Worgoit.⁹³

It is argued that, the Bongomek and the Bok claim that some of their people originally belonged to the same group as the Sirikwa and that they formerly lived in Sirikwa area of Modern Uasin Gishu plateau.⁹⁴ The Bongomek's entry into Bungoma and Mt. Elgon districts was via Bakisuland in the present Republic of Uganda. In the nineteenth century, some of the Bongomek's settlements included Kiriboti, Webuye, Kabuchayi (Kagtai), Amukura (Ebwayi) and the Kamutiong hills.⁹⁵

⁹¹ Were, G.S. *History of the Abaluyia of Western Kenya*. 1962. 61.

⁹² Were, G.S. *History of the Abaluyia of Western Kenya*. 1962 63.

⁹³ Kimosop, O.I, 2020

⁹⁴ Ibid 49.

⁹⁵ Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts*. 2000. 54.

The Bok before moving to Mt. Elgon lived on Swam hills where they left some of their people. Given their late arrival around mid-nineteenth century, the Bok found the Tachoni and the modern Bukusu already settled in the current Bungoma County. The Bok entered modern Bungoma County through Bukisi land. On their route, the Bok crossed the River Rokok which is now known mostly as Lwakhakha or Malaba.⁹⁶

Mosopisiek is another Sabaot sub-group; 'Mosopisi' signifies people who live in Mosop. It refers to people who occupy highland/mountain top. Mosopisiek are also referred to as Ndorobo. The Ndorobo occupy the forested region between 6,000 and 10,000 feet high above the sea level. This region was nicknamed *Kapleeka* (Bamboo land). Mosopisiek cattle could be pastured on adjacent moorlands. Furthermore, clearing bamboo was much easier than hard trees of the lower belt.⁹⁷

In terms of political organization, groups of Sabaot families constituted villages in which could be found members of several clans. Areas larger than villages were *pororiet*. A *Pororosiek* (plural of Pororiet) comprised a group of clans separated from each other by natural features such as bushes, hills, rivers and escarpments. *Pororosiek* was a territorial unit with a warrior group specifically against external attacks.⁹⁸ Village heads were known as *laitarian* or *naitarian*. *Alaitarian* settled all sorts of disputes; he judged cases brought before him, and also divided land in the village so that all residents had enough to cultivate. *Kokwet* (a council of elders) assisted him in judicial matters. This council comprised oldest age-set members. Several *laitarian* were under a *Kirwagindet*. Sometimes this senior administrator was a *Mogoriondet* or a rich person. A *Kirwagindet* identified himself by wearing a cloak

⁹⁶Ibid, 55.

⁹⁷ Kirui, O.I, 2021.

⁹⁸Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts*.2000, 67.

of monkey skin which no one else might wear. He also wore a necklace of iron with marks of his authority.⁹⁹

It is documented that, the term Sabaot came about in the late 1940s as a way for the Soy and Mosop clans to identify themselves as the Kalenjin speaking people of Mt. Elgon. The Kapchorwa Declaration crafted the Sabaot in 1962 for all the Kalenjin speaking tribes living on the Mt Elgon slopes. This was basically a political identity to counter equal decisions that had earlier on created the Luyia Nation and the Bukusu nation in the 1930s. In essence, the origin of the term Sabaot is political.¹⁰⁰

Kipkorir¹⁰¹ shares similar views with Wafula¹⁰² by observing that the Provincial LNC delegates meetings that were introduced in Kenya in the 1940s increased ethnic awareness that resulted in rediscovery of a common ethnic identity and integration. This was well engineered by the Kalenjin episode in 1950s, during the Rift valley Joint LNC meeting where the Nandi, Elgeyo, Kamasia (Tugen), Nyangori (Terik), and Sebei people “discovered” that they were one and same people. The name ‘Kalenjin’ is a term that refers to people whose languages include the phrase ‘I tell you’ and its use was similarly driven by the desire to obtain the bargaining power at the national level. In the early 1950s, the Kalenjin nation formed the Rift Valley Union which eventually transformed into Kalenjin Political Alliance.

From the foregoing sources, the Sabaot political system was decentralized at clan level. Leaders represented people at various hierarchical levels. Warriors under the leadership of *Naitarian* provided security to the entire clan. Local governance system, maintained law and order, resolved disputes and protected land from external

⁹⁹Ibid, 68.

¹⁰⁰ Wafula, C.M. *Imperialism and Collaboration in Colonial Kenya: Protracted Conflict in Mt. Elgon Region (1963 - 2008) Towards a Multi-Causal Analysis*. MA Thesis, Kenyatta University.2010, 71.

¹⁰¹ Kipkorir, B.E. *Descent from Cherang'any Hills* 2009.

¹⁰² Wafula, C.M. *Imperialism and Collaboration in Colonial Kenya* 2010, 87.

aggression. Religious activities were presided over by clan heads who also doubled up as political heads.

2.5 Conclusion

It has been argued in this chapter that by 1895, the three communities (Tachoni, Bukusu and the Saboat) had already occupied regions currently forming Bungoma County. However, the chapter posits that the three ethnic communities had well organized social formation prior to the coming of the imperialists. The management of community affairs was dealt by leaders/agents who occupied leadership positions on the basis of charisma and ability. Leaders were not imposed on people. Traditional rules and regulations acted as a constitution that guided leadership in the community. It is also worth noting that traditional political systems were decentralized, involved popular participation, and arrived at important decisions by consensus. Noticeable too was the absence of a single cohesive homogeneous local administrative system in Bungoma upon which the British could craft indirect rule. The British as we shall see later on appointed colonial chiefs to be in charge of artificial demarcations known as locations.

Nevertheless, the chapter was guided largely by the Agency theory in terms of political leadership among the three pre-colonial communities studied. Clan and sub-clan leaders were individuals of good leadership qualities, who made important administrative decisions which were respected by every member of the individual community. Leaders were adored and their wisdom respected. Political structures such as traditional offices of *Letia* among the Tachoni, *Laitarian* among the Saboat and *Omwami/Omukasa* among the Bukusu gave agents authority and power over their subjects. It was believed that leaders were anointed by gods hence no one could go against their wishes. In a nutshell, leadership did not start with the introduction of the

alien administration but existed during the pre-colonial period. It will be incumbent upon the next chapter to discuss how colonialism impacted on these African pre-colonial political systems in the study area.

CHAPTER THREE
THE BRITISH CONQUEST AND THE GENESIS OF LOCAL
GOVERNMENT 1895-1924

3.1 Introduction

The purpose of this chapter is to examine the British conquest and the genesis of local government 1895-1924. The aim of this chapter is to demonstrate that the British replaced African social formation with the Western institutions to promote their own interest. Most notably, indirect rule was institutionalized after conquest. Indirect rule became the first formal form of local governance in Kenya through nominated African chiefs. African chiefs used their agency to entrench colonial interest at the grassroots. However, towards early 1920s, Indirect Rule through African chiefs had become ineffective hence the introduction of LNCs.

This chapter is premised on a number of arguments. To start with, the British conquest in the study area cleverly relied on collaborative strategies which aimed at “divide, conquer and rule”. Secondly, the establishment of Indirect Rule through African Chiefs provided minimal service delivery to the natives, much of the benefits in form of taxes and other benefits went to European settlements and the metropole. Finally, the failure of indirect rule through chiefs led to a new form of local governance system-LNCs.

The chapter is organized into various sections. Section 3.2 analyses the British Conquest of North Kavirondo and the people’s responses. North Kavirondo is where the study area is domiciled. While section 3.3 details the evidence and analysis of indirect rule in theory and practice elaborating, its principles and workings. The section will also discuss the activities of African colonial chiefs and their role as colonial agents in local governance. Section 3.4, discusses the profile of some African

chiefs whose agency paved way for the British conquest and administration of the study area. However, section 3.5 evaluates the local governance situation in the post-World War 1, 1918-1924. Finally, section 3.6 gives concluding observations.

In terms of periodization, the year 1895 is when Kenya was declared a British protectorate; around this period the system of indirect rule replaced the pre-colonial African governance system. The year 1924 is when a system of LNC was operationalized in Kenya. The inefficiency of African chiefs led to establishment of LNCs in Kenya. The period 1895 to 1924 will guide these discussions in this chapter but the approach will be flexible for the purpose of clarity and consistency rather than rigidity which will limit the research outcome within the chosen period.

3.2 The British Conquest and the Peoples' Response

Kiwanuka¹ asserts that, there are many theories that explain why some societies were colonized. These theories have focused on economic, strategic, national glory and atavistic dimensions. However, it is noted that the main motive was purely economic subordinated by strategic reasons. Along the same line, Sir Frederick G. Lugard, the high priest and agent of the British imperialism in British Colonies of East and West Africa once made the following statement:

European brains, capital and energy have not been, and never will be, expended in developing the resources of Africa from motives of pure philanthropy.²

Lugard had no doubt that the British occupation in Kenya was majorly exploitation of African resources. From the onset, the Imperial British East Africa Company (IBEACo) was set to fail. The Company was faced with a number of challenges ranging from structural, human resources and finance. It is important to note that,

¹ Kiwanuka S., *“Uganda under the British”*, in: Ogot, ed., *Zamani*, Nairobi, EAPH. 1973.

² Ndege, P.O. *Colonialism and its Legacies in Kenya* 2009.

IBEACo started on a wrong foot by employing incompetent agents. The company sent out anybody it could lay hands on. Agents did not know the country or the local people they were to administer. The result was a ridiculous situation. A trained geologist was entrusted with the responsibility of administration; a doctor was sometimes employed as an accountant and so on. Administrative structures failed to deliver at the local level due to incompetent small number of administrators. Administrative officials lacked authority over natives. Officials were also corrupt and misappropriated the insufficient taxes.³ For instance, in Mumias sub-station, the company completely lacked the ability to administer the territory. The company administration was small and ineffective. The first company administrator stationed at Mumias, Valet Spire failed to inspire people under his administration. Africans were not aware what the company was all about.⁴

Consequently, due to public pressure, the British government was forced to vote funds and eventually took over the company and its officers. Now that resources were available, the two protectorates were declared: one, called Uganda, which was proclaimed in 1893 and the other East Africa Protectorate comprising part of the modern Kenya and Zanzibar.⁵

Subsequently, there was a strategic need to protect East Africa where the Lake Victoria was situated for the sake of Egyptian economic viability. It is also evident that, Germany had interest in East Africa. The British occupation of East Africa made

³Were G.S and Wilson.*East Africa Through a Thousand Years*. Nairobi: Evans Brothers Limited. 1974, 182.

⁴ KNA/PC/NZA/1/4:1908-1909. Nyanza Province Annual Report. Nairobi, Government printers

⁵ Fazan, S.H, Lonsdale, J. (Ed) *Colonial Kenya Observed* 2015, 17.

it inevitable to be in conflict with Germany. However the Germany-British conflict in East Africa was resolved through a series of treaties.⁶

It is worth noting that the British policy in East Africa until 1898 was based on strategic consideration that had little direct connection with the territories themselves. During the partition of East Africa, Britain's main policy was to protect the Suez route to India. Furthermore, Egypt livelihood depended on the river Nile; therefore Britain had to protect the White Nile in Uganda and its source. Indeed, the British had vested interest in Uganda; they wanted to safeguard the source of the River Nile which was a lifeline to the Egyptian economic viability. For the case of Kenya, it was the gate way to Uganda hence both Kenya and Uganda were strategic. However, Kenya was also to be secured to allow transport and communication From Uganda to the East African Coast and eventually to the outside world via the Indian. Lord Rosebery a British point-man managed to carve from the East-African region; the Uganda protectorate in April 1894 and the East African Protectorate in 1895.⁷

It is, therefore, the British who laid out both the external and internal geographical boundaries that defined a polity which later became Kenya. Most of what is now Kenya came under British administration with the establishment of the East Africa Protectorate in 1895, and control transferred to the Colonial Office in 1905 from the Foreign Office.⁸

However, Kenya's boundaries have changed six times since 1895. The most significant was the transfer of Kisumu and Naivasha Provinces from Uganda to Kenya in 1902. The protectorate was renamed Kenya Colony in 1920, save for the 10-mile-

⁶ Berman, B and Lonsdale, J. *The Unhappy Valley: Conflict in Kenya and Africa*. 1992, 16.

⁷ Sorrenson M.P.K..*Origin of European Settlement in Kenya*. Nairobi: Oxford University Press. 1968,1.

⁸ Berman, B and Lonsdale, J. *The Unhappy Valley: Conflict in Kenya and Africa*. 1992. p18.

deep coastal strip that Britain administered under the sovereignty of the Sultan of Zanzibar until they were merged at independence. In 1924–5, the British gave Jubaland, a northern buffer between British and Italian zones, populated by migratory Somali, to Italian Somaliland. In 1926, Kenya expanded to include northern Turkana. Two more boundary changes took place after independence. None of the country's borders matched local languages, communities or physical geography. Therefore, Kenya was an artificial creation, delineated by the British for their purposes, lumping together neighbours, enemies and some communities that previously had no contact whatsoever.⁹

Therefore, Kenya is a deliberate cultural, political as well as an economic construction of the metropole. After the establishment of colonial rule, the colonial state was born. Consequently, the imperial state undertook to dismantle and rearrange the political, economic, and social institutions of the African people and articulate them along the exploitative frameworks of European capitalism. In this way, the colonial state became an agency of the metropolitan British imperial state.¹⁰

However, before the African economic, social and political structures were dismantled, the inland areas of the present Kenya comprised a web of domestic economies ranging from crop cultivation to nomadic and sedentary pastoral forms of production. African form of production was at no point limited by space; African communities in their economic engagements intermingled freely with minimal restrictions within their territories. Matters of land use were regulated by their own traditions.¹¹

⁹ Hornsby, C. *Kenya: A history Since Independence* 2012, 21.

¹⁰ Fazan, S.H, Lonsdale, J. (Ed) *Colonial Kenya Observed* 2015, 32.

¹¹ Berman, B. *Control & Crisis in Colonial Kenya* 1990, 49.

On the other hand the coming of the British curtailed the daily operations of Africans. Consequently, a number of African communities resisted the British imperialism. The initial political reactions of the Babukusu to the British advent and occupation were characterized by active resistance. Active resistance refers to a process whereby the people, due to an intense desire to defend their rights and freedoms, social, political, religious, and cultural values, steadily and systematically took up arms and heroically fought the intruders - the British and their Wanga allies.¹²

Apart from the Bukusu, the entire Northern Kavirondo communities offered minimal resistance to the British invasion. The local British administration was stationed at Mumias named after the Wanga King- Mumia Nabongo. Mumias had been there before colonialism; it had operated as a regional trading and merchant collection center for the Swahili and Arab traders. In 1894 the Imperial British East African Company Geologist (Charles Hopley) was posted at Mumias as the British sub-commissioner. There was a military garrison at Mumias comprising of about 60 Sudanese soldiers.¹³

Consequently, in 1894, military campaigns were sent against the Bukusu section and certain sections of the Luo in Western Kenya. Among the Abaluyia, the Bukusu, the Nyala (Navakholo), the Kakamega (Isukha and Idakho), the Kabras, the Tiriki and the Bunyore were the only ones who resisted the British. The Bukusu resistance was prolonged but was finally silenced in 1895.¹⁴

Sources indicate that, in 1890s, the Bukusu confederal clans of the extreme North Kavirondo had started gaining gun power. They acquired guns from the Swahili and

¹² Mutoro, H.W. *The Abaluyia Reactions to Colonial Rule, 1880-1930* 1975, 1.

¹³ Berman, B. *Control & Crisis in Colonial Kenya* 1990, 49.45-70.

¹⁴ Were G.S and Wilson, D.A. *East Africa Through a Thousand Years*.1974, 167.

Arab merchants. Charles Hobley, the British agent in the region overlooked the Bukusu local governance system and invoked his powers by restricting the Bukusu from acquiring guns. But on the other hand Hobley registered guns in the hands of the Wanga. Hobley's intention was to establish the Wanga hegemony in the local governance system. In the late 19th century, there was reduced supply of ivory which was highly demanded by the British and the Swahili. During this period, the Bukusu became major suppliers of ivory hence competition between the Swahili and Europeans arose. The Bukusu chose to trade with the Swahili; hatred developed between the British and the Bukusu. This eventually led to a series of military expeditions against the Bukusu. The Bukusu in turn attacked and stole the British Mails along Uganda caravan route that passed through their territory.¹⁵

Notably, in 1894 some of the soldiers who lived at the fort of Mumias had sold their guns to the Bukusu, who lived to the north of Nzoia River. A patrol was sent out to try to recover the arms but the Bukusu resisted chasing them away.¹⁶ Hobley reported as follows:

The Babukusu tribesmen then emerged from their villages like a swarm of infuriated bees and attacked the detachment of Sudanese mercenaries. They (Sudanese mercenaries) fought gallantly, but they were speared one by one and eventually annihilated... my first task was to endeavor to get in touch with the Bukusu leaders and extract some reparations for this slaughter.¹⁷

As a consequence, in 1895 Hobley decided that the time had come to teach the Bukusu a lesson once and for all that such behaviour would not be tolerated. One of the Bukusu forts (Lumboka) was surrounded and after heavy fighting, it was vacated at night. From Lumboka the Bukusu ran to different directions, some to Malakisi,

¹⁵Lonsdale. J. *"The Politics of Conquest in Western Kenya: 1894 - 1908"* in eds Berman B. and Lonsdale J. *Unhappy Valley* (Nairobi: Heinemann Kenya). 1992, 45-70. See also Mutoro, H.W. *The Abaluyia Reactions to Colonial Rule, 1880-1930*. 1975.

¹⁶ Wolf, J. (1977). *Differentiation and Integration in Western Kenya* (The Hague: Morton and Co.Bv). 1977, 78-79.

¹⁷KNA/PC/NZA/3/1/2 Nyanza Province, PC Memo.Government printers. 1907.

others crossed the River Nzoia to Bunyala while another section moved to Sirisia and Misikhu. It is argued that at Misikhu, the refugees were not well received by the local residents hence they moved further to seek refuge at the Chetambe fort which was administered by *Letia Sifuma* of the Tachoni.¹⁸

Eventually, the Bukusu were pursued as far as Broderick Falls (Chetambe falls) where they sought refuge in a fort called Chetambe. Mzee Kusimba recalls from Bukusu folk song that, the Bukusu made the last desperate stand but they were killed like *lumelela* (ants). The losses were heavy, many officers also lost their lives. The Bukusu too recorded heavy losses; men were injured and several killed and their cattle were captured. Male captives were killed while others held in custody, crops destroyed, corn eaten up and homes burnt.¹⁹

As a result, the Bukusu resistance reached its Waterloo at Chetambe forts, they were forced into a negotiation process. The Babukusu were exposed to the most humiliating peace terms. They were to surrender all weapons, especially guns, dress in the western style and pledge never to live in the forts again. They were further made to pay war reparations, supply labour for public works and to accept a colonial chief. The Bukusu defeat was the genesis of the new colonial local governance system in which Namachanja son of Khisa became the colonial chief of Bungoma by then pejoratively known in colonial parlance as Kitosh.²⁰ Namachanja ceased to be the *Bakhone* leader but a colonial agent representing a wider geographical area.²¹

Interestingly, the Bukusu resistance was never silenced at Chetambe forts; in 1905 and 1908 the resistance against heavy taxation acquired a new form. The Bukusu

¹⁸ KNA/DC/EN/3/2/4 Elgon Nyanza, Political Report 1930.

¹⁹ Kusimba, O.I.2021.

²⁰ Nangulu, K.A. "*Resistance to the Imposition of Colonial Rule in Bungoma District: A Case Study of the Lumboka-Chetambe War in 1894-1896*", B.A. Dissertation, University of Nairobi. 1986, 62-6

²¹ Wafula, P. *Politics and Nationalism in Colonial Kenya* 2000.

began to migrate eastwards into Trans-Nzoia to avoid both the British - Wanga hegemony and the payment of tax. The Bukusu migration and resistance to pay taxes was a challenge to the newly established indirect rule. Taxation was foreign among the local African communities. Africans did not see the reason why they were forced to pay taxes, a policy that never existed during the pre-colonial period. Challenges that faced the system of the indirect rule on taxation were a precursor to the LNC in which councillors explained to their fellow Africans the value of taxation.²²

Evidently, the Tachoni resisted the British invasion of Chetambe Fort in 1895. During the invasion, the Tachoni fought alongside the Bukusu fugitives. The Tachoni had warmly welcomed the Bukusu fugitives running away from the imperial forces. Along the way, the fugitives died due to fatigue and starvation while others had drowned while crossing river Kuywa. The British troops under Commissioner Hopley pursued them in the forts. Tachoni warriors combined forces with the Bukusu warriors to fight the colonial troops but at the end of it they lost the battle and were arrested. The Tachoni political system was dismantled and their leader Sifuma reduced to a headman under the colonial chief Suleiman Murunga of North Bukusu. The new local governance system had no regard for clan political establishment.²³

However, Namulundah²⁴ paints a contrary version by revealing that, the Bukusu had taken refuge at the Chetambe Fort which belonged to the Tachoni. The Tachoni residents sensed danger and escaped in the wee hours of the night, abandoning the Bukusu to a seemingly foregone fate. The tale depicts Tachoni as cowards, a position

²²KNA, DC/NZA/3/2/9. Political Records: 1908-1916. North Kavirondo Vol. 1.

²³Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts* 2000, 62.

²⁴ Namulundah Namulundah, F. *The Bukusu of Kenya: Folktales, Culture and Social Identities*. North Carolina. 2011.

that Kakai²⁵, Murumba²⁶ and Wasilwa²⁷ refute. Namulundah's position justified the Bukusu dominance in the new colonial governance system in the region under the leadership of Namachanja whose roles were stated in the 1902 and the 1912 ordinances.

However, having discussed the British conquest of the study area and the African responses to colonialism, the next section will discuss indirect rule as a colonial form of local governance.

3.3 Indirect Rule in Theory, Practice and its Workings

Indirect rule was the practice of incorporating African regimes into colonial administrations. Native authorities were established and formalized under policies of indirect rule.²⁸ Indirect rule had a lot of implication on local governance. The rule was based on respect for and use of indigenous institutions for governance. In theory, the British were to respect traditional institutions, in practice they dismantled and rearranged African institutions. The contradictions negated the initial purpose of indirect rule as coined by Lord Frederick Lugard.

One of the principles of indirect rule was the dual mandate. The principle was first crafted in South Africa in the Natal State in 1846. The system implied that there was administrative structure for the Africans and the other one for the Europeans. It should be noted that, in the late 19th C the system of indirect rule and its dual mandate was introduced in the British colonial possessions in East Africa.²⁹ In addition, the main

²⁵Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts* 2000.

²⁶Murumba, O.I. 2021.

²⁷Wasilwa, O.I. 2021.

²⁸Bolt, J. *De-Compressing History. Pre-Colonial Institutions and Local Government Finance in British Colonial Africa*. University of Groningen, 2015.

²⁹Mahmood M. *Citizen and Subjects: Contemporary Africa and the Legacy of Late Colonialism*, Foundation Publishers, Kampala 1996, p62.

principle of indirect rule in the British Empire was to promote liberty and self-development so that all was well with their interest and religion under their flag. Liberty and self-development was the best secured to the African population by leaving them free to manage their own affairs through their own rulers, proportionately to their degree of advancement, under the guidance of the British staff, and subject to the law and policy of administration. The rule was offered as a means of aiding African communities to stand with dignity and autonomy against the impact of Western ways and ideas, adjusting to them but not being overwhelmed by them.³⁰ Nonetheless, indirect rule under scientific advice of the British anthropologists was alive to the fact that there was no such rapid social transformation that could have taken place among Africans. They asserted that in reality, all social developments were slow and gradual. Social transformation among the Africans was supposed to be achieved overtime under the umbrella of indirect rule.³¹ Indeed, indirect rule was offered as a technique of social change, a means of bringing African communities into closer contact and harmony with the modern world and raising their standards of life without resulting in social chaos.

It is argued that, indirect rule was more of convenience and utility for the British imperialists. The rule within traditional institutions was seen to have some advantages. It permitted the continued enforcement along traditional lines of the customary laws of the tribe. Additionally, the system was safe because any other policy would have destroyed an established social order before alternative institutions.

³⁰Collins, O. R. *Historical Problems of Imperial Africa*. Princeton. 1996, p 105-7.

³¹Naseemullah, AStaniland, p. *Indirect Rule and varieties of government*. The Pearson Institute. 2016.

This was seen undesirable for both the welfare of the Africans and security of the British rule.³²

From the foregoing, the proponents of indirect rule meant that through British colonialism, Africans were destined to advance in all spheres of life through the British civilization policy. However, the Lugardian principles remained a theory without practice. The theory became impossible to the implementers; it negated the tenets of colonialism.

In practice, indirect rule was contradictory to colonialism, imperialism and capitalism. Colonialism developed from imperialism, which can be referred to as the highest stage of capitalism. Capitalism, imperialism and colonialism share a similar definition; political and cultural domination and economic exploitation.³³ From the above views, it was difficult to implement the tenets of indirect rule and at the same time sustain colonialism.

After successful establishment of the colonial rule in most regions of Kenya, from 1895, Kenya was incorporated in the new economic order -colonial capitalism. For the sake of actualizing western capitalism, the colonial state in Kenya seemed to have been set up deliberately to coerce, dominate and exploit Africans. It was set out to establish, protect and enhance the economic, political and cultural interests of the Europeans. These interests were secured through the normal Montesquieu's separation of powers rationalized in three separate arms of the state namely, the executive, the legislature and the judiciary. The establishment of the system of indirect rule in which colonial chiefs were agents at the local level made them to play the legislative, judicial and executive functions at the locational level. From the very

³² Ibid p131

³³Ndege, P.O. Colonialism and Legacies in Kenya.2009, p 2.

beginning of the imperial project and the operationalization of its institutions in Kenya, majority of the African people were condemned to the voiceless cadres of the society who could only get colonial government directives from chiefs and headmen. Africans in all spheres of life were reduced to irrelevancy in their own niches as compared to the pre-colonial political arrangement where council elders on behalf of the people made policies and implemented them. The imperial power created a colonial state where Africans became the subalterns of the colonial process.³⁴

However, in the process of implementing indirect rule, a challenge came in because most of African communities had decentralized form of government. Therefore, the process of identifying the appropriate colonial chief was a difficult task for the colonial governments with little knowledge of African societies. In some cases, chiefs were not found from amongst existing hierarchies but appointed by colonial officials. In this case, the colonial government created 'tribal' governments.³⁵

From 1895 when Kenya became a British Protectorate, the challenge to the metropole was to establish the most effective system of administration. The principles of indirect rule that were applied in some of the British colonies are well outlined in Lord Frederick Lugard's book *The Dual Mandate in Tropical Africa*. According to Lugard, the two most important administrative principles to rule Africans were decentralization and continuity. The colonial government was supposed to decentralize powers to the local leaders who were supposed to maintain a balance between tradition and modernity in order to preserve law and order and most importantly the British rule. The principle of continuity was to be maintained at all

³⁴ Kisiang'ani, E.N. "Rethinking Franz Fanon in the Context of the Kenyan Decolonization Experience, 1895-1992". P.h.D. Thesis. Kenyatta University, Nairobi. 2003.

³⁵ Bolt, J. *De-Compressing History. Pre-Colonial Institutions and Local Government Finance in British Colonial Africa*. University of Groningen, 2015.

administrative levels to achieve the progressive development of 'primitive people'. To achieve the principles of continuity and decentralization, the relationship between the white colonial administrators and Africans was key hence the need to incorporate Africans into colonial administration.³⁶

Hence, Sir Arthur Hardinge, the first Commissioner of the East Africa Protectorate relied on particularly three men on the spot John Ainsworth, C.W. Hobley and Francis Hall to consolidate the protectorate. The three officials were former employees of IBEACo. Provincial administrative officers were initially known as Sub-commissioners and later on PCs. Their primary responsibilities were initially practical, being mainly concerned with the recruitment and provisioning of local labour for construction gangs. It is worth noting that, sub-commissioners ensured efficiency of local governance through the colonial chiefs.³⁷

The aforementioned system of administration involved hierarchy of offices reflecting Max Weber's Bureaucracy. The top most office was the Colonial Office headed by the secretary in-charge of colonies. The governor headed the colony and the colony was divided into provinces headed by the PCs, provinces were divided into districts headed by the DCs while districts were further divided into divisions headed by the DOs. From the DOs up the hierarchy, office occupants were 'whites'. Divisions were sub-divided further into locations headed by chiefs, and the villages were headed by headmen. The rank of chief and below was held by Africans. The institution of paramount chief was later created to reward loyal African leaders.³⁸ Paramount chiefs had huge territories like the case of Nabongo Mumia who was responsible for a

³⁶ Collins, R.O. *Historical Problems of Imperial Africa*. 1996, 100-103.

³⁷ Ochieng' W.R. *A history of Kenya*. 1985, 102.

³⁸ Ochieng' W.R. *A history of Kenya* 1985, 106.

number of locations. Mumia played a major role in local governance because he determined who became a chief or a sub-chief.³⁹

Prior for commencing aggressive indirect rule policies, Sir Charles Eliot took over leadership from Arthur Hardinge in 1901. Sir Eliot's policies were aggressive in terms of European imperialism. He was described by the then British under-secretary as a man of imagination and resource in terms of developing the colony. On 1st June of 1901, Eliot dispatched his first annual report detailing on the viability of the colony. This led to the influx of Settlers in Kenya. Aggressive imperial policies were now put in place to ensure Africans provided labour and also to ensure land was available to the White Settlers. Eliot's policies influenced the establishment of a new system of local governance under which chiefs mobilized labour which was the most basic resource in the European farms. Chiefs also collected taxes on behalf of the colonial government. Hence, Africans were forced to work in European farms to raise money to pay taxes.⁴⁰

Colonial Kenya, as had been mentioned earlier was divided into three arms of Government, namely the Executive Council, the Legislative Council and the judiciary. Under the three arms, Kenya was administered by a number of officials including policemen, judges and soldiers and more importantly the provincial administration. Colonial chiefs formed the basis of local governance. Chiefs were part of the strong machinery that promoted the interest of the metropole at the expense of the Africans.⁴¹ The institution of the chief was created and enhanced to assist the state

³⁹ Wanyonyi, D. *Ethnic Conflicts and the Livelihoods of the Pokot and the Turkana Communities in Kainuk and Sigor Divisions in Kenya 1963-2016*. 2018, 30.

⁴⁰ Sorrenson M.P.K. *Origin of European Settlement in Kenya*. 1968, 62.

⁴¹ Wanyonyi, D. MA Thesis: *Ethnic Conflicts and the Livelihoods of the Pokot and the Turkana Communities in Kainuk and Sigor Divisions in Kenya* 2018, 30-32.

in enforcing its policies.⁴² Lonsdale⁴³ observes that African chiefs became obedient followers of orders as colonial rulers entrenched power.⁴⁴ The executive agents of the DC consisted of the chiefs; this term ‘chief’ commonly used by then was used to describe the headmen whose appointment provision was first made in the Ordinance of 1902. The term chief was used to imply the executive head of local administration being a location.⁴⁵

However, in early 20th Century Kenya had some form of local government. In 1902 the village Headman Ordinance was enacted which allowed some Africans to be appointed as chiefs.⁴⁶ From 1902 Chief Namachanja *wa* (son) of Khisa became the chief of Bungoma location. Khisa was assisted by two headmen -Sifuma (Tachoni) and Kirwagindet Kimingich (Saboat). Headmen were later referred to as sub-chiefs.⁴⁷ The laws on which the authority of chiefs rested were enacted in 1902 and 1912. The 1902 Ordinance gave the chiefs three major areas of responsibility. They were to maintain public order and they could be fined if disturbances occurred in their areas; they were to keep the roads clear and they could hear petty cases. In 1912, these responsibilities were amplified. Chiefs were permitted to employ other persons to assist them to maintain order. Chiefs were also meant to assist European DOs and district tax collectors in the collection of taxes

It worth pointing out that, the earliest colonial measure to subject Africans to a crude form of property tax was through the hut tax regulations of 1901, which, to the colonial administration, immediately epitomized the 'sacrament of submission'. Sir

⁴² Opondo, P.A. *"Fishers and Fish Traders of Lake Victoria* 2001, 102.

⁴³ Lonsdale.J. *"The Politics of Conquest in Western Kenya.* 1992, 123

⁴⁴ Ibid.

⁴⁵ Report by Lord Hailey Following his Inquiries in 3 April 1940. Nairobi, Government printers.

⁴⁶ Muia D. M. *Devolution: Which Way for Local Authorities in Kenya?* Discussion Paper No. 073, Institute of Policy Analysis and Research, Nairobi. 2005, 27.

⁴⁷ Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts* 2000, 49.

Charles Eliot was the brain behind hut tax in Kenya. He issued various instructions on its mode of operation. He perfected the system of indirect rule in which colonial chiefs ensured collection of taxes in their jurisdiction. He authorized a tax of R 1 per annum on all houses used as dwellings. This figure was raised in 1902 to Rs 3 and by 1906 the colonial administration was charging Rs6 which had increased to Rs 7 by 1907 but went down to Rs 5 in 1910 due to the inability of Africans to raise the higher figure.⁴⁸ Hut tax was unfair to Africans because it presumed that a polygamous family was rich hence had to pay more.⁴⁹ This was never the case; polygamy was the way of African life. It is also observed that the colonial taxation without principles intended to punish African polygamy.

The punitive hut tax led to Africans inventing new ways to survive. Polygamous men started accumulating wives in one hut. In some cases, huts were pulled down to avoid the tax man. In the North and South Bukusu, chiefs used the aforementioned African survival tactics as the reason why there was reduced tax collection prior to 1910. The colonial government therefore introduced poll tax in 1910 which ran parallel to hut tax. Every adult male not liable for hut tax was required to pay a poll tax of three rupees annually. Poll tax was levied on every able-bodied male over the age of sixteen.⁵⁰

Table 3.1 demonstrates decreasing taxation towards 1910 due to the inability of colonial chiefs to collect enough hut tax prior to the introduction of poll tax.

⁴⁸ Tarus, I.K. *A History Of The Direct Taxation Of The African People Of Kenya, 1895-1973*. PhD Thesis Rhodes University. 2004.

⁴⁹ Van Zwanenberg, R.M.A, *Colonial Capitalism and African Response, 1919-1939*. Nairobi, 1975.

⁵⁰ KNA/NK/DC/1/1/2-Political records.

Table 3.1 North Kavirondo District: Taxation (Thousands of Rupees) 1901-10

Years	Hut & Poll Tax
1901-1902	04
1902-1903	18
1903-1904	36
1904-1905	57
1905-1906	91
1907-1907	95
1907-1908	98
1908-1909	90
1909-1910	87

Source: KNA/NK/DC/1/1/2-Political Records.

Colonial chiefs played a key role in the collection of poll and hut taxes especially during the First World War. In Nyanza Province, the then PC John Ainsworth's visionary action to increase taxation and tax collection was overwhelming. The PC through his DCs mobilized colonial chiefs to ensure optimum tax collection. By mid-October 1915, approximately 28,000 rupees had been collected with 17,000 of it coming from Africans. At the same time as money was being collected for the War Relief Fund, the newly increased hut tax was being collected. The increase in the tax from five to six rupees was high, since wages stood at six rupees per month. Even for those who were wage earners meeting the tax obligation was not easy in the face of increasing prices of consumable goods. For those who farmed, more produce had to be sold to raise money to pay the mandatory taxes. These adverse conditions resulted in the migration of a large number of people from the border districts of North Kavirondo, to Uganda to avoid paying the tax. The options available to the local population were few i.e. emigration or harassment and impoverishment.⁵¹

Accordingly, the creation of the office of a headman, which served as a means to maintain the British authority over the Babukusu, marked the beginning of a new set

⁵¹ Ndege, G.O: *Health, State and Society in Kenya. The face of Contact and Change.* University of Rochester Press. 2001.

of institutions that superimposed on the traditional ones during the colonial period. These colonial administrative institutions were aimed at maintaining law and order, mobilize labour, collection of taxes and service the economy.⁵² Chiefs had express authority to use force where necessary to ensure that colonial policies were complied with. In some cases, African chiefs were embodiment of the brutality and heartlessness of the colonial state. Chiefs in colonial Kenya extorted money from virtually everyone in their administrative areas. They took land, livestock and even demanded attractive women to sleep with. Agents of Chief Nabongo Mumia of the Wanga 'sub-tribe' in Western Kenya were particularly notorious for this kind of behaviour.⁵³ Nevertheless, all these atrocities were committed under the cover of tax collection.

During the First World War, the main responsibility chiefs, was to intensify tax collection. The tax was meant to finance the war. Table 3.2 indicates that, taxation had almost doubled by the end of the war. It can arguably be said that taxation during this period was meant to exploit Africans and promote the interest of the colonialists.

Table 3.2: Tax Figures for Various Districts in K£ During the War Period: 1914-1918

District	1914	1918
Nairobi	12, 633	11895
Kiambu	107,766	194,431
Machakos	151,766	266,295
Kitui	11,589	197593
Kisumu	270939	548920
North Kavirondo	383565	639900
South Kavirondo	250965	-

Source: Tarus, I. K. *A History of the Direct Taxation of the African People of Kenya, 1895-1973*. Ph.D. Thesis. Rhodes University. 2004, 71.

⁵² Aseka, Eric M. "*Political Economy of Buluyia: 1900 – 1963*" (Ph.D. Thesis, History Department, Kenyatta University). 1989, 18-19.

⁵³ Kisiang'ani, E.N. "*Rethinking Franz in the Context the kenyan Decolonization Experience, 1895-1992*". 2003. 79-81.

Table 3.3 demonstrates the increasing taxation levels from 1913 to the end of the First World War. The increase was a strategy for the colonial government to fund the increasing financial demands of the war. Economic exploitation of Africans through taxation was an indication why African elite in the early 1920s agitated for reduced taxation.

Table 3.3 Hut Tax Collection (in Rupees) in Nyanza Province, 1913-1914.

	Central Kavirondo	North Kavirondo	South Kavirondo	Total
1913-1914	270,939	383,565	250,965	905,469
1914-1915	303,354	417,126	263,928	984,408
1915-1916	308,556	426,357	253,326	988,239
1916-1917	501,460	661,245	429,685	1,592,390
1917-1918	548,920	639,000	478,120	1,666,040
1918-1919	565,835	646,970	496,790	1,689,595

Source: KNA/DC/NN/3/1 North Nyanza District Political Record Book up to 1910.

Other than chiefs' role in taxation, during the First World War period chiefs had been instructed by the colonial government to recruit able bodied young men to fight in the war majorly as carrier corps. Chiefs used force to recruit Africans because majority of the Africans were unwilling.

Colonial chiefs played a crucial role in labour recruitment. Africans were recruited to offer labour for public works. A number of Africans were also recruited to work in European White Highlands. However, apart from labour recruitment, African chiefs were ordered to select able bodied men to be recruited as carrier corps during the First World War. Table 3.4 demonstrates the reduction in number of labour recruitment to pave way for increased numbers for recruitment of carrier-corps.

Table 3.4: Labour and Carrier Corps Recruitment, 1914-1918 in the North Kavirondo District.

Year	Carrier corps	Labour
1914-1915	4,372	6,022
1915-1916	7,459	5,555
1916-1917	6,469	4,203
1917-1918	10,036	3,872

Source: KNA: DC/ NK/1/1/1.

From the foregoing observation, African communities in the entire North Kavirondo did not get value for their taxes. The new taxation system was too alien to them. The Bukusu and the Sabaot were forced to migrate to the neighbouring Uganda and Trans-Nzoia to avoid the wrath of colonial chiefs such as Murunga and Sudi for failure to pay taxes. Sudi and Murunga were polygamous with many huts but they never paid taxes. Their relatives and tax agents also never paid taxes. The rich who had the ability to bribe chiefs also escaped the tax man. It is therefore true to say that, it is the peasants who footed the colonial bill via taxation.

Nevertheless, chiefs issued orders restricting the manufacture of African gins and whiskies, the holding of drinking bouts, the cultivation of bhang, the carrying of arms and mobilization of labour without pay for public labour. Over time the role of chiefs gradually evolved and enhanced local governance, ironically taking care of the metropole interest.

3.4 The Profile of Colonial Chiefs

Prior to the scramble and partition of East Africa, the Wanga Kingdom had ties with foreigners including the Arabs the Swahili and the Europeans. Initially, the British had earlier on occupied Uganda and had little interest in the region which is now Kenya. It was through Mumias that the influence of the British hitherto confined

largely to Uganda slowly began to radiate into western Kenya. This influence was amplified with the signing of the Heligoland Treaty in 1890 when the Germans formally recognized Uganda and Kenya as part of the British 'sphere of influence'. Thus, it was from Uganda that the British occupation spread into modern Kenya.⁵⁴

However, King Mumia's collaboration with the British was coined on Lugard's policies which were applied by Early European officials especially in forging friendship with African traditional rulers. European powers used gifts in terms of lucrative goods to win African chiefs in signing of treaties. The content of such treaties were never understood by the African chiefs but the value of such treaties was to legitimize European presence within various African territories. In most Agreements, mining rights were exclusive to individual European Powers.⁵⁵

Imposing Wanga leadership on the Bukusu, Tachoni and Saboat communities in Bungoma was a strategy by colonialists to replace the African political systems with the new colonial system of indirect rule. Walter Rodney ably argues that to be colonized is to be removed from the tradition.⁵⁶ The Wanga chiefs were being used in implementing the Lugardian concept of indirect rule which simply legitimated imperial local governance strategies aimed at dominating Africans by subjecting them to vagaries of political, social and economic inequalities. The Wanga served the colonial interest. That is why they received praises from the colonialists. According to colonial records, the Wanga was said to be "the most important tribe in Kavirondo" and were viewed as "more powerful and civilized than any other".⁵⁷

⁵⁴ Cokumu, P.O. *"The Colonial Transformation of Agriculture in Siaya"*, 1894-1945. M.A. Thesis, Kenyatta University.2001, 56.

⁵⁵Leys, N. (1973) *Kenya*. London, Frank Class.

⁵⁶ Rodney, W. *How Europe Underdeveloped Africa*, Nairobi: Heinemann. 1992.

⁵⁷ KNA/PC/NZA/1/11-Political records. Government Printers. 1930.

However, the British manipulated the power equation in North Kavirondo District by inventing empires for Mumia in Wanga and for Sudi Namachanja in Bukusu. The two leaders influenced the local governance system by determining locational boundaries and in the appointment of chiefs. For instance in 1908, Namachanja appointed his son Sudi Namachanja to replace him as a chief of South Bukusu (Bungoma) while Mumia appointed Murunga as the chief of North Bukusu. Murunga was imposed on the people of North Bukusu who comprised a number of Bukusu clans, the Tachoni and the Saboat clans. Murunga was from the Wanga community. The imposition of leaders in Bungoma later on brought conflicts in the local governance system in which Murunga was resisted. Over the years, hatred has been created between the African communities of the North Kavirondo and the Wanga.⁵⁸ Colonial strategy of divide and rule played the Wanga against communities in Bungoma (Bukusu, Tachoni, and Saboat). Indeed this created hatred among communities.

Furthermore, indirect rule often led to recruitment of British collaborative agents and porters into leadership positions. The hand-picked Africans were to champion British imperialism.⁵⁹ Majority of Africans who became chiefs in Kenya up to 1920 had no traditional bases and most of them were selected because they had been effective caravan leaders or labour recruiters or simply because they spoke Swahili.⁶⁰

It is documented that, colonial conquest in Kenya led to loss of sovereignty among African communities as colonial rulers replaced indigenous leaders. This was one of the ironies of British indirect rule. It is noteworthy that, the British colonial

⁵⁸Truth, Justice, And Reconciliation Commission Report, 2013.

⁵⁹Ndege, P.O. Colonialism and its Legacies in Kenya.2009, 2-3.

⁶⁰ Ogot, B.A. *Zamani: a Survey of East African History*. Nairobi: Longman, Kenya. 1973, 261.

administration reflected orders from the metropole, rather than the consensus of community leaders.⁶¹

Kakai⁶² and Mukeyi⁶³ observe that colonial chiefs in Bungoma such as Namachanja and Murunga ruled with dictatorial tendencies to ensure that their subjects complied with the colonial policies. Communication was one way; chiefs communicated government policies to the people during chief's *Barasas* (Meetings). In most cases policies were implemented in total and were not supposed to be subjected to the tenets of democracy such as public participation. Those who resisted the new local governance system sometimes were subjected to torture and even tried before chiefs' tribunals and imprisoned in Kakamega. During the pre-colonial period, meetings among the Bukusu were referred to as *chitolondo*. During such meetings, elders debated over a number of issues before a policy could be arrived at. However, the new colonial state led to transformation of *Chitolondo* into chiefs' *Barasas*.

It is interesting to note that, at the initial stages of colonialism, imperialists created two groups in Western Kenya, the collaborators and those who resisted. Collaborators such as the Wanga were rewarded with leadership positions while those who resisted such as the Bukusu and Tachoni were punished in their own land. On the basis of African resistance, the colonialists engaged in a process in which they created a dual world, a world that comprised groups on the basis of race, religion, economic class or ethnicity. Using colonial policies, of indirect rule, some communities were discriminated against whereas some were inadvertently favoured.⁶⁴ The chief's position was created to bridge the gap between Europeans and Africans. Chiefs were

⁶¹ Ibid.

⁶² Kakai, P. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts* 2000, 113-114.

⁶³ Mukeyi, O.I. 2001.

⁶⁴ Fanon, Frantz. *The Wretched of the Earth*. 1968, 37-93.

chosen from among the collaborating Africans whose loyalty was undoubted. Those who resisted were subjugated and subjected to the rulership of chiefs from foreign communities like as mentioned earlier chief Murunga over North Bukusu⁶⁵. In colonial mind, the purpose of the new local governance system was efficient in implementation of colonial policies, which Murunga according to archival sources performed well.⁶⁶

Consequently, Namachanja and other Bungoma leaders such as Sifuma of the Tachoni were expected to operate within the colonial framework of control by virtue of their new positions; they had to take an accurate account of the new rules, laws and regulations promulgated by the colonial power. Chiefs ensured that the forceful labour recruitment from Bukusuland was achieved. They were expected to recruit labour on behalf of the settlers and the government respectively. They were also supposed to provide communal labour for public works programs.⁶⁷ Ultimately, every member of the community had to act and behave in conformity with the requirements of the new framework of the imperial rule rather than the pre-colonial one.⁶⁸

However, it is revealed that in some cases, African political territories were artificial. In 1896, North Bukusu which comprised several communities such as Bukusu clans, Tachoni and Saboat Clans were put under one Wanga Chief Murunga; South Bukusu which comprised several Bukusu clans and the a Batura were forced under Chief Sudi. Putting various ethnic communities under one chief was a strategy of divide and rule which worked because one community was played against the other. Arbitrator

⁶⁵Kisiang'ani, E.N. *"Rethinking Franz in the Context the Kenyan Decolonization Experience, 1895-1992"*. 2003. 79-81.

⁶⁶KNA/PC/NZA/3/51/2/1. Political Records, Nairobi Government Printers.

⁶⁷Zezeza, P.T. *"Dependent Capitalism and the Making of the Kenyan Working Class during the Colonial Period"* Ph.D Dissertation, Dalhousie University. 1982, 27-28.

⁶⁸Wafula, P. *Politics and Nationalism in Colonial Kenya* 2000, 126.

was the DC who would come in as a solution, hence creating the European superiority and justifying their rulership and veto power in local governance.⁶⁹

Notably, administrative divisions regardless of clan affiliations, was key to the system of indirect rule and effective local governance. However, John Ainsworth reported to Nyanza as a new PC having worked among the Kikuyu and the Kamba. He found the Kavirondo District in considerable disorder. To improve and facilitate administration, North Nyanza was divided into sub-districts and administrative zones in 1908. There were eight administrative units and locations, including North and South Bukusu.⁷⁰

Following Ainsworth directive, the boundaries were drawn in 1908 by Mumia, his brother Suleiman Murunga and Geoffrey Archer, the then Acting DC of North Kavirondo. North Kavirondo was divided into eight administrative units known as locations as follows.⁷¹ Table 3.5 shows a list of colonial chiefs. In addition, Nabongo Mumia in most cases sent his relatives as chiefs in foreign lands. For instance Murunga was posted to North Bukusu, Wambani to Batsotso, Shiundu to Kabras and Milimu Western Kakamega.

Table 3.5: Colonial Chiefs 1908

Chief	Administrative area
Nabongo Mumia	Wanga, Marama, Ugenya, Marachi, Samia, Uhehe, North Unyala and Kakalewa.
Murunga	North Kitosh, Walagu, Wangoma, Ekony, North Wamia, Tatsone.
Sudi	South Kitoshi
Kivini	East Kakamega
Milimu	West Kakamega
Wambani	Watsotso
Tomia	Mukulu
Shiundu	Kabras

Source: KNA P.C/NZA/1/3 Nyanza Province Annual Report. Nairobi. Government Printers-1907-1908.

⁶⁹ Nakitare, M. *A Pre-Colonial History of Abatachoni* 1991, 81.

⁷⁰ KNA P.C/NZA/1/3 Nyanza Province Annual Report. Nairobi. Government Printers-1907-1908.

⁷¹ Ibid

Shortly after the establishment of locations and the appointment of chiefs and headmen, one further element was added. This was the appointment of Mumia, the Wanga chief as a paramount chief over all the chiefs and headmen of the North Kavirondo on November 1909, by the DC, K.R Dundas.⁷²

However, as the preceding sub-section has intimated, the end of Lumboka-Chetambe resistance marked a clear ascent of Wanga domination in Buluyia, Teso and the Sabaot section of the Kalenjin. By 1902, Mumia was similarly receiving official colonial recognition under the Headman Ordinance of 1902 as the Chief of Buluyia. Later in 1912, he was again recognized as official headman under the Native Authority Ordinance. All headmen and councils of elders in Buluyia by then under North Kavirondo District were subordinate to him.⁷³ Kakai expounds that:

From 1902 to 1912 Mumia went about entrenching himself by appointing mainly his Wanga relatives to serve under him in Luyia areas which were distant from Wangaland. This system was made more visible when in 1908 he and his brother Suleiman Murunga accompanied Geoffrey Archer, the then Acting District Commissioner (DC) of North Kavirondo to divide Buluyia into eight administrative units known as locations. These included Butso, Kabrasi, Marama, North Kitosh, Nabakholo, Samia, South Bukusu and Wanga. No other representatives from other sub-ethnic groups of Abaluyia accompanied Archer. The implications were that some boundaries got demarcated not to the liking of elders in several of those eight locations. This evolved into seeds for future anti-Wanga resentments in Buluyia, Sabaot and Teso communities.⁷⁴

The establishment of colonial rule in Bungoma and the entire North Kavirondo was actualized by implementing the policy of indirect rule. The policy was a reflection of local governance through colonial chiefs. Chiefs were inducted and instructed on the new mandate quite different from the pre-colonial clan heads. They were mandated to collect tax, recruit labour, and maintain law and order, just to mention but a few.

⁷² Osogo, J. A. *History of Abaluyia*, Nairobi: Oxford University Press, 1966.

⁷³ Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts, 1875-1997*, 2000, 95.

⁷⁴ Ibid.

3.4.1 Nabongo Mumia

Nabongo Mumia's brief biography demonstrates his role in the establishment of colonial rule in the North Kavirondo region. Mumia collaborated with the Europeans and ensured that his territory and the neighbouring African communities was under colonial rule. He was the British pointman who helped in the establishment of the system of indirect rule. He was the chief British agent who also participated in the appointment of chiefs. Therefore it can arguably be said that he established the genesis of the new colonial local governance system as articulated in the principles of indirect rule.

It is argued that Nabongo Mumia chose to enter into alliance with the Europeans due to a number of reasons but not out of coercion. Some of the reasons included, need to be protected by the British from the aggressive hostile foes among the Ugenya Luo, Teso, Kabras and Bukusu. His earlier allies, the Arab-Swahili had proved inadequate to give Mumia protection. Secondly Mumia faced legitimacy crisis, having been rated low as heir to the throne by his father Nabongo Shiundu. His father, Nabongo Shiundu had dismissed him as 'weak and feminine in character' preferring Mumia's sister Mayende. For the above reasons, Nabongo as a leader saw it paramount to enter into a strong alliance with the powerful new found allies-the British.⁷⁵ This arguments postulate Nabongo Mumia as a leader who collaborated not because of submissiveness to the British but out of his own volition. However, Mumia became a factor in the establishment of colonial rule.

Mumia ruled the Kingdom for 67 years. He took the throne in 1882 to 1949. From 1908 he was made paramount chief. Mumia was the chief ally of the British. From his

⁷⁵Murunga G.R. *"The Evolution of Mumias Settlement into an Urban Centre to Circa 1940"* M.A. Thesis. Kenyatta University. 1998, 104-105.

capital Mumias, expeditions were sent against the neighbouring communities between 1894 and 1906. The expeditions were largely composed of Buganda and Sudanese soldiers in the service of the British administration in Uganda. Mumia's fighters would also join the expeditions. By 1906, military expedition had been successfully completed against the Nandi Nyang'ori, Sotik, Luo (Ugenya, Sakwa and Seme) and Northern Luyia.⁷⁶ By 1895 after subduing the Bukusu, the region was under the British rule. In 1908, the district was divided into locations with officially gazetted chiefs and Mumia as paramount chief. Mumia and his chiefs took charge of the new system of local governance which unlike during the pre-colonial period served the interest of foreigners –Europeans.⁷⁷

Interestingly, G.F. Archer, the DC of Mumias from 1907 to 1908 and his successor, K.R. Dundas declared that Mumia's position resembled that of the Kings of Buganda. His influence extended across the Uganda border to the people on the slopes of Elgon, the entire western Kenya covering Buluyia and part of Siaya. Indeed his influence was beyond the Luyia; he ruled over the El Kony, Teso and Luo.⁷⁸

However, Mumia not only carried eminent political and administrative power, but also exercised jurisdiction over a relatively larger area than any other chief. Almost all the appointed sub-chiefs or headmen were either his blood relations or people he knew personally. Where there was none of the two, his own Wanga agents were hand-picked and imposed on the people.⁷⁹

Consequently, Mumia and his appointees had a number of responsibilities which included collecting poll and hut taxes, recruiting individuals from the indigenous

⁷⁶ Wolf, J. *Differentiation and Integration in Western Kenya* 1977, 73-74.

⁷⁷ Were G.S and Wilson, D.A. *East Africa Through a Thousand Years*.1974, 196.

⁷⁸ Osogo, J. A. *History of Abaluyia* 1966, 25-26.

⁷⁹Nakitare, M. MA Thesis. *A Pre-Colonial History Of Abatachoni*. 1991

communities to offer labour for public works in road constructions and laying of bridges. More importantly to note, during the outbreak of the First World War (1914-1918) and the Second World War (1939-1945), most able bodied young men were identified by Nabongo Mumia's agents. The recruits were conscripted to serve in the wars as carrier corps (locally known as *Karioko*) or pioneer corps (*Panyako*). They worked as soldiers, constructors and they also manned road blocks. In some cases the conscripts were taken from schools into military lorries.⁸⁰ The Mumia's proposal to C.W. Hopley led to the appointment of Namachanja as the chief of Bukusu was the end of the Tachoni, Saboat and the Northern confederal Bukusu political systems. Later on Bungoma was further subdivided into two divisions and a number sub-locations all headed by Mumia's agents. Indeed Mumia's activities shaped the new colonial system of local governance in the area under study.⁸¹

3.4.2 Chief Murunga

Chief Suleiman Murunga was a half-brother of Mumia. He was appointed as a colonial agent in a foreign territory of North Bukusu. From 1908, Murunga was the face of colonial local governance system in the North Bukusuland. As discussed earlier in the previous chapter, North Bukusu comprised a number of ethnic groups with their own independent political systems. Murunga used his agency to subdue any form of resistance from the local communities.

It is on record that, Murunga was the first chief to organize a proper hut tax levy with tickets attached to huts. That is why the circumcision year of 1908 was called 'Biketi'. Murunga did not find it easy to establish himself. In October 1908, five askaris of Murunga tried to confiscate rifles belonging to an African. They were attacked and

⁸⁰ Wafula, P. *Politics and Nationalism in Colonial Kenya* 2000

⁸¹ Ibid.

two of them were wounded. In November the same year, there was another patrol led by the DC himself to recover guns. The total number of rifles confiscated from Bukusulad from September to December was 582. The purpose of the colonial administration to recover guns from the local community was to entrench the new forms of local political control with minimal resistance.⁸²

It is important to note that, the reason why Murunga was appointed the chief of North Bukusu was the unwillingness of the Northern Bukusu to be governed by Sudi. Therefore, Murunga was imposed and he was never liked by his new subjects. One case in file indicates that he was accused of misuse of power. Chief Tendetti lamented that the authoritarian chief Murunga who ruled the Bukusu, the Tachoni, the Bok (Walagu), the Bongomek (Wang'oma), the Kony (Elkony) and the Iteso (Wamia) used to flog the Bok, Bongmek and Kony in an attempt to compel them to work as porters and offer labour in road/bridge construction. Chief Murunga dictatorial tendencies against the Sabaot took place between 1908 and 1909. Tendett by then was an assistant chief serving under Murunga therefore he could not have challenged his boss hence this led to the Sabaot clans of the Bok, Bongomek and Kony, to flee from Murunga's jurisdiction to different destinations including Eldoret, Kapenguria, Kitale and even Sebei in Uganda.⁸³

The Kony escape from Chief Murunga created space where the Bukusu eventually occupied. The Bukusu were migrating northwards to escape from the colonial influence.⁸⁴ This explains why at the present time, a good number of the Bukusu occupy the Mt Elgon region on the North East of Bungoma County. As aforementioned, taxation was also one of the features of the colonial governance

⁸²KNA PC/NZA/3/1.Nyanza Province, Annual Report. Nairobi. Government printers. 1910-911

⁸³ Wafula, P. *Politics and Nationalism in Colonial Kenya* 2000.

⁸⁴KNA/PC/EN/3/1/3.Nyanza Province, Annual Report. Nairobi. Government Printers. 1912-1913.

system, that led to the Bukusu migrating away from Murunga occupying vacant land on the slopes of Mt Elgon.

However, the colonial administrator H.H. Harne alleged in 1913 that Murunga's influence was less felt among the Abatachoni. He noted that the Abatachoni had refused all colonial authority directives including road making. By 1916, when Sifuma Iyaya was replaced by his son Murumba as headman (assistant Chief) of Abatachoni under chief Murunga, Murumba collaborated and implemented colonial policies.⁸⁵ On the basis of the above account, Murunga became the chief of the Tachoni and Iyaya was reduced to an assistant chief. This was the end of the Tachoni political system and the emergence of the new colonial local governance system in which the chief was answerable to the colonialists. From 1916, assistant chief Murumba became the new colonial agent and pointman among the Tachoni.

Murunga's little liking of the Bukusu, the Saboat and the Tachon influenced his decision of encouraging Abakhayo, Abawanga and the Teso to settle around Kimilili. The newcomers became farmers and of course submissive servants to Murunga. This explains why the Teso settled in Kaptola, Kamutiong'i, Sosio and Chesamisi regions. There is also heavy presence of the Wanga in Kimilili. The Wanga community in Kimilili are mainly Muslim and to a large extent Bukusunized. The movement of the Teso and the Southern Luyia communities to Bukusuland epitomized submissiveness to the new local system of administration.⁸⁶

However, communities in North Bukusu devised survival tactics against colonial administrative agency, sentiments against Murunga were permeating throughout the area of Abatachoni, Babukusu and Sabaot. The Murunga factor made the three

⁸⁵ KNA/NZA/ 1/2/3. Nyanza Province Annual Report. Nairobi. Government Printers 191-1917.

⁸⁶ Ibid

communities file petitions to the colonial DC and PC rejecting Murunga's administration. His character attracted too much hate from his subjects.⁸⁷ The archival record dated July 4th 1922 indicated that the acting DC Pease fined Chief Murunga Shs. 250/- for taking a 'Kitosh' woman against her will and without the father's consent. Murunga had ordered and instigated the flogging of her father by headman Waluchio when she ran away. Her father's cattle were seized.⁸⁸

It is noted that, Chief Murunga carried out his work with brutality. This led to the Bukusu fleeing and occupying what chief Tendetti alleged was Sabaot ancestral land. This is evidenced by a petition filed at Kakamega Tribunal Court by Chief Tendetti against the Bukusu encroachment on Sabaot ancestral land.⁸⁹ Murunga used his agency to achieve divide and rule strategy which was common in the indirect system of administration.

In the eyes of the government, Murunga was a dedicated servant/agent, worthy of praise. On the contrary, the people upon whom he was imposed saw him as an oppressor and a very unlikeable ruler. There is no doubt, however, that Murunga was an instrumental force in embracing colonial rule in Bungoma. The work he did for the government was to say the least, so creditable for it served its intended purpose of effective colonial administration. Murunga's role cannot be underestimated in the genesis of the colonial local governance system.

3.4.3 Chief Kirwagindet Kimingich

Chief Kirwagindet Kimingich pioneered the process of collaboration between the Bok and the British. His signing of documents to collaborate with the imperialists paved

⁸⁷ Ibid

⁸⁸ KNA/PC/NZA/1/2/3.Nyanza Province Annual Report.Political Records. 1922-1923.

⁸⁹ KNA/PC/NZA/3/14/23.Nyanza Province Annual Report.Political Records. 1921-1922.

way for the British invasion and colonization of the entire Sabaot community.⁹⁰ The process of collaboration started in 1889, when Frederick Jackson representing the imperial British East Africa company (IBEAC) travelled to Mt. Elgon. In February of 1890 he signed a treaty' with Kirwagindet Kimingich of Bok in Mt. Elgon effectively bringing the entire Sabaot clans under British rule.⁹¹ The activities of Chief Kimingich laid the basis for the establishment of the colonial system of indirect rule.

3.4.4 Chief Namachanja *wa* Khisa.

After the defeat of the Bukusu in 1895 at Chetambe Fort, three elders were invited to Mumias. They were Wandabwa from Nalondo near Kabuchai Hills, Sifuma of the Tachoni tribe, who lived near Broderick Fall and Chetambe hills, and lastly Namachanja, who lived nearest to Mumias. It is said that each of these three elders were asked to pick out their people from among the captives. Wandabwa and Sifuma only took a few, but Namachanja claimed all of them. That was the reason why Hobley saw wisdom and leadership in Namachanja and made him the chief of the entire Bungoma.⁹²

It is evident that at the end of Chetambe war 1895, various clan leaders of Abatachoni and Babukusu reclaimed the captured people at a prize. It was at this reclaiming parade that Namachanja son of Khisa outwitted his Bukusu and Tachoni colleagues. Whereas Sifuma (Tachoni leader) Wandabwa Musamali of Batukwika clan, Namasaka Kiteki of Balunda clan, and Makhaso of Bamusomi clan chose selectively only captives who hailed from their respective areas of jurisdiction and even left out many of their own people despite them yelling and protestations about being under

⁹⁰ Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts, 1875-1997*. 2000, 85.

⁹¹ KNA/ PC/NZA/13/1/1. K. Dundas. Nairobi. Government Printers. 1909.

⁹² Wolf, J. *"Religious Innovation and Social Change among the Bukusu"* 1971, 79.

those leaders' jurisdictions. Namachanja having been briefed by his in-law Mumia on the expectations of Commissioner C. W. Hobley, accepted all the remaining captives without bothering about their previous areas of residence. In a nutshell the shrewdness on Namachanja's side earned him a colonial privilege.⁹³

The other reason why Namachanja was favoured by the colonialists was his close relationship with the Abawanga, two of his wives came from the Wanga. In fact during slave raids, Bakhone clan was never raided by the Abawanga. This explains why in 1896, King Mumia influenced C.W. Hobley to appoint Namachanja *wa Khisa* as the Chief of the Bukusu. Due to the relationship between Namachanja and Mumia, his fellow Bukusu clans like Balonja, Bayundo, Baengele, Batecho, Bamuyonga and Balunda developed great enmity with Namachanja himself and his Bakhone clan in general.⁹⁴ It is therefore arguable that Namachanja apart from being imposed on the Tachoni and Saboat, his own Bukusu clans rejected him as the colonial agent in the new system of indirect rule.

However, against all odds, Namachanja henceforth became the chief of the entire ethnic communities living in North and South Bukusu. His new roles were quite different from the traditional roles he played as the clan head of the Bakhone Bukusu clan. Namachanja's new role was cushioned by the 1902 Headman Ordinance to ensure a smooth transition from the pre-colonial system of administration to the colonial local governance system.⁹⁵

⁹³ Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts, 1875-1997*, 2000, 93.

⁹⁴ Wafula, P. *"Imperialism and Collaboration in Colonial Kenya: A Case Study of Ex- Chief Sudi Namachanja of South Bukusu Location, Bungoma District C.1907-1950"* B.A. Dissertation, Kenyatta University. 1996, 46.

⁹⁵ Wolf, J. *"Religious Innovation and Social Change among the Bukusu"* 1971, 71.

3.4.5 Letia (Chief) Sifuma (Nyikuri Iyeya).

Sifuma a Tachoni Letia was in power up to 1895 during the British invasion of Chetambe Fort. During the invasion, the Abatachoni under the leadership of Sifuma combined forces with the Babukusu to fight the British invasion. It is argued that, when the British imperial troops became overwhelming, Sifuma and his military chief Chetambe advised Bukusu leaders such as Namachanja and Wandabwa to vacate the fort but majority of the Bukusu and a few Tachoni remained behind. Sifuma moved his people to the far North East occupying some regions such as Magemo, Ndivisi, Lugusi and Kibisi. Those who remained behind to fight the imperialists were mostly killed and captured.⁹⁶ Sifuma's wisdom saved his people from the British gun fire.

It should be noted that colonial invasion in Bungoma County and the episode at the Tachoni Chetambe forts led to a complete erosion of the Tachoni Political institutions. Placing a whole Tachoni *Letia* (King) under Namachanja and later on under an appointed Wangi chief Murunga was a humiliating experience, this explains why as evidenced by a number of sources, the Tachoni became defiant to the new system of indirect rule. However, Sifuma acceptance of a junior position as an assistant chief during a diplomatic mission in Mumias subjected the Tachoni community to the new system of local governance.

3.4.6 Chief Sudi Namachanja (1876-1971)

Sudi was born around 1875 after Namachanja's long search for heir-boy. He was the son of the great chief Namachanja of the Bakhone. He grew up as a young fine boy. It is said that at the age of around 20 years, Sudi had a lot of wisdom just like his father. Sudi succeeded Namachanja *wa* (son of) Khisa as the leader of the Bakhone and later

⁹⁶ Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts, 1875-1997*.2000, 93.

on by extension the *de facto* Bukusu leader. From 1907, Sudi was appointed by the British imperialists as the Bukusu colonial chief. He made friendship with Nabongo Mumia. Just like Mumia, he was a British collaborator and informer who helped the British Government implement its policies in Bungoma.⁹⁷ It's said that Nabongo being a British informer and point-man in the Western region of colonial Kenya influenced Sudi's appointment as a colonial chief of the Bukusu, he later on became a paramount chief.⁹⁸

He followed the footsteps of his father chief Namachanja in entrenching the colonial system of local governance.⁹⁹ He also used his agency to acquire traditional wealth in form of women, animals and land. In addition, marrying many wives from different Bukusu clans was said to have strengthened Sudi's ties and solidified his political position as an overall Bukusu leader in the colonial local governance system.¹⁰⁰ It is on record that, by the time of his death, he had married 117 wives and sired 117 children among them, the late Cardinal Maurice Otunga. He died in 1971 at the age of 95 years¹⁰¹.

It is argued that at one point, Sudi became unpopular by running an underground movement that robbed the neighbouring Bukusu clans off their livestock. He did this by taking the advantage of his agency as a colonial chief. It is alleged that Sudi worked with Mumia to raid livestock belonging to other Bukusu clans such as Balonja, Bayundo, Batecho, Balunda and Bayonga. His notorious dealings went beyond Bukusu land. In collaboration with Mumia, Sudi hired the Maasai and the

⁹⁷Mukongolo, O.I. 2021.

⁹⁸ Ibid

⁹⁹Sifuna, O.I. 2021.

¹⁰⁰Wasike, O.I. 2021.

¹⁰¹ Ibid

Nandi of Uasin-Gishu to enhance his raiding activities of the Northern Bukusu clans. Sudi became rich out of his dirty dealings.¹⁰²

Despite earlier Bukusu resistance in the late 19th Century, Sudi championed for the Bukusu collaboration with the British. In his wisdom, he had realized that the British were too powerful to resist. Sudi sought the support of the Wanga and the British to pacify the resisting Bukusu Northern clans.¹⁰³

In a nut-shell, Sudi was said to be a wise and cunning British agent who rose to become the Bukusu paramount chief. On one hand he was remembered as a generous man known of his gifts to his subjects while on the other hand a greedy and primitive capitalist who took advantage of his chieftainship to accumulate property in terms of livestock, land, wives, bicycles and later on cars. Sudi took the advantage of the Native Labour Recruitment policy to recruit Africans for colonial public and private works as well as his large farm.

From the profile of the colonial chiefs, it can be deduced that, their roles included collection of taxes, maintenance of law and order, and general implementation of government policies. However, the system of chiefs became unpopular at the grass root due to chiefs' arrogance, corruption, immorality, incompetence among other vices. Challenges that faced the system of indirect rule through chiefs led to the establishment of LNCs in 1924 as it will be discussed in the next chapter.

3.5 The Local Governance Situation, 1918-1924

With the aftermath of the World War I, the growing political awareness among the Africans and the establishment of the Kenya Colony necessitated changes in the way

¹⁰² Wafula, P. *Imperialism and Collaboration in Colonial Kenya*. 1996

¹⁰³ Ibid

the colony was governed. The establishment of LNCs by the passage of the Native Councils Ordinance of 1924 was in response to the above mentioned factors.¹⁰⁴

Archival records reveal that the LNCs were established in 1924 as part of the colonial administrative machinery. This was through a bill initiated by the Governor, Sir Robert Coryndon under the Native Authority Ordinance of 1923. Under the Ordinance, LNCs were to be established in the African districts with limited powers of taxation and self-government.¹⁰⁵

The establishment of the LNC was an experiment to identify suitable administrative structure for Africans. Through trusted chiefs and headmen, the DC nominated 'safe' African representatives to sit on the LNC meetings.¹⁰⁶ LNCs comprised of a few pro-government Africans in the colony to help him implement colonial policies. Closer administration to the Africans meant more and efficient machinery for the collection of the hut and poll taxes.¹⁰⁷

The initial LNCs evolved in an *ad hoc* way in response to local circumstances. LNC evolved first in areas where the African elite were more agitative and concerned about African welfare. Such regions of pro-active mission educated young men included central Kenya and the Kavirondo.¹⁰⁸ The colonial authority aimed, through the local government, to co-opt the growing number of mission educated African men in governance and prevent the development of a national political organization. The First

¹⁰⁴Barasa, T. and Eising, W. *Reforming Local Authorities for better Service Delivery in Developing Countries*. Nairobi: Institute of Policy Analysis and Research. 2010.

¹⁰⁵ KNA/PC/NZA/3/4/2-Political Records. Nairobi. Government printers. 1926.

¹⁰⁶ Kipkorir, B.E. *Descent from Cherang'any Hills*. 2009, 173.

¹⁰⁷Mambo, R.M. Local Native Councils and Education in Kenya 1981, 61.

¹⁰⁸Ibid 15-16.

World War ex-soldiers and the mission educated Africans were agitative in approach and this was a threat to the colonial government.¹⁰⁹

It is documented that, James Beuttah helped young African elite to form the Young Kavirondo Association. The association was concerned with the abuse of Africans and the question of African political representation. During the First World War, thousands of Africans were forced into the KAR as carrier corps and a large proportion were never seen again. Those who survived and came back enlightened their fellow Africans by mobilizing them to fight for their rights.¹¹⁰

YKA was the political vehicle available for Africans to communicate their demands to the colonial government. After the First World War, taxes were increased from 5 - 10 rupees and the Kipande system was thoroughly enforced. The educated elite of YKA mobilized the masses against such injustices. Even though Archdeacon Owen noticed that the colonial government was likely to crack the whip on YKA. He therefore, formed Young Kavirondo (Luo) and Kavirondo Tax Payers Association (Luyia).¹¹¹ Even though Owen seemed to have diluted the effectiveness of a regional political outfit such as YKA, the message to the colonial government was clear that the young African elite were much more in control of the grass root than the chiefs. Political activities by the African elite and the formation of YKA can arguably be one of the reasons why the entire Nyanza province was second to establish LNCs after the central Kenya.

Although European settlers had demanded and achieved representation in the LegCo, African interests were supposed to be dealt with by the native authority system. It was

¹⁰⁹ Kitching, G. *Class and Economic Change in Kenya: The Making of an African Petite Bourgeoisie 1905-1970* (New Haven: Yale University Press, 1980). 1980, 188.

¹¹⁰ Ochieng' W.R. *A history of Kenya*. 1985.

¹¹¹ Ibid.

not until the upsurge of the Piny Owacho movement among the Luo and the Young Kikuyu Association among the Kikuyu in 1922 that the colonial administration considered African representation at the local level.¹¹² After the 1914-1918 World War, there was the need to establish local bodies and give them increased responsibility in financing the development of agriculture, roads, schools and other social services.¹¹³

Local government in colonial Kenya acted as a strategy by the colonialists to operate safely. As mentioned earlier, the colonial administration first created LNC in the years 1924-1925 in Central and Nyanza provinces-those areas where political agitation had manifested itself, fostered by the first set of Christian mission educated young men.¹¹⁴ It is observed that, LNC was simply a shield with which the government protected itself from the Africans.¹¹⁵ It is worth noting that by the early 1920s Africans were more agitative than before. G.V Maxwell, the CNC was the architect of the LNCs. He designed the council to divert African elite from anti-colonial politics. Maxwell introduced a system which he derived from Fiji and which, therefore, he intended to cover all African areas.¹¹⁶

3.6 Conclusion

This chapter has examined the establishment of colonial rule in Kenya with a clear focus on the area under study. The genesis of the colonial system of local governance, 1895-1924 has been detailed. The chapter discussed the character and role of African chiefs in the conquest of Kenya and subsequently establishment of colonial administration, with specific focus on the study area. It has emerged that, chiefs

¹¹² Ndege, P.O. *Economic Change in Kasipul and Kabondo* 1987.

¹¹³ Ibid

¹¹⁴ Kipkorir, B.E. *Descent from Cherang'any Hills*. 2009.

¹¹⁵ Odinga, O. *Not Yet Uhuru: An Autobiography of Oginga Odinga*. London. 1967.

¹¹⁶ ibid

played a number of roles such as tax collection, maintenance of law and order, control of illicit alcohol, mobilization of African labour and identification of African able men into the Kings African Rifles (KAR). In addition, the chapter evaluated the system of indirect rule as an epitome of local governance. A discussion was centred on the local government situation in the post-World War 1.

The chapter has demonstrated that the success of British administration was based on the effectiveness of the local governance system by African chiefs. The introduction of local administration below the DOs was characterized by a colonial concept known as indirect rule which was necessitated by identifying, recruiting and appointing chiefs to act as conduits between the colonial state and the Africans at the grass root.

It was established that, in early 1920s, the system of local governance through chiefs became unpopular hence ineffective to drive the colonial policies. Chiefs become almost moribund in driving the British imperial mandate due to a number of reasons already explained in this chapter.¹¹⁷

From the chapter, evidence indicated that, in response to a variety of internally and externally generated forces and factors, the protectorate administration sought to broaden administrative base, a departure from a virtual dependence upon chiefs and headmen as a sole recognized channel of communication between Africans and the colonial administration.¹¹⁸The anticipated form of local governance as we shall see in the next chapter was the LNC.

¹¹⁷Berman, B. *Control & Crisis in Colonial Kenya* 1990, 144.

¹¹⁸ Omosule, M. *Ph.D. Thesis Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya, 1974*, 91-92.

CHAPTER FOUR
THE LOCAL NATIVE COUNCIL AND ITS ROLE IN DEVELOPMENT,
1925-1949

4.1 Introduction

The central thesis of this chapter is to establish that firstly, the institution of LNC was meant to improve service delivery in the African rural areas. Secondly LNC was instituted to allow African participation in the running of their affairs through representation at the local level. Lastly, LNC was formed to contain the political activities of the young educated African elite by keeping them busy at the local political arena as councillors.

The major arguments in this chapter were, to start with, LNC as a form of devolution led to improved service delivery in African areas. This is in comparison with when the colonial government was the sole provider of social and economic services through different colonial departments. Thirdly, LNC provided a limited political space through which Africans could freely air their grievances and express their opinion in terms of the trajectory they wanted to develop their district. Finally, due to African nationalism and the atrocities of the Second World War, the colonial state in Kenya started relaxing political control over the activities of LNCs.

The chapter comprises a number of sections, section 4.2, the historical context of LNC. Section 4.3, the political developments and the LNC, section 4.4, focused on an assessment of the political power and responsibility of council members. Finally, section 4.5, the conclusion of major arguments of the chapter.

4.2 The Historical Context of LNC

This chapter is premised on a number of historical episodes. To start with, the question of African representation was getting out of hand after a number of political activities of the African elite and their political movements. For instance the activities of Harry Thuku, and some political movements such the North Kavirondo Association, the Young Kikuyu Association among others was a threat to the existence of the colonial state in Kenya.¹ The Young educated African elite were unhappy because the colonial state denied them representation in the LegCo. The Devonshire White Paper 1923 never resolved the question of African representation after even appointing Dr John Arthur, a missionary to represent the African interest in the LegCo.² In addition, the colonial state used LNC as a clever strategy to restrain African political activities at local district levels. They avoided a situation where Africans would meet at a common national political front likely to champion a common political agenda. This would have been tragic to the existence of the colonial state.³

The world economic recession in the aftermath of the First World War was a challenge for the colonial state to meet its obligations within the colony and the metropole. Therefore LNC was created to improve the Agricultural sector in African areas. The White Settlers at this period were unable to meet the colonial expectations hence need to rely on African production. LNCs voted funds to improve cattle breeding and to introduce hybrid seeds in the African districts.⁴ In terms of expenditure, the colonial state mandated LNCs to raise more taxes to fund various

¹ Smyske, J.B. Problems of Political Representation in Kenya, 67

² Omosule, M. Political and Constitutional Aspect of the Origin and Development of Local Government in Kenya, 1895-1963, 1974. P 84-97.

³ Kariuki, G.G. "Lancaster Constitutional Negotiation Process and its Aspect on Foreign Relation of Post-Colonial Kenya, 1960-1970 p200-213.

⁴ Omosule, M. Political and Constitutional Aspect of the Origin and Development of Local Government in Kenya, 1895-1963, 1974.P 107.

social and economic projects in African districts. Africans were taxed more to fund for their children education, health services, road construction and maintenance among others. It was double taxation on the side of Africans to shift the financial burden from the colonial state to the Africans. The colonial state was already overwhelmed due to the World Economic Depression that was strongly felt from 1929-1933.⁵

African nationalism which re-emerged in the early 1920s and increased its intensity over time was the reason why the colonial state continuously allowed Africans more political latitude in the LNC. Prior to 1949, Africans were allowed to vote for their councillors. After the Second World War, local factors such as increased African nationalism and international factors such as the Pan-African anti-colonial debate, colonial criticism by USSR, and USA, the independence of India and Pakistan in 1947 among other factors accelerated the British Policy of Decolonization. Subsequently, LNCs were allowed more democratic latitude to train Africans in democratic values in the anticipation of liquidation of the colonial state in Kenya.⁶

4.3 The Local Native Council and Political Developments

The North Kavirondo LNC was officially opened in 1925 by the then acting Governor Denham. Denham acted as Governor after the sudden death of Sir Robert Coryndon. The establishment of LNC was in line with the policy of indirect rule which clearly stated the need for natural progress in terms of the ability for Africans to manage their own affairs.⁷

⁵ Tarus, I.K. A History of the Direct Taxation of the African People of Kenya 1895-1973. 2004.

⁶ Wafula, P. Politics and Nationalism in Colonial Kenya, 1996.P 103.

⁷ Dille, M. R. *British Policy in Kenya Colony, Second Edition*. London: Frank Cass & Co. Ltd. 1966, 27-28.

However, the DC, who was the President, could be regarded as being the council itself. The LNC procedure rules were formulated by the DC. He disallowed any motion that was undesirable in the public interest. The initiative for suspending or adjourning meetings or debates on any motion thereby lay with the president.⁸ In 1926, North Kavirondo DC cautioned members against debates that would jeopardize the relationship between the LNC and the colonial government.⁹

Nevertheless, the LNCs in the colonial Kenya consisted of mostly nominated members comprising government chiefs and headmen. The councils were empowered to raise revenue tax of 1sh. per hut and poll.¹⁰ The LNCs represented the colonial government first attempt to provide an administrative agency through which some certain amount of African development could be secured. The DC acted as ex-officio members of the LNC; they had power to veto its decisions. Archival sources reveal that, the councils met quarterly and deliberated on matters pertaining local administration.¹¹

However, in one of the LNC meetings in Kakamega which was the headquarter of the North Kavirondo district, the DC Mr Pease noted that, the formation of the LNC gave an opportunity for Africans to prioritize development projects. He advised the new council members that as the president and chairman of the council, he expected members to make productive contributions in relation to development. He cautioned members against political agitations during his meetings.¹²

⁸ Maiyo, J.K. *Local Native Councils and the Development of Western Education Among the Nandi of Kenya, 1923 – 1963*.M.A. 2019, 54.

⁹KNA/DC/NK/3/2/2. Political Records, Historical and Customs, 1925-1931.

¹⁰Kitching, G. *Class and Economic Change in Kenya* 1980.

¹¹KNA/DC/NK/1/7.North Kavirondo Annual Report. Nairobi. Government Printers. 1927.

¹²KNA/DC/NK/3/1/1.North Kavirondo Annual Report. Nairobi. Government Printers.1929.

Archival Sources reveal that in 1925, the PC in Nyanza province decided that all Chiefs were to be official members of the LNCs and that elected representatives were based on 1 representative to 5000 persons. The DC decision was echoed by the then CNC.¹³ This was the first attempt by the colonial government to allow some form of democracy among Africans.

Archival Sources reveal that chiefs misused their positions by influencing their relatives and friends to become councillors. In his annual report of 1927, the DC of North Kavirondo remarked that Chiefs appointed their own relatives and friends who were eventually appointed to the first LNC. For instance, Market masters were unanimously appointed in 1927. The DC proposed to supervise council elections to reduce the influence of chiefs in the process.¹⁴

However, by 1926, the North Kavirondo LNC emerged as the official organ of the Luyia public opinion, the members of the LNC's used them and their positions as a useful forum for ventilating their grievances. They were keen to use the councils for improvement of their areas and the conditions of individual members. This happened in spite of the fact that their actions and operations were subject to government approval.¹⁵

In 1930, the colonial administration through the North Kavirondo DC insisted that, the younger and educated people should be elected to the LNC, instead of people who had been appointed by the chiefs and only acted and did what the chiefs wished.¹⁶ The decision of the DC later on led to the introduction of elections in which councillors were elected. Africans elected their councillors in a process that involved candidates

¹³KNA-DC/NK/1/1/3. Political Records, Historical and Customs South Kitosh, 1932.

¹⁴KNA/DC/NK 1/8-1927. Political Records, Annual Report. Nairobi. Government Printers

¹⁵KNA/DC/NK/3/2/2. Political Records, Historical and Customs, 1925-1931.

¹⁶ Ibid.

lining up, and then a voter would use a long stick to tap on the shoulder of the preferred choice. The DO served as an electoral clerk, a presiding officer and a returning officer. He would keep the record of the proceedings and then record the most popular candidates and select one from them as a preferred councillor elect to the council.¹⁷

However, chiefs continued as nominated members to the LNC. The first North Kavirondo LNC had chiefs as appointees, including Mulama, Agoi, Murunga, Sudi, Lumadede and Kisala. Apart from the chiefs, two people from each location were elected as members. Accordingly, Pascal Nabwana of North Bukusu, Canon Awori among others were members of the Council.¹⁸

It was noted that, LNCs mentored African leaders in terms of leadership skills. Leaders who grew politically included Pascal Nabwana, Rev Awori, George Agoi among others. However, chiefs continued to serve as members of LNCs with a lot of influence. That is why the position attracted a lot of people and even clan politics took the center stage on who became a chief.

Consequently, by 1935, the Babukusu had succeeded in demanding for the retirement of Wanga chiefs from both Kimilili and Malakisi locations. The success of the campaign against foreign Wanga chiefs in favour of the locals was reflected in the appointment of Amutala in Kimilili and Stephano Wekunda in Malakisi. The exit of foreign chiefs from Kitosh demonstrated the triumph of the Bukusu over the Wanga

¹⁷ Kournossoff, G.M. *The Underlying Causes of the 1952 Emergency in Kenya and a Consideration of Some of the Immediate results.* Columbia; University of British Columbia, M.A Thesis. 1959.

¹⁸ KNA,PC/NZA 3/10/1- Nyanza Province, Annual Report . Nairobi, Government Printers-1924.

and desire to control their affairs. The Bukusu influence was henceforth noticed in the activities of the North Kavirondo LNC.¹⁹

As aforementioned, chiefs were elected and appointed to serve as administrators and also as members of the LNC. It is important to note that from the mid, 1930s chiefs were elected by the people in a given location and then appointed by the DC. However, the DC sacked them at his own discretion.²⁰ Archival Sources indicate that the Assistant Chief Waluchio, Murunga's Wanga kinsperson was forced to resign as an Assistant Chief of Kimilili in August 1930. His place was taken over by Musa Amutala Mayeku from the clan of Balisa. In January 1934, Murunga was transferred to South Wanga whereas Amutala became chief of Kimilili and Chief Tendet ascended to become the chief of Elgon location. In Malakisi, Jeremiah Kukubo replaced Stefano as chief in 1935.²¹

However, some chiefs were unpopular among their subjects. For instance, Chief Kukubo did not stay in power for long; he was accused of favouring his own clansmen- Bakiyabi over the Saboat and other Bukusu clans. He had also fuelled conflicts with the Sabaot by addressing them during Barazas in *Lubukusu* (Bukusu dialect) and encouraging the Bukusu to take much of the Malakisi lands to create a barrier to the Sabaot expansion. Due to these allegations, the North Nyanza District Commissioner K.L. Hunter dismissed Jeremiah Kukubo as a chief in 1945. He was replaced by Jonathan Barasa from *Omukiyabi* clan in 1946 in hotly contested elections against Daniel Simiyu from *Bamisomi* clan.²²

¹⁹ KNA, DC/NK/1/1 1: 1930. North Kavirondo, Political Records-1930

²⁰ Wolf, J. *Religious Innovation and Social Change among the Bukusu* 1971.

²¹ KNA/DC/NK/3/1/2. North Kavirondo, Political Record. 1935 – 1937.

²² Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts*. 2000.

In 1946, the then PC for Nyanza Province made the following appointments of councillors to the North Kavirondo LNC. Table 4.1 indicates the appointments of councillors as both elected and nominated members of LNC.

Table 4.1: Composition of North Kavirondo Local Native Council 1946.

Nominated Members	Elected Members
Chief William Shivachi	PeteroAshiono
Chief HezakiahOkwara	Shem Alusiola
Chief ZaphaniahAbungu	LinoOgada
Chief ZakayoOjuok	AlumasiOdero
Chief Joseph Mutsembi	Caleb Temba
Chief EnyasataSeme	John Adala
Chief MulupiShitanda	ZablonOdhiambo
Chief Jeremiah Segero	Alexander Papa
Chief Amutala Mayeku	BartolomayoSangiri
Chief Jeremiah Ashiruma	Marko Wefira
Chief Sudi Namachanja	Petro Wangagi
Chief Jeremiah Kukubo	LazaroAfwayi
Chief Laurenti Ongoma	John Makatian
Chief Paulo Agoi	Pascal Nabwana
Chief Jeremiah Nyangure	Musa Ambudu
Chief Paulo Amian	Musa Shipiri
Chief OsundwaChitochi	DominicoOsianjo
BakariMukongolo	Erasto Murunga
Rev. Jeremiah Awour	KaspariOlandi
HabilNdagalu	Jeremiah Masidza
SamweliAkolo	Shadrack Otiende
MartinusJairo	Solomon Adagala
Robert Livali	Lumadede Kisala
Roland Tendeti	Japheth Kite
	IsayaNaninde
	Philip Kitoto
	SulemanKapkota
	Mathisa Namajanja
	Jason Kipesa
	Alfred Walucho

Source: The Official Gazette of the Colony and protectorate of Kenya July 30th 1946.

It is clear from table 4.1, that there were more elected members to the LNC than the nominated members. This was an indication that in the post-second World War era, the colonial government allowed more democratic space for Africans especially in choosing their representatives in the LNC. It can also be deduced that the government

was not confident leaving local governance in the hands of elected councillors that is why chiefs were members of LNC.

By 1948, secret voting had been introduced to elect councillors. The process started by securing candidacy in an open baraza. The open baraza was the nomination exercise. After the baraza, the names of successful candidates were fixed on ballot boxes where people cast their votes in favour of their preferred candidates. However, candidates who had not paid taxes for the previous years and the year of voting were denied the chance to vote. The DO was the returning officer during elections. Undesirable characters were denied chances to become councillors by the DO and the DC. Such characters included those with criminal records and those who evaded payment of taxes²³

The other important development in the evolution of local government was that, in 1946, the system of local authority in African areas was extended by the introduction (mainly in Nyanza and Central Provinces) of locational councils as a second tier of local government below the LNC. These locational councils were under the chairmanship and advisory of the locational chiefs.²⁴ The establishment of LACs brought political representation closer to the people. LAC councillors advised the chief who was the chairman.

The first LAC was established in 1946 by the North Kavirondo DC K.L. Hunter. Mr. Hunter made the decision after realizing that young educated elite from Kimilili location were making constant request of replacing the older semi-illiterate chiefs. The D.C also wanted to create harmony in the location. The young educated were

²³ KNA/DC/NN/30- North Kavirondo Annual Report. 1948.

²⁴Hardacre Commission-*Report of the Local Government Commission of Inquiry*. Nairobi, Government printers. 1966.

members of the locational councils in which they were supposed to contribute in terms of ideas. The councils were meant to control the abuse of power of the old generation chiefs. For instance, chief Amutala was supposed to be cut to size after being accused of taking other peoples' land and forcing them as his labourers.²⁵ Development projects were to be undertaken in each location under the overseer of the Locational Advisory Councils (LAC) set up at the locational level to play the same role as that of LNC.²⁶

LNC paved way for Luyiaism. In 1935, Councillors of the North Kavirondo LNC, Chief Paul Agoi, Pascal Nabwana, Laurenti Ongoma and Canon Awori of the Anglican church met and decided to adopt one name for all sub-tribes that were linguistically related although spoke different dialects. They agreed that this large ethnic grouping be referred to as Luyia. The team under Agoi's leadership noted that the Luyia as a group was to benefit much while united than separated. The original Luyia sub-groups included, Bukusu, Maragoli, Samia, Tachoni, Kabras, Banyore, Kisa, Tiriki, Isukha, Marama, Idakho, Wanga, Khayo, Marachi, Batsotso, Batura, Banyala ba Budalang'i, Banyala ba Navakholo. The name 'Luyia', meaning 'those of the same fires', was used as a way of asserting a common identity large enough to entitle them a share of the national cake. After the creation of Luyiaism, the North Kavirondo Central Association was formed in June 1935 to represent the Luyia speaking people. Hence Nationalism and ethnic identity in the Western region (Luyia land) started with the creation of Luyiaism.²⁷

²⁵Wafula, P. *Politics and Nationalism in Colonial Kenya*. 2000,113-114.

²⁶ Wolf, J. "*Religious Innovation and Social Change among the Bukusu*".1971, 100.

²⁷ Nabwera, B.*How it Happened*.Limuru: Kolbe Press. 2017

From the foregoing, the establishment of LNCs in Bungoma was in response to the Native Authority Ordinance of 1924. Initial members of the North Kavirondo LNC where Bungoma County was domiciled were handpicked under the influence of the provincial administration. Colonial chiefs also doubled up as councillors. Moreover, chiefs were heads of LACs. It can be argued that LNCs lacked political autonomy because much of their decisions were influenced by the DCs. From mid 1930s, the public exercised some level of democracy by electing councillors to the LNC. However, the whole process was selection under the influence of the DC/DO. It can be argued that the establishment of LNC for the first time brought leaders together who discussed issues that affected them. These led to the growth of Nationalism and ethnic identity among some communities like the Bukusu. Bukusu Nationalism was epitomized in their action to force out Wanga chiefs and have their own leaders.

Having looked at the LNC and political developments, the next section will examine the role of LNC in social and economic development.

4.4 An Assessment of the Political Power and Responsibility of Council Members in Development

In this section the powers and responsibility of the council members in relation to social and economic development will be discussed. The creation of LNC allowed the council powers to levy taxes to fund service delivery. The council had some autonomy in determining By-Laws and developmental policies.

However, given the paramountcy of Africans to participate in the local native administration, the LNC in some parts of colonial Kenya became a deliberate creation under the Native Authority (Amendment) Ordinance of 1924. Their powers and functions were defined in the Ordinance to embrace the welfare and good government

of the native inhabitants of the areas where they were established in respect of matters affecting purely local native administration, and particularly the provision, maintenance, and regulation of food and water-supplies, forests, roads, bridges, culverts, public health, the use of land, education, markets and market dues, agriculture, and livestock, etc. Amongst the various, services rendered by the LNC, provision of educational facilities occupied perhaps the foremost place.²⁸ As quoted in the Harlley Report of 1940, LNC had a number of functions:

The Local Native Council has a threefold function. As an agency for, local government, it is authorized to impose a local rate and to expend on local purposes the revenue derived from the rate and from other minor sources of income. As a deliberative body it passes By-Laws which when approved by government, have the force of the law. As a consultative body it is empowered to pass a resolution on any subject of interest in the District or on matters of a wider range, whose consideration has been committed to it. As a subsidiary function, it has the position of a local authority under the recent soil and water Conservation Ordinance, and there are also instances in which councils have been required to appoint persons to assist the District Commissioner in matters of land settlement, or in the assessment of compensation for the disturbance of native occupier whose land have to be taken up for public purposes.²⁹

In terms of operations, the North Kavirondo LNC was allowed to raise its own revenue through rates and it was encouraged to spend it on roads, bridges, agricultural extension work, dispensaries and most importantly on education. Councillors from *Kitosh* such as Chief Jonathan Barasa, Pascal Nabwana among others were keen on mobilizing money to promote education. Nabwana and Chief Barasa were trained teachers, hence fully understood the value of educating their people.³⁰ Archival data further reveals that, the council was allowed to raise its own revenue through rates

²⁸ Annual Report on the Social and Economic Progress of the People of the Kenya Colony and Protectorate 1931:3.

²⁹ Harlley Report of 1940

³⁰ Ibid.

and was encouraged to spend it on roads, bridges, dispensaries, agricultural extension work, and education among others.³¹

On the strength of a number of sources consulted, LNC played a major role in the socio-economic development of the study area. We will therefore start by discussing social developments in health and education. In health sector, in 1926, North Kavirondo LNC voted 4,000 shillings to build a maternity home. The local provision of funds for such social projects, moreover, could not have come at a better time for the colonial state. The state, wanted to spend as little as possible to develop medical facilities for Africans. It is noted that the colonial state was reluctant to support the missionary in the provision of health services. In essence the LNCs shouldered the burden of levying rates for the expansion of dispensaries from the colonial government. They, thereby partly resolved the financial problem that had often curtailed the provision of medical facilities in the African reserves. The LNCs became an institutional appendage to the colonial state in the financing of medical services in the African areas.³²

From 1926 to 1934, the number of LNC-constructed dispensaries rose to thirty-nine in Nyanza Province. Out of this number, sixteen were in Central Kavirondo, thirteen in North Kavirondo, and ten in South Kavirondo. It is indicated that quite a number of the health center buildings were permanent. It is on record, the North Kavirondo LNC purchased a lorry principally for transporting patients to hospitals.³³

Additionally, in the public health sector, every endeavor was made to ensure hygiene in the African reserves. Awareness campaign was instituted to ensure that Africans

³¹ KNA,PC/NZA 3/10/1- Nyanza Province, Annual Report . Nairobi, Government Printers-1924.

³²Ndege, G. *Health, State and Society in Kenya*.104-105. 2001.

³³ KNA: PC/NZA/1/25-1930-Political Records.

appreciated the value of washing hands before eating and after answering the call of nature. By 1933, LNC had managed to convince the Africans to impress the use of pit-latrines.³⁴

However, in the late 1930s, Lugulu Mission Hospital was established near Webuye and also served as a pioneer circumcision facility. The facility was established by Missionaries who later on vacated the facility due to financial challenges. However, Lugulu in 1930s was ear-marked by the LNC as a health service provider and received grants from the council. By 1937, Lugulu mission Hospital had started training nurses.³⁵

Other than Lugulu Mission Hospital, the council played a major role in the establishment and financing of a number of health facilities. By 1937, there were fourteen dispensaries in North Kavirondo which received grants from the North Kavirondo LNC. In the study area, apart from Lugulu Mission Hospital, other health centers included, Kibabii and Kabula.³⁶

In consonance with the colonial government policy, the Director of Medical Services was responsible for providing and distributing both medical relief and health staff to the extent allowed in the sanctioned estimates, and he acted in consultation with both the Commissioner for Local Government and the CNC. However, the colonial government major role was policy formulation other than health services. In essence, health services were offered at the grassroots by LNC.³⁷

³⁴KNA/Colonial Annual Report, 1933.Nairobi, Government Printers.

³⁵ Wekesa, B.M. *Cultural Continuity and Change: A Historical Study on Music and Dance among the Bukusu of Bungoma County, Kenya, Circa 1900 – 2012*. Phd. Thesis Kenyatta University.2015, 123.

³⁶ Wagner, G.*The Bantu of Western Kenya*.New York: Oxford University Press. Published Books. 1949, 35-56.

³⁷ KNA Colonial Annual Report, 1940 Nairobi, Government Printers.

In 1949, members of the Malakisi Women Advancing Council (MWAC) decided to contribute money to start their own clinic on harambee basis. The DC, who was also the president of LNC, supported these women and hence the government accepted to build a dispensary at Sirisia towards the end of 1949. Through the activities of the LNC, public health nurses and midwives worked very closely with MWAC.³⁸

From the above evidence, health services in rural areas were offered to a small extent by the colonial government and mostly by mission centers. The establishment of LNC revitalized provision of health services in the African reserves. LNC did not only fund its own hospital projects but also injected resources in mission hospitals. It can be argued that, Africans for the first time realized value for their taxes under the management of councillors.

However, having looked at the health sector, we can now examine developments in education. One of the most memorable legacies of the LNC was the pivotal role it played in the expansion of educational facilities and payment of teachers' salaries. The LNC from its inception was to ensure that the natives themselves played a role in the matters of education of their children.³⁹ LNC compelled their people to pay an extra one shilling for social development especially education. The establishment of schools by the LNCs saw the beginning of a gradual transformation of the Kenyan societies, able to articulate their grievances that ranged from land alienation, employment and taxation. The provision of education remained high on the agenda of council meetings⁴⁰.

³⁸ Nasimiya, Ruth. *The Participation of Women in the Political Economy of Kenya* 1984, 175.

³⁹ Tarus, I. K. *A History of the Direct Taxation of the African People of Kenya, 1895-1973*. Ph.D. Thesis. Rhodes University.2004, 176.

⁴⁰ Ibid: 188

The role of African leaders in the matters of education can be traced as early as 1924 when Sang'alo institute was established. Sang'alo Institute of Science and Technology is currently a public institute of Technology in Kenya. The name Sang'alo was derived from the Bukusu word *Sangala* (happiness). The name was proposed by paramount chief Sudi Namachanja. Sudi donated 550 acres of land in the year 1924 for the construction of the institute. Sudi being a member of the North Kavirondo LNC mobilized funds for the growth and expansion of the institute. By 1925, the institute was managed by Dr Cameron, a Scottish scientist and Veterinarian. The center was established for livestock treatment and inoculation. From 1927, Sang'alo institute started animal breeding for quality meat and improved milk production. Later on the institute became a training center for courses in animal production. Those who successfully went through the institute were employed by the colonial government and others by the LNC as Agricultural extension officers⁴¹.

Notably, in 1934, the colonial government laid a procedure that involved the LNC in the development of African education. The colonial government created the District Education Board (DEB) after the Colonial Secretary dispatched a circular to all PCs on the establishment of DEBs in each African district. The circular advised the DCs on the role of LNCs on the DEBs. LNCs had huge mandate to make decisions on the DEBs.⁴²

DEBs according to the colonial government regulations comprised representatives of LNCs appointed by the councillors and members appointed by the PC. The provisions were that the non-African members were not supposed to exceed the African LNC representatives on the board. In practice, DEBs had six members representing the

⁴¹ Nasimiyu, Ruth., *The Participation of Women in the Political Economy of Kenya* 1984, 175.

⁴² Sifuna, D.N and. Otiende, J. E. *an Introductory History of Education, Nairobi*: University of Nairobi Press. 2006 pge 75.

LNC, four members nominated by PC and the DEO. The chairman of the DEB was the DC who also doubled up as President of the LNC. In essence, it can be deduced that the DEBs were manipulated by the colonial government through the DCs.

However, the DEB's were charged with a number of responsibilities; they included establishment of elementary and sub-elementary schools, the supervision and management of such schools, and the general promotion and improvement of education for Africans in accordance with the directives from the Director of Education.⁴³

At primary school level, education system was much more based on vocational training. According to archival data, at standard five, the class was divided into A- Literary class and B- practical class. However, all boys from standard four were doing carpentry and tailoring.⁴⁴

Table 4.2 summarises data which shows that North Kavirondo LNC gave grants to the following specific schools in the three locations of Bungoma.

⁴³ Maiyo, J. K. *Local Native Councils and the Development of Western Education Among the Nandi of Kenya, 1923 – 1963*. 2019.

⁴⁴ KNA/DC/NK/19 North Kavirondo, Annual Report-1937.

Table 4.2: North Kavirondo LNC Grants to Schools (Shs.)

Location	Aided Schools	Salaries	Repairs Buildings Equipment	LNC Grants	Fees
North	Elementary: Lugulu (FAM)				
Bukusu	Chesamisi (FAM)	1,890/-	931/-	1,916/-	1,508/-
Pop.	Chwele (FAM)	537/-	160/-	815/-	183/-
21550	Kimilili (MHM)	1,128/-	218/-	802/-	501/-
	Butonge (CMS)	624/-	354/-	650/-	375/-
	Sub Elementary: Bokoli (FAM)	376/-	142/-	583/-	138/-
	Misikhu (FAM)	-	100/-	100/-	-
	Kaptama	-	100/-	100/-	-
	(FAM)	333/-	30/-	287/-	76
	Bukokholo	120/-	108/-	100/-	57
	(MHM)				
Total		3,205/-	2,161/-	4,153/-	1,432/-
	Elementary-5 sub-Elementary-4				
South	Elementary: Kibabii (MHM)	1,236/-	480/-	1,240/-	293/-
Bukusu	Kabula (MHM)	782/-	-	842/-	93/-
Pop.	Kimatuni (MHM)	600/-	206/-	626/-	127/-
21739					
Total	Elementary: 3	2,628/-	686/-	2,708/-	513
Malakisi	Sub-Elementary: Kolanya (SA)	310/-	16/-	100/-	96/-
Pop.					
12680					
Total	Sub-Elementary: 1	310/-	16/-	100	96/-

Source: KNA/DC/KMGA/1/4/7 Education Department.

The table above shows the expenditure and grants for elementary and sub-elementary schools by 1939 on locational level. From the above data, the North Kavirondo LNC mobilized its funds to cushion schools. Fees paid by parents were meagre and without LNC funds, education would have remained a luxury to many Africans.

By 1945, North Kavirondo had imposed a special education fee of sh. 5 per hut to support education. The rates were meant to construct classrooms, buy school infrastructure and even pay teachers. LNC councils supplemented the work of Christian missionaries in provision of education to Africans. As years progressed the

council voted for more money to finance education.⁴⁵Table 4.3 presents a summary of LNCs expenditure in education in the Colony of Kenya for the period 1926-1931.

Table 4.3: LNCs in Kenya and their Expenditures on Education, 1926-1931(Shs.)

Council	1926	1927	1928	1929	1930	1931
North Kavirondo	20,000	–	100,000	211,000	251,000	19,600
Central Kavirondo	30,000	40,000	110,000	213,894	–	32,096
South Lumbwa	2,200	300	20,000	300	–	10,000
Kiambu	10,000	–	120,000	120,500	–	57,000
Forth hall	–	–	40,000	31,500	–	95,200
South Nyeri	100	100	60,100	100,500	–	160,500
Embu	980	–	–	–	–	–
Meru	–	–	400	500	–	–
Machakos	24,000	22,500	16,880	21,000	–	19,000
Taita	6,000	200	–	–	–	–
Kitui	–	6,000	7,000	2,000	–	1000
Digo	–	–	1,000	32,000	–	3,000
Giriama	–	–	–	–	–	–
Elgeyo	–	–	3,000	37,600	–	15,420
Marakwet	–	–	1,000	6,400	–	6,980
Nandi	10,000	6,000	6,400	10,250	–	10,850
West suk	–	–	–	2000	–	10,000
Baringo	2,000	–	–	–	–	–
Narok	–	–	–	–	–	–
Kajiado	20,000	30,000	22,500	40,100	–	34,335

Source: Mutua, R. *Development of Education in Kenya*. Nairobi.1970: 151

The above table shows North Kavirondo was one of the top councils that progressively increased the funding of education from 1926 to 1931. North Kavirondo was also top three LNC in terms of expenditure on education. Other councils such as Meru, Embu, Baringo, South Nyeri among others spent very little on education compared to North Kavirondo.

The trend established by the statistics reproduced in table 4.3 was perpetuated in subsequent years as can be corroborated from the following data presented in table 4.4

⁴⁵ Omosule, M. *Ph.D. Thesis Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya* 1974, 76.

showing LNCs expenditure on education in the colony of Kenya for the period 1937-1945

Table 4.4: LNCs in Kenya and their Expenditures on Education, 1937-1945 (Shs.)

Council	Total revenue	Education expenses
North Kavirondo	50,063	8,315
South Kiambu	40,118	4,949
Fort hall	21,752	6,024
South Nyeri	16,820	2,111
Embu	19,619	1980
Meru	15,723	2,000
Machakos	22,606	4,626
Kitui	14,630	1170
Nandi	5,237	1109
Elgeyo	10,167	622
Baringo	5,922	118
Samburu	3,315	125
West suk	1,390	459
Digo	5,866	464
Giriama	11,158	1,773
Central Kavirondo	33,185	5,922
Narok	12,269	763
Kajiado	12,407	291
Garrisa	199	33
Marsabit	258	–
Isiolo	578	–

Source: KNA Native Affairs Report 1939-45

Table 4.4 above shows that from 1939-1945; North Kavirondo had the highest expenditure on education compared to other LNC. This is a justification of how councillors in North Kavirondo relentlessly raised funds to promote education in the district. The revenue base was also the highest compared to other councils a justification that the people of North Kavirondo relentlessly paid taxes to get the much needed services.

Pascal Nabwana, a member of the LNC was one of the important personalities who played a role in the provision of education in North Kavirondo. Nabwana was born

around 1898 and hailed from Kimilili. He worked closely with the missionaries to spread Christianity and formal education in North Kavirondo. Nabwana served as a teacher in various schools such as Mayanja, Sichei and Kimilili. Before joining politics, he served as a Catholic Catechist. Pascal Nabwana later on served as a member of the North Nyanza LNC as a councillor.⁴⁶ He also founded the Kitosh Education Society (KES). As the president of the society, he mobilized funds to build schools and even hire and employ teachers. In 1939, the society was accused of misappropriation of funds.⁴⁷ To revitalize the organization; it changed its name from KES to Bukusu Union. Under the auspices of the Kimilili LAC and in conjunction with the Catholic Union, the Bukusu Union collected funds to send students abroad for training at colleges and universities. The beneficiaries of these funds included Masinde Muliro, Charles Wasike, Clement Wepukhulu, Hezekia Ngoya and Frederick Wakhungu.⁴⁸

Archival data further clarifies that, under the influence of Pascal Nabwana, in 1949, Henry Pius Muliro was sent to South Africa with Locational Council Money. The Bukusu members of the North Nyanza LNC were prepared to mobilize resources to provide education to their children who were eventually supposed take positions in the central Government. Acquiring foreign education was expensive but the Bukusu elite were determined to provide higher education to their children.⁴⁹

From the above data analysis, it can be deduced that the provision of education by LNC in rural was their core social responsibility. Education was a major priority which consumed much of the North Kavirondo LNC budget. A number of primary

⁴⁶ Chikati, J.M. *"The Biography of Chief Musa Namutala 1930-1973"*. B.A. Dissertation, University of Nairobi, 1988, 51.

⁴⁷ Wafula, P. *Politics and Nationalism in Colonial Kenya*. 2000, 133-134.

⁴⁸ Wolf, J. *Differentiation and Integration in Western Kenya* 153, 1977.

⁴⁹ KNA/DC/NN/I/31. North Nyanza, Annual Report. 1949.

schools were set up and financed by the LNC. Evidence also clearly indicated that, funds were availed to fund students in form of bursaries. Some students were even financed to school in foreign institutions.

In addition to the provision of social services, LNCs were also instruments of economic transformation. One such transformative effect was felt through the facilitation of commercial activities. In the annual report of 1926, mention was made of the application for the gazetting of trading centers at Kimilili and Kabuchai. This application was made as far back as 26/10/1925 and the approval of the LNC was obtained on 4/1/26. Although the colonial government was unwilling, North Kavirondo LNC pushed for the gazettelement of the two centers as official trading centers.⁵⁰

Archival source reveal that, a number of open air barter market had been established by 1928. The LNC maintained the open air markets through fencing and furthermore expansion of roads leading to such centers. LNC ensured that market days were observed to avoid confusion.⁵¹ The table below shows the weekly market days in Kitosh.

Table 4.5: Weekly Market Days by 1928;

Days	Weekly Open Barter Market Days
Monday	Chwele, Malakisi, Bungoma, Webuye, Lwakhakha, Watoya.
Tuesday	Scheduled for women day welfare organizations
Wednesday	Sirisia
Thursday	Kimilili, Namwela
Friday	Bungoma, Cheptais
Saturday	Malakisi, Webuye, Lwakhakha
Sunday	Watoya

Source: KNA/P.C/NZA/3/51/2/1-1928-Political Records, Nyanza Province Annual Report 1928.

⁵⁰KNA/DC/NK 1/8-1927.Political Records, Annual Report. Nairobi. Government Printers

⁵¹ Nasimiyu, Ruth, *The Participation of Women in the Political Economy of Kenya* 1984,112.

From table 4.5, all days were booked for weekly market days at various trading centers. Tuesday was however, booked as a women's day for their *Kimiganda* (Women Groups Associations) which dealt with women welfare issues. The LNC departmental committee on trade in consultation with the local people arrived at market days for various centres. Goods displayed at open markets included: livestock auction, cotton seed oil (Udo), ghee, potatoes, bananas, maize, smoking pipes, baskets, dried mushroom, white ants, salt, eggs, bamboo shoots (kamalea)-used as vegetables, imported wares among others.⁵²

The 1936 Annual Report for North Kavirondo District indicated that, the LNC built vegetable markets at various places. The report also noted that, the LNC worked hand in hand with the North Kavirondo District Chamber of Commerce president Mr Andrea Agufana. The Chamber advised traders to buy their commodities in bulk as a band in order to fetch good selling prices.⁵³ Archival data reveals that, the North Kavirondo LNC in 1937 voted funds to construct 48 stall market centers in the entire district. By the end of 1937, there were three go-downs in the district; at Lwanda, Butere and Broderick falls (Webuye). The Broderick Falls go-down was leased to the Kenya Farmers Association for 700/- per annum.⁵⁴

Other than developments in the commercial, infrastructural development was one of the legacies of LNCs. the LNC from 1926 opened up roads and maintained most roads that had been established by missionaries and the colonial government through the provincial administrators. Roads maintained by LNC included: Mumias-Malakisi, Mumias-Ndivisi, Kakamega-Lugulu, Malakisi-Mbale, Kimilili Malakisi among

⁵² Ibid.

⁵³ KNA/DC/NK/18- Political Records, North Kavirondo Annual Report. 1936.

⁵⁴ KNA/DC/NK/19- Political Records, North Kavirondo Annual Report 1937.

others.⁵⁵ Main roads were financed by the colonial government and district roads were taken care by the LNC. In 1943, a bridge on Sosio River, Kimilili –Kamukuywa road was constructed.⁵⁶

The 1937 Annual Report indicated that a number of development projects were realized including construction of courts, bridges, native reserve tracks, hide *bandas* (buying place), construction of pit latrines, improvement of water supply and soil conservation measures. The report further revealed that in nearly all the projects, the expenditure was incurred by the North Kavirondo LNC.⁵⁷

Additionally, LNCs played an important role in the field of Agriculture; the Agricultural Sector comprised crop farming, livestock and soil conservation measures and finally improved methods of farming. Throughout 1940s 1930s the Bukusu educated elite and LNC members including: Pascal Nabwana, Sudi Namachanja, Welikhe, Stephano Wekunda and Amutala Mayeku put in place efforts towards improving Agricultural practices such as new methods of farming which comprised use of, contour ploughing and improved seeds of crops, such as maize, beans, potatoes, groundnuts and bananas. Advice was also offered on techniques of soil conservation, for example, discouraging over cultivation on the same piece of land, planting of trees and use of animal manure on farms.⁵⁸

North Kavirondo District Annual Report of 1938 revealed that, the LNC resolution 5/58 became applicable towards the end of 1938. The legislation enabled the LNC to put in place proper land use techniques which included application of manure on farms to increase farm productivity.

⁵⁵ KNA/PC/NZA/3/42/2- Political Records, North Kavirondo Annual Report. 1939.

⁵⁶ KNA/DC/NN/25- Political Records, North Kavirondo Annual Report. 1943.

⁵⁷ KNA/DC/NN/19- Political Records, North Kavirondo Annual Report. 1937.

⁵⁸ Wafula, P. *Politics and Nationalism in Colonial Kenya* 2000, 180-184.

In terms of production of improved seeds, the LNC seed farm was increased in size by an extra 6 acres. This measure increased the volume of quality seeds produced.⁵⁹ Furthermore, the LNC purchased a number of teams of oxen and ploughs to improve production in their seed farms.⁶⁰ The report also noted that, Crop inspection unit was established at Broderick falls (Webuye).⁶¹ Agricultural experimental plots were established and maintained by the LNC at Kimilili and Malakisi⁶²

However in terms of livestock production, the council asked for inoculation of cattle and it was disclosed that through the initiative of the LNC, 27,780 cattle had been inoculated by January 1926. This strategy improved animal production and control of animal diseases in the entire District.⁶³

Additionally, archival data reveal that, a number of native animal husbandry demonstration centers/ quarantine stations were set up by 1933 in various parts of Bungoma for instance Sang'alo. Sang'alo later on became a training center for farmers.⁶⁴ The North Kavirondo LNC in 1933, voted funds for the payment of a number of African Agricultural instructors. Most of the instructors were trained at the Bukura Agricultural institute which was partly financed by the North Kavirondo LNC. Bukura also served the other districts of Nyanza Province and the Rift Valley Province.⁶⁵

Notably, Livestock control measures were put in place by the North Kavirondo LNC in collaboration with the colonial government to deal with rinderpest. By the end of

⁵⁹ KNA/DC/NN/22- Political Records, North Kavirondo Annual Report.1940.

⁶⁰ KNA/DC/NN/23- Political Records, North Kavirondo Annual Report.1941

⁶¹ KNA/DC/NN/22- Political Records, North Kavirondo Annual Report.1940.

⁶² KNA/DC/NN/25- Political Records, North Kavirondo Annual Report.1943

⁶³ Kournossoff, G.M: *The Underlying Causes of the 1952 Emergency in Kenya* 1959, 22.

⁶⁴ KNA/DC/NK/18- Political Records, North Kavirondo Annual Report.1936.

⁶⁵ Ibid.

1943, 130,679 heads of cattle had been vaccinated. The elimination of viral diseases such as rinderpest was a major development in animal husbandry.⁶⁶

In terms of training farmers and Agricultural extension officers, Mr Cameron the head of Sang'alo institute in 1943 established training for young men to equip them in the Agricultural technical skills. The training took six months. It is important to note that Sang'alo institute was funded by the LNC.

Additionally, Agricultural extension officers, the district boasted of 80 officers. 9 were paid by the colonial government, 17 were paid by the cotton ginneries and the remaining officers were paid by the LNC. According to the statistics, the LNC paid the largest number of Agricultural officers. The officers offered technical knowledge in farms, conservation projects and land reclamation project.⁶⁷

Notably, in 1945 the Department of Agriculture in collaboration with the LNC put in place measures of soil conservation. The Department of Agriculture employed an average of 73 African Agricultural Instructors on government pay and 200 instructors on LNC pay for soil control work. Moreover, the colonial state tried to complement the efforts of the council by placing the African Agricultural instructors under the supervision of European Area Agricultural Officers.⁶⁸

Within a short period of the establishment of the North Kavirondo LNC, much development had been realized in the Agricultural sector. This achievement made it possible for the most successful Native Agricultural Show which was held in North Kavirondo at Bukura demonstration center in February 1931. Numerous classes of

⁶⁶ Ibid.

⁶⁷ KNA/DC/NN/20- Political Records, North Kavirondo Annual Report.1938.

⁶⁸ Makana, E. N. *Increased Agricultural Production in the Midst of Escalating Ecological Distress: Bungoma District in the 1930s & 1940s*. Published by: University of Wisconsin Press.2007, 123.

native produce were exhibited. Competition was keen and the produce shown was of a high standard.⁶⁹

The LNC in collaboration with Agricultural Associations such as the Farmers Club in Kitosh did some positive improvements in Agriculture in the acquisition of farm implements such as ploughs from 1927-1941. In addition, Transportation of farm-outputs and in-puts was a challenge to many farmers. This was mitigated by the council encouraging farmers to purchase ox-carts at affordable prices subsidized by the Agricultural betterment fund. Additionally, 100 wheelbarrows were purchased in the year 1949 for farm transport.⁷⁰ Table 4.6, 4.7 shows the increase in the acquisition and use of ploughs.

Table 4.6: Agricultural Implements in Bungoma, 1926-1938

Year	Number of ploughs in North Kavirondo	Increase in ploughs
1927	103	–
1929	209	106
1930	275	66
1938	2109	1834
Total	2696	1906

Source: KNA/PC/NZA/3/2/4-Agriculture Implements, 1938

Table 4.7: Census for Agricultural Implements in Bungoma, 1941

Location	Furrow Disc Ploughs	Moulbord Ploughs
Elgon	2	153
Kabras	4	540
North Bukusu	64	1486
South Bukusu	–	776
Malakisi	–	461
Total	70	3416

Source: KNA/DC/NN/1/20/North Kavirondo District Annual Report 1941.

⁶⁹ KNA/ Annual Report on the Social and Economic Progress of the People of the Kenya Colony and Protectorate 1931:25

⁷⁰ KNA/DC/NN/3- Political Records, North Kavirondo Annual Report.1949

From the above data, the most populous locations received more ploughs than the less populated location. Mt Elgon being mostly occupied by the Sabaot who mostly impressed cattle, had less demand for disc ploughs compared to the Tachoni and Bukusu dominated locations.

In a nutshell, the evidence adduced clearly indicates the role of LNC in the economic development of the study area cannot be underestimated. Councillors played a major in the planning and implementation of economic development policies. They authoritatively mobilized the masses to accept new economic projects such as, road making, vaccination of livestock, farm manuring, and so on. Councillors also mobilized their people to pay taxes to enable the council run its affairs. Subsequently, new farm methods introduced led to increased farm produce and improved quality of farm products. However, the establishment of Sang'alo Agricultural institute gave new impetus to the economic development in the Agricultural sector.

4.5 Challenges that Faced LNC

Nevertheless, having assessed the role of LNC in development, it was also established that a number of challenges negatively affected LNC in its endeavor to provide services. From its inception, the North Kavirondo LNC had a number of systemic challenges both from within and external. External challenges were mostly controls and limitations from the colonial government. Even though LNCs had taxation powers and could mobilize significant resources, most members were government appointees and the councils were primarily forums for the communication of grievances to the DCs who chaired them. A key focus for the councils' efforts was access to European- style education.

Additionally, LNC could be described as an executive council for the DC. They were formed and ran at the discretion of the DC. Even though councillors had the power of raising and voting funds as well as that of local legislation; they were merely advisory bodies under the manipulation of the DC. It is noted that a complex array of factors and forces appear to have been responsible for the failure to transform LNCs into genuine organs of local government. This was because initially, the LNC were established to provide a short-term solution of containing the activities of the young African politicians. At their inception therefore, LNCs were conceived as a sort of a meeting place to collect African views and an instrument to gauge African feelings.⁷¹

LNCs were severely constrained by the fact that, regardless of the colonial administration's original intentions, administrators in practice refused to let politics intrude in their proceedings. This was paradoxical given that it was almost impossible to talk about economic and social developments without engaging politics. In contradiction, G.V Maxwell, the CNC directed DCs in 1926 not to allow LNC members to criticize government policies. Council members who attempted to criticize the colonial administration were ruled out of order and occasionally, if they persisted in opposition were to be ejected from the chambers and deprived of their seats.⁷²

Furthermore, in the education sector, the initial hindrance to the LNC in its strategies to offer education was that the missionaries resisted calls by LNC's to establish independent secular schools. This was partly because of the fear of competition likely to have ensued once these schools got established. The missionaries anticipated that

⁷¹ Omosule, M. *Ph.D. Thesis Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya 1895-1963* 1974, 183.

⁷²Berman, B. *Control & Crisis in Colonial Kenya* 1990, 217.

the independent secular schools were likely to lure their pupils and converts.⁷³ According to the North Kavirondo LNC meeting held on 1st July 1927, members lamented that, missionary schools had been converted into evangelical centers, a thing which seemed to have affected the educational quality of those schools.⁷⁴

In the late 1920s, conflicts between the Catholics and Quakers started when Pascal Nabwana, a member of the LNC and head of Catholic Christians in Kitosh protested against Babukusu being split along religious denominational lines. Pascal wanted Babukusu to continue peaceful co-existence among themselves irrespective of their denominational affiliation. Quakers could not accommodate Nabwana's idea of denominational interpenetration and refused Catholics from establishing churches in their 'territories'. In 1926, a fight broke out between the two denominations. In South Bukusu, Chief Sudi Namachanja a staunch Catholic set a Quaker mission station on fire. However, this prompted the LNC to intervene by granting Catholics a school in North Kitosh.⁷⁵

The LNC efforts to provide education were further curtailed in the 1940s when the LNC voted in money to take students overseas for higher education. LNC provided the funds but the colonial government refused to allow such moves. The central government argued that it was its responsibility to offer bursaries to students who wished to study overseas but not the mandate of the LNC. Such moves by the colonial government limited the ability of the LNC in provision of education.⁷⁶

⁷³KNA/ PC/NZA/ 3/10/1/2- Nyanza province Annual Report, Political Records 1929.

⁷⁴KNA/ PC/NZA/ 1/22- Nyanza province Annual Report, Political Records 1927.

⁷⁵Kakai, p. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts*. 2000, 110.

⁷⁶ Omosule, M. *Ph.D. Thesis Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya 1895-1963* 1974, 239.

Notably, there were no secondary schools in the study area for the entire period the LNC was in existence. The only secondary school that was introduced in the North Kavirondo district but outside the study area by the colonial government was the Kakamega Government School. The buildings at the new Government Central School at Kakamega (North Kavirondo) were sufficiently advanced later on from 1930s to enable the school increase its capacity.⁷⁷ It is also important to note that, the LNC failed to achieve fairness in terms of distribution of education resources. The basis of disparity was ethnicity and societal class. To start with, Mt Elgon location dominated by the Sabaot was neglected in terms school distribution. This disparity can be gleaned from the data reproduced in table 4.8 below.

Table 4.8: Distribution of Schools per Location in Bungoma, 1949

Location	Estimated Population	Child Primary Schools	Aided Intermediate Schools
Kimilili	30,000	21	2
Malakisi	10,000	10	1
South Bukusu	21,000	12	1
Elgon	4, 000	2	0

Source: KNA/DC/NN/1/3/3-North Nyanza Annual Report, 1950.

Table 4.8 indicates that, in the region occupied mostly by the Bukusu 42 primary schools compared to only 2 primary schools in the Mt. Elgon location mostly occupied by the Sabaot clans. Mt Elgon location had no single intermediate school.

Social classes also created unfairness in terms of acquisition of education. To finance educational activities, the LNCs required that students pay school fees. This, however, limited the number of school going children because most parents could not raise the fees. Consequently, the children of chiefs and other council members who had access to resources were able to attend the schools. This created inequality and unfairness

⁷⁷ Annual Report on the Social and Economic Progress of the People of the Kenya Colony and Protectorate 1931:25.

because all people paid taxes.⁷⁸ It is important to note that, it was also possible that, school distribution in locations was on the basis of the student population.

Archival data revealed that schooling was disrupted by the Second World War because most of the resources were channelled towards the war. Some young people at school going age were recruited to fight in the war.⁷⁹ During the Second World War, Africans were mobilized by the British through propaganda to join the Kings African Rifles (KAR) to fight the Italians who had managed to invade the neighbouring Ethiopia. The British managed to manipulate Africans by telling them that if Italians invaded Kenya, Africans would have terribly suffered under the Italian rule. Majority of school going children were mobilized to join the war front. The Bukusu composed a song *amba mutalia* (catch the Italian) which over the years have been sung as a circumcision song.⁸⁰

Other than challenges in education, health sector was faced by a number of issues. The outbreak of small-pox in September 1943 overwhelmed medical facilities. However, after the outbreak, the LNC collaborated with the colonial government and managed to vaccinate an estimated 420, 075 persons in the entire district. Other diseases that proved a challenge to the health sector included venereal infections, hernias and hydroceles.⁸¹

In 1944, the DC North Kavirondo Captain F.D. Hislop noted that pneumonia, typhoid and cerebral-spinal meningitis proved a challenge to the health sector. The three

⁷⁸ Tarus, I. K. *A History of the Direct Taxation of the African People of Kenya, 1895-1973*. 2004,176.

⁷⁹ KNA/DC/NK/21- North Kavirondo Annual Report, Political Records 1939.

⁸⁰ Wekesa, B.M. *Cultural Continuity and Change* 2015,147.

⁸¹ KNA/DC/NK/25- North Kavirondo Annual Report, Political Records 1943.

diseases were major causes of deaths among the people. He acknowledged that the diagnosis of the disease proved a challenge to the medics.⁸²

It was established that, during the year 1947, the LNC grappled with a number of challenges in the health sector. There were insufficient drugs in health facilities. More so diseases such as small-pox, malaria, typhoid, pneumonia and malignant nutrition proved a nightmare to health service providers.⁸³

Notably, some Economic challenges that faced the North Kavirondo were experienced from the outset after the establishment of LNC. One of the provisions under the establishment of the LNCs was that Africans would generate their own revenues. The colonial government demanded that people fund the activities of the LNCs through taxation. This caused one of the greatest burdens of taxation on the people. The practice for LNCs to collect taxes for the two levels of government i. e LNC and colonial government was double taxation on the natives. Eventually, Africans paid more in taxes but what came down in terms of services was much less.⁸⁴

Table 4.9 indicates revenue and expenditure per province in Kenya Colony for the period 1945.

Table 4.9: Revenue/Expenditure by Province in K£ 1945.

Province	Revenue K£	Expenditure K£
Nyanza	138,552	101,645
Central	133,078	109,461
Rift Valley	25,930	18,090
Coast	21,900	18,555
Masaai District	23,676	86,665
Northern Frontier District	1035	566

Source: Tarus, I. K. *A History of the Direct Taxation of the African People of Kenya, 1895-1973*. 2004, 76.

⁸² KNA/DC/NK/26- North Kavirondo Annual Report, Political Records 1944

⁸³ KNA/DC/NN/29- North Kavirondo Annual Report, Political Records 1947.

⁸⁴ Tarus, I. K. *A History of the Direct Taxation of the African People of Kenya, 1895-1973*. 2004,175.

Table 4.9 above indicates that Nyanza region raised revenue of 138,552 and its expenditure was 101,645. This implies that the province gave more in taxes but in return received less. Therefore, Africans did not get value for their taxes.

Archival data indicated that natural calamities affected the Agricultural sector. The Northern half of the District was invaded by the red locust from September 1937. However, the locust was dealt with by the beating campaign that was launched by the North Kavirondo LNC in collaboration with the colonial government. The locust invasion interfered with Agricultural production.⁸⁵

The 1942 short rains failed hence the year recording one of the lowest productions. The natural catastrophic episode was further worsened by poor land use techniques, for instance, overgrazing, monocropping, deforestation, ploughing across the contours, just to mention but a few.⁸⁶

The 1946 North Kavirondo District Annual report noted that, the use of manure as encouraged by the LNC and the colonial government received resistance from the natives. Africans were unwilling to use manure on their farms. North Kitosh farmers wanted the LNC and the colonial government to higher staff that would distribute manure on the African farms.⁸⁷

As already discussed under the historical context of the study, the World Economic Depression 1929-1933, affected negatively the economic sector. To start with, councillors were forced to increase African taxation to supplement the colonial state financial obligation in providing services in the African rural areas. The colonial state had spent much of its revenue supporting the British Empire during the great World

⁸⁵ KNA/DC/NN/19- North Kavirondo Annual Report, Political Records 1937.

⁸⁶ KNA/DC/NN/24- North Kavirondo Annual Report, Political Records 1942.

⁸⁷ KNA/DC/NN/28- North Kavirondo Annual Report, Political Records 1946.

Wars. The Wars as much as had led to reduced colonial state funding of services in the colony; the situation was a blessing in disguise. A number of government policies were put in place to ensure that African districts under the influence councillor increased Agricultural production to counter the shortages occasioned by the two World Wars.⁸⁸

4.6 Conclusion

From this chapter, a number of political developments took place; to start with, the promulgation of the 1924 Native Ordinance on the Local Council paved way for the establishment of LNCs in Kenya. It was established that, LNC composition included chiefs as official members, Nominated/ elected councillors and the DC as the council president. Notably in 1925, North Kavirondo LNC was established and its name changed to North Nyanza LNC in 1949.

In terms of social developments, the chapter reveals that, LNC under councillors realized a number of achievements. In the medical sector, a number of health centers were established and maintained by the council. In the education sector, several primary schools and intermediate schools were established and funded by the LNC.

It was established that, in the Agricultural sector, soil conservation measures were put in place by the council. The council also offered extensional services in collaboration with the colonial government in crop cultivation and animal husbandry. However, in terms of infrastructure, the chapter indicated that, roads were constructed and maintained by LNC. Additionally the council maintained and licensed various trading centers.

⁸⁸ Omosule, M. *Ph.D. Thesis Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya 1895-1963* 1974, 239.

However, it was observed that, LNC suffered a number of setbacks such as insufficient finance, uneven development, unfair representation, just to mention. In education, conflicts among mission centers, insufficient finance to cater for the council expenses in education, insufficient teachers, and insufficient schools all curtailed the activities of the council. It was also noted that the health sector suffered from insufficient drugs, insufficient medical personnel, challenging diseases and so on. The infrastructural development was affected by limited finance and inadequate technical personnel. Finally the Agricultural sector was affected by drought, locust invasion, soil erosion just to mention but a few.

Agency theory guided this chapter. Councillors established themselves as the representatives (agents) of people (principals). They gained power and ability to mobilize their fellow Africans. Most of these African council members were made and created by social and political structures. Some mission educated Africans who later on became council members were a creation of mission centers. They included Pascal Nabwana, Henry Kerre among others. Colonial Chiefs such as Barasa Kukubo (Malakisi), Amutala (Kimilili) and Sudi (South Bukusu) just to mention but a few, despite the fact that they were members of LNC, they were also colonial agents. The DC being the president of the council was a senior colonial government agent answerable to the senior most colonial agents at the province and the headquarters. In a nutshell, the establishment and the outcome of the LNC in the study area was the activities of agents and to some extent the relationship between the agents and the principals.

Bureaucratic theory guided the study especially on policy formulation and implementation in relation to LNC. Policies were formulated mostly by the CNC, then communicated to the PC Nyanza and then to the DC North Kavirondo. The DC

Kavirondo being the president of the LNC ensured they were implemented. Chiefs were the DCs eyes on the ground and followed orders from their superiors in the general matters of administration including some issues relating to the LNC.

From 1950, the LNCs in Kenya were replaced by the ADCs. The area under study fell within the North Kavirondo LNC, changing its name to North Nyanza ADC in 1949. ADCs were more robust in terms of power and responsibility as compared to the LNCs. The external factors such as the British decolonization policies and internal factors such as increased African nationalism from 1945 arguably informed the decision of creating ADCs by the colonial government as it will be discussed in the next chapter.

CHAPTER FIVE

AFRICAN DISTRICT COUNCIL AND ITS ROLE IN DEVELOPMENT, 1950-1963

5.1 Introduction

The purpose of this chapter is to discuss the role of African District Council in the development of Bungoma County. This chapter aims to demonstrate that, the establishment of the ADC from 1950, replacing LNC was to improve service delivery in African districts. Additionally, the new council allowed councillors and the people more democratic space in dealing with their own affairs.

The chapter is premised on a number of arguments. To start with, ADCs were established in Kenya from 1950 in response to the British decolonization policies. Secondly, ADC played a major role in the development of Bungoma County. Finally, the activities of ADCs were influenced by nationalism and pre-independent federal politics.

This chapter, analysis and discussions will be guided by the agency theory. In the context of this study, the theory underscores that, the establishment, evolution and the role of ADC in the development of the area under study was highly influenced by African and colonial agents. Pascal Nabwana and a team of other African agents became the 'engine' of ADC and its activities in Bungoma County-1950 1963. Colonial agents such as chiefs, DC and DO influenced the activities of the ADC in Bungoma County.

5.2 Historical Context

The period after the Second World War witnessed increased African participation in the activities of ADCs. This period was characterized by increased African political

consciousness. The main agenda of political movements during this period was to champion for Kenya's independence. Subsequently, the Colonial Office in Britain adopted some changes to increase African participation in governance through a series of decolonization policies and constitutional amendments. The establishment of the ADC was one of the British decolonization policies.¹

Soon after taking office in October 1946, the new Secretary of state for Colonies Arthur Creech Jones sent out a circular dispatch to all African Governors. The dispatch read:

..... key to success lies in the efficient and democratic system of government.....I use the words because they seem to me to contain the kernel of the matter: Local because the system of government must be closer to the common people and their problems, efficient because it must be capable of managing the local services in a way which will not only find a place for the growing class of educated men, but at the same time command the respect and support of the mass of the people.²

Following the Creech Dispatch, Sir Philip Mitchel the then Kenya Governor allowed legal changes which led to the initiation of ADC in 1950. Prior to the establishment of ADCs in 1950, the period after the Second World War saw increased political consciousness among Africans as well as changes in the colonial policies. The colonial government realized the need for a stronger local government system. After years of struggle between the colonial administration and the Kenyan nationalists, the 1947 Colonial Office Dispatch recommended the establishment of an efficient and democratic system of local government in all the British Colonies. The aim of the 1947 dispatch was to prepare the colonies for self-government over time. The British decolonization policy prompted the colonial state in Kenya to prepare Africans for

¹ Omosule, M. *Ph.D. Thesis Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya 1895-1963*.1974, 302-9.

²Moss, N.C, *The dilemma of councillors* 2016, 41.

self-rule. Local government was therefore supposed to be a training ground for African leaders.³

Nonetheless, ADCs were viewed as institutions where Africans learnt how to practice democracy and enjoy their liberty:

Originally there were two arguments for thinking that Africa needed these particular local institutions. One was administrative. They would be much more effective agencies for development than the traditional native authorities before them; and the other was political. Africa's national leaders demanded English- style local government and would have no other, while their overlords could think of no better school for mass education in democracy. Through local authorities on their own doorsteps, peasant and herdsman, schoolmaster and trader were to learn the arts of democratic initiative and control which they would soon apply to parliamentary government at the center. When independence comes, the local authorities would stand guardians of local and individual liberty against the hand of absolutism at the top.⁴

This argument justifies the Creech dispatch of 1947 that advised Colonial Governors in the British colonies in Africa to establish an African political system that allowed Africans to exercise political leadership.

The 1950 ADC Ordinance (No. 12 of 1950) was enacted paving way for the ADCs. In consequence, LNCs were renamed African ADCs in 1950. It gave ADC more legal powers in terms of finance and legislation of By-Laws. ADC were then made corporate bodies with increased powers and responsibilities, including the right to hire and pay their own staff, and to raise revenues through a greater variety of cesses, taxes, licences, permits and fees.⁵ From 1950, the functions of local government system were described as; representation for decision making, resource mobilization,

³ Moss, N.C, *The dilemma of councillors*. 2016,70.

⁴Ogot, B. A. *'Kenya Under the British, 1895 to 1963'*. 269.

⁵ Moss, N.C, *The dilemma of councillors*. 2016, 52-53.

agency for central government, and a link between the local community and the central government.⁶

It was eminent that in the post-Second World War era, an effective local authority was necessary to provide local services and reduce the burden of the colonial government in providing social services. Nevertheless, ADC had elaborate provisions which allowed democracy in terms of Africans electing their councillors. Consequently, Africans were ushered into a democratic process of voting for their choices in terms of representation.⁷

Moreover, ADC of 1950 was a major step towards a democratic system of local government in the African areas. The DC still remained the chairman of most council with considerable powers of control. The administrative chiefs made up a proportion of the membership although there was a majority of elected members, and the new councils had greatly enhanced status and powers.⁸

From the above, it can be proclaimed that, ADCs in Kenya were established in 1950 as a preparation of African leaders to take over the management of the anticipated independent Kenya. Therefore, ADCs were products of the British decolonization policies.

The activities of ADC had noticeable impacts on social and economic development of Bungoma County. The operations of ADC were influenced by the decolonization politics of Kenya, the controversial issue being the center-periphery political debate.

⁶Muendo, K. L, *Local Government and Development in Kenya*.2016, 71.

⁷ Report of the Local Government Commission of Inquiry 1966

⁸Southall, R and Wood, G. *Local Government and the Return to Multi-Partyism in Kenya*.African Affairs, Vol. 95, No. 381 (Oct., 1996), pp. 501-527 Published by: Oxford University Press on behalf of The Royal African Society Stable URL 1996, 510.

5.3 Social and Economic Development

The ADC Ordinance of 1950 gave councils extensive powers and responsibilities in terms of service delivery, for instance, make and establish roads, bridges, markets, recreation grounds, cemeteries, official buildings, slaughter houses, hides and skin facilities. In addition, they were given powers to protect and conserve forests and woodlands; provide market stalls; provide water services; health services; refuse collection services and agricultural services.⁹ Besides, they had the right to pass by-laws, they offered veterinary services, regulated discos, regulated public meetings, controlled agriculture, regulated liquor, established schools and also borrowed money to supplement their revenue.¹⁰ Furthermore, ADCs had a wider source of revenues (from taxation, property leases and forest royalties). Ideally they were responsible for most government services.¹¹

ADC of North Nyanza by 1955 was one of the most developed councils. Its budget in 1955 was 252000 Sterling pounds. The leadership for the success of this council was provided by Cannon Awori and the two colonial chiefs, Henry Kerre and Jonathan Barasa. The council built and operated primary schools, and constructed roads, bridges, promoted cotton growing, and were trustees for the land in their areas of jurisdiction.¹²

The ADCs provided a number of services which affected people socially and economically. Table 5.1 shows a number of services that were financed by the North Nyanza ADC in 1951.

⁹Moss, N.C, *The dilemma of councillors*.2016, 52-53.

¹⁰ Kournossoff, G.M. *The Underlying Causes of the 1952 Emergency in Kenya and a Consideration*.1959, 25.

¹¹ Hornsby, C. *Kenya*. 2010,42.

¹² Wolf, J. "*Religious Innovation and Social Change among the Bukusu*"1971, 159.

Table 5.1: Expenditure of the North Nyanza ADC in 1951

Expenditure	K£
Administration	9140
Law and Order	16200
Social Welfare	2670
Public Health	16320
Education	53086
Agricultural Services	3745
Veterinary Services	1471
Roads and Bridges	9364
Upkeep of property and Markets	3642
Extraordinary	42055
Miscellaneous	1935
Balance carried forward	2127
Total	K£ 161737

Source: KNA/DC/NN/8/1/1: 1951-North Nyanza Annual Report-1951.

Table 5.1 provides clear evidence on how the ADC provided a range of services to the people of North Nyanza. Education took the lion share, an indication of how Africans were curious and enthusiastic about education. Africans realized that Education was a better investment than the traditional land and livestock.

However, in 1951, more than 40 percent of the revenue was expected from government grants, of which the two-thirds grant was spent on education which was the most important investment to Africans. There were also public health grants and grants related to the collection of local taxes. Forty percent of locally raised receipts were expected from the local poll tax and the remainder principally from cesses on produce and payments for services provided such as dispensaries, housing rents, beer halls, markets, slaughter houses, among others.¹³

In addition, a number of sources established that, the council played a pivotal role in the economic sector. A number of urban centers came up due to various initiatives of the ADC. The growth of Bungoma town was partly attributed to the activities of the

¹³International Bank for Reconstruction and Development, 1963.

council. Until 1948, Kabuchai was the Sub-District headquarters of Elgon Nyanza region (the modern Busia and Bungoma Counties). From 1948, the sub-district headquarters were moved from Kabuchai to Bungoma town center. Bungoma town was suitable because of the railway which had reached there in 1925. Bungoma town was also considered because it was not fertile hence the establishment of the town did not resort in wastage of fertile land. When the Elgon Nyanza District and the ADC were established in 1956, Bungoma town became its headquarters.¹⁴ The activities of Elgon Nyanza led to Bungoma town evolving into an urban centre. The Asians had heavily invested in Bungoma town. In fact in 1963, an Asian by the name H.H. Patel was representing Bungoma urban as a councillor.¹⁵

In 1951, the Council offered a number of trade licences to merchants. Table 5.2 indicate that the ADC issuance of trade licences was an encouragement of people to invest in commercial activities.

Table 5.2: Issuance of Trade Licenses 1951

Types of Licences	No. Issued
Retail trading licences	738
Licences for special traders	1660
Transport licences	151

Source: 1951 KNA/DC/NN/33-1951.

A number of initiatives were put in place to promote trade and built market centers. In 1957, the council had awarded £1500 to the Joint Board Traders for traders' loans. During this period, 18 traders were sponsored by the council to attend courses at the

¹⁴Makhulo, S. *Factors Affecting the Growth and Development of Bungoma Town*. M.A. Desertation, University of Nairobi. 1987, 60.

¹⁵ KNA/BCC/ABG/9/3-Bungoma County Council, Minutes of Bungoma County Council meeting held in July 1963.

Nyanza Province Jeans School. The council also had fenced barter markets of Lukusi, Ndivisi, Nasianda, and Makotero.¹⁶

On 16th October, 1962, the trade and markets committee meeting was held in the Council Chamber of Bungoma. The committee chairman was councillor Gregory Nyando. Other members included Joseph Pascal Nabwana (Chairman ADC, E.N), Canon Jeremiah Awori (Vice Chairman ADC E.N.), Chief Jestimore Webi, Pancras Mupaka, Wilson Esialai, David P Kikete, Henry Kerre and Ngeywa Lawendi. The meeting allotted plots for business to various applicants. In the meeting it was also resolved that £2000 to be given to the Elgon Nyanza Joint Loans Board to provide loans to traders. Notably, the meeting directed that the council staff supply water to people who went to the market during market days.¹⁷

Aside from trade, in the Agricultural sector, the 1960 council report indicated that the council continued to finance Robusta coffee nurseries in the western division. Coffee had been initiated by the LNCs as discussed in the previous chapter but established in 1951 after the colonial government allowed Africans to grow it. In 1951, the council supported the pioneer 361 farmers in Chwele to cultivate coffee. Coffee farming was a great success.¹⁸ Additionally, the colonial government in collaboration with the council sped up coffee production in the Northern locations. 70000 seedlings were issued to the farmers. The first coffee factory was completed at Chwele, by the end of 1954 another factory was established at Chesikaki.¹⁹

A new song titled '*toilo*' (Mr. Toil) was composed in the 1950s for use while escorting the candidates to be circumcised to the river. Its content was informed by

¹⁶ KNA/ADC/EN/19/1/5-Elgon Nyanza African District Council, Annual Report 1957.

¹⁷ KNA/ADC/EN/8/2- Elgon Nyanza African District Council, Annual Report 1962.

¹⁸ KNA/DC/NN/33- North Nyanza District, Annual Report 1951.

¹⁹ KNA/DC/NN/34- Nort Nyanza District, Annual Report 1954.

the research activities of the Elgon Nyanza ADC and the colonial department of Agriculture at Sang'alo Agricultural Institute. Mr Toil a European researcher had developed and introduced a high yielding sweet potato at Sang'alo. Councillors and Agricultural officers had encouraged people to plant the new variety which eventually became popular in Bungoma. The Bukusu named the potato 'toilo' after Mr. Toil.²⁰ A circumcision song was composed to praise the sweet potato. The song went: *Lelo mbialile toilo*, "I have planted toilo".²¹ It was a circumcision song but at the same time serving as a promotional song which encouraged farmers to adopt the growing of the "wonder" potato.

Moreover, in livestock development, the council approved the grade cattle. A revolving fund of £1000 was set for the purchase of grade cows to be kept at Sang'alo for resale to farmers. The council also provided £80000 for construction of 100 cattle dips throughout the district.²² Notably, bull camps were organized by the people and the ADC paid herd boys.²³

Archival sources indicate that the year 1951, the ADC was able to loan farmers £59300 to improve Agricultural produce. In addition, the council legislated the by-laws that regulated farming techniques. The By-law forced farmers to dip their livestock and also take them vaccination during inoculation campaigns. Besides, the law compelled farmers to use manure and conserve the soil.²⁴

Fundamentally, in one of the speeches of the ADC chairman J.P. Nabwana-1962, asked councillors to explain to the public to follow the advice of Agriculture department especially on the advantages of early planting. The Chair also requested

²⁰ Wekesa, B.M. *Cultural Continuity and Change* 2015, 137-38

²¹ Bitobo, O.I., 2020.

²² KNA/EN/ADC/19/1/5. Elgon Nyanza African District Council, Annual Report 1961.

²³ KNA/EN/ADC/19/1/5. Elgon Nyanza African District Council, Annual Report 1960.

²⁴ Ibid

the DC to help in enforcing the council By-Law that both men and women aged between 18-45 years had to work for at least 8 hours in a day.²⁵

Apart from the Agricultural sphere, infrastructure was one of the economic sectors that the ADC was keen to develop. In the 1956 council report, gangs of 15 men per location were employed to offer hand labour in the seven locations of the ADC. They were paid approximately £1000 per month. Each location was given a tipper to work with each gang. The report also indicated that, each Locational Council was to contribute £5 per mile to the roads authority.²⁶

However, the ADC report of 1957 stipulated that, a grant of £4,150 had been voted by the E.N. ADC in conjunction with the Roads Authority for Malaba-Misikhu road. Additionally, five semi-permanent bridges had been constructed at Sosio, Kaberua, Ndakalu, Kamukuywa, and Malaha.²⁷

More evidence showed that, in 1958, Chebukwa-Nalondo-Kimilili road was under construction. Kibingei, Sirende and Miyayi bridges all on Chebukwa-Kimilili road were under construction. Sio bridge which was a challenge during rainy season was built by Scaramella Ltd Co. A D-6 tractor and two tipper lorries were purchased during the year.²⁸

Additionally, in the year 1960, the council was given a grant of £26000 by the International Bank Loan to improve the Misikhu-Sirisia road. The Catapiller112

²⁵ KNA/ADC/EN/AGB/9/9/5- Elgon Nyanza African District Council, Annual Report 1962.

²⁶ KNA/ADC/EN/NP/162/9/1- Elgon Nyanza African District Council, Annual Report 1958

²⁷ KNA/ADC/EN/19/1/5- Elgon Nyanza African District Council, Annual Report 1957.

²⁸ KNA/EN/ADC/19/1/5- Elgon Nyanza African District Council, Annual Report 1958.

motor grader and two Fordson tractors were purchased. In addition, Nyanza Cotton Fund gave the council £920 grant to build bridges in the cotton growing areas.²⁹

Nonetheless, during the works and communications committee meeting held in the Council Chamber of Bungoma on 15th October, 1962 under the chairmanship of councillor chief Henry Wanyonyi; it was resolved that the ADC was to continue paying Locational Councils £5 per mile for road maintenance. In the same meeting it was resolved to repair Sosio and Kibisi bridges on Kamukuywa/Kimilili road.³⁰

Apart from roads, the council also initiated a number of construction projects as revealed by the 1957 Annual Report of Elgon Nyanza ADC. By 1957, the ADC of E.N. in conjunction with the colonial government had done construction works as follows:

Table 5.3: Construction Projects by 1957

Center	Building
Kimilili	Health center, court houses, Agricultural houses, Beer canteen and Chief's Office.
Kapsakwany	Dispensary and Chief's Office
Sirisia	Health center, Chief's Office, Hospital Assistant's house, Lock-up, Rest house, Community development house
Malakisi	Produce inspection office, Veterinary house
Bungoma	Beer canteen, African court of Appeal hall, offices and staff quarters.

Source: KNA/ADC/EN/19/1/5-1957

From the evidence adduced, ADC in the study area did positive developments in the agricultural sector in terms of improved farming techniques both in crop farming and animal husbandry. Additionally, in trade, more trade licenses were issued to encourage more investment in commercial activities. Also, more market centers were constructed. Lastly, roads, bridges, and public utility buildings were constructed.

²⁹ KNA/EN/ADC/19/1/5- Elgon Nyanza African District Council, Annual Report 1960.

³⁰ KNA/ADC/EN/8/1- Elgon Nyanza African District Council, Annual Report 1961

Over and above the economic sector, Bungoma County experienced some positive developments in social sector. For instance in the education arena, chief Jonathan Barasa (who became the chief of Malakisi in 1946) and chief Henry Kerre (son of Sudi who became the chief of South Bukusu in 1950) being members of North Kavirondo ADC founded independent schools which later on came directly under the District Education Board after 1952. One feature of these schools was that they accepted teachers who were polygamists and who were unacceptable to the Christian denominations which ran the rest of the educational system.³¹

Nonetheless, the great achievement of the Elgon Nyanza ADC was the tremendous expansion of education. In 1952 there were 205 aided primary schools and 37 aided intermediate schools in the entire North Nyanza (Elgon Nyanza region had 10% of the total schools) compared to in 1956 after the establishment Elgon Nyanza ADC when the school number increased. There were 161 aided primary schools and 22 aided intermediate schools all in Elgon Nyanza District. In 1957, the first secondary school now Friends School Kamusinga was established in the district at Kimilili. This was a decision forced upon the Quakers by the Elgon Nyanza ADC and the central government officials. On the eve of independence there were another 5 extra secondary schools apart from Kamusinga and 50 intermediate schools had been established. Expansion in education was only possible after councillors increased taxes from 15/- to 35/- in 1962. The increase in taxes was necessitated by improved economic base due to the maturing of the coffee plantations which had been started in 1951 and which had gradually been increased in number. In 1960-61 the co-operatives handled a crop worth £ 175 300 0.³²

³¹ Wolf, J. *Religious Innovation and Social Change among the Bukusu* 1971: 150-51.

³² Ibid

Nevertheless, education was the central concern of the ADC. In the ADC of Elgon Nyanza Annual Report of 1957, the council awarded to a total of £798 as bursary to students in secondary schools in Kenya. £26, 250 was paid to the District Education Board as grant. A number of teacher's houses and other school facilities had been put up. For instance a school store and the headmaster's house had been constructed at Bungoma D.E.B and a teacher's house at Kabula.³³

In 1958, a total of £35000 was paid to the Education Board compared to £26,250 in the 1957 budget. Local bursaries were at £1304. Three students were offered bursary to study abroad. The council also used its own money to put up school buildings to complete the work on intermediate schools at Kabula Roman Catholic, Bokoli Friends Annual Meeting, Butonge Anglican Church, Kamusinga Anglican Church and Namang'ofulo District Education Board.³⁴

Consequently, in 1959, the council paid £39,117 to the DEB to foot the bill of primary and intermediate schools in the district. Local bursaries were at £1300. Overseas bursaries took £2000. Subsequent year's budgetary allocation on education went up, for instance in 1961, the council voted £165, 789 to the DEB.³⁵

Notably, the Council chairman J.P. Nabwana in his speech in the council chamber 1962, emphasized that councillors should inform the public that the council paid 1/3 of school fees of each child from class one to class eight and Her Majesty's government took care of 2/3 of fees per child. When it came to day secondary schools, the chairman asked people to raise funds to establish them. He requested the

³³ KNA/ADC/EN/19/1/4-Elgon Nyanza African District Council, Annual Report.1957.

³⁴ KNA/EN/ADC/19/1/5- Elgon Nyanza African District Council, Annual Report 1958.

³⁵ KNA/EN/ADC/19/1/5- Elgon Nyanza African District Council, Annual Report 1961.

DC to withdraw his ban on funds drive to allow individual locations to raise money and put up day Secondary schools.³⁶³⁷

As well, in 1961, Bokoli was hived off Kimilili Location to become a location on its own. Chief Henry Wanyonyi was appointed by the then Nyanza acting PC, R.G. Wilson as chief. He became an official member of the Elgon Nyanza ADC. Chief Wanyonyi mobilized council resources to finance a number of schools in his location including Bokoli Quaker School.

However, Elgon Nyanza Finance and General Purpose Committee meeting, held on 18th April 1963; Senior Chief Jonathan Barasa was the committee chair and in attendance was the president of the council J.P. Nabwana, Cannon Jeremiah Awori, chief Lavington Naibei, Chief Jestimore Webbi, chief John Nabutola, chief Gerald Masbay, chief Christopher Odera, Festus Amoding, Wellington Wanyama, Gregory Nyando, Christopher Mwenya and Joseph Khaoya.³⁸ The meeting resolved to approve the registration of the following primary schools as indicated by table 5.4 below.

³⁶ Ibid

³⁷ The Kenya Gazette, 3rd January, 1961. Nairobi.

³⁸ KNA/EN/ABG/9/4/3- Elgon Nyanza African District Council, Annual Report. 1963.

Table 5.4: Approved Primary Schools, 1963

Sponsor	Primary School
F.A.M	Chelebei
F.A.M	Kituni
F.A.M	Kuywa
F.A.M	Kabogwa
F.A.M	Lugusi
F.A.M	Misimi
F.A.M	Sipala
F.A.M	Mahanga
F.A.M	Sirisia
F.A.M	Toloso
F.A.M	Wabukhonyi
F.A.M	Kibingei
F.A.M	Sichei
A.C	Sikanga
A.C	Amagoro
A.C	Namahindi
A.C	Kipcharaas

Source: KNA/EN/ABG/9/4/3-Elgon Nyanza Annual Report.

Aside from education, in the 1950s, concerted efforts of the government, missionaries and the ADC saw the number of dispensaries and health centres increase in Bukusiland. Additionally the current Bungoma County hospital was opened in 1950 by the then DC Mr. Griff and Paramount Chief Sudi wa Namachanja.³⁹ There were two government health centres in the district each with an ambulance link to Bungoma (County) hospital and several others ran by missions by 1958.⁴⁰ Furthermore, Bungoma district hospital by 1953 had the official hospital bed capacity by then was 96.⁴¹

In addition, in 1958, £950 was granted to putting up health facilities. Three health centers were constructed at Muchi, Marachi and Chwele.⁴² Webuye health Center was

³⁹KNA/ADC/EN/19/1/4-Elgon Nyanza African District Council, Annual Report. 1957.

⁴⁰ Ibid.

⁴¹Makhulo, S. *Factors Affecting the Growth and Development of Bungoma Town*. M.A Dissertation, University of Nairobi. 1987:87.

⁴² KNA/EN/ADC/19/1/5- Elgon Nyanza African District Council, Annual Report. 1958.

built by the council resources to its completion in 1960. It was officially opened on 27th February 1960. The hospital was located near Broderick Falls trading center.⁴³

Archival sources reveal that, five leprosy dressers were employed at an estimated cost of £300. The health workers were deployed in leprosy prone areas of Teso, Marach, Bukhayo, West Bukusu, and Ndivisi. The United Nations Children Fund (UNICEF), provided funds for drugs and footed other related costs in dealing with leprosy which was a menace during this time.⁴⁴

Other than health sector, the council also sponsored sports and even constructed playgrounds. In 1957, the council sponsored several football competition at various levels. For instance, the William Trophy, Bhatia Cup, Tusker Shield and Forward Store Cup, Valji Cup (Inter-Local Match) and Inter-District Matches. For instance, in 1957, North Kavirondo beat North Nyanza 3 goals to 2, and took the Remington Cup. The council also voted money for the construction of the pavilion and the grand stand on Kanduyi stadium in the financial year of 1957/58.⁴⁵ Other than health services, education and promotion of sporting activities, Elgon Nyanza ADC initiated the protection of underground springs (*Chisebele*). Spring water was tapped and was useful for domestic purpose.⁴⁶

Indeed, from the foregoing, it is clear that the council played a pivotal role in the social and economic development of Bungoma County. Much of the gains in terms of development were realized under the leadership of councillors who ensured that resources were utilized with prudence to achieve all that they had planned in various council committees.

⁴³KNA/ADC/EN/43/2/- Elgon Nyanza African District Council, Annual Report 1960.

⁴⁴ KNA/EN/ABG/9/4/3- Elgon Nyanza African District Council, Annual Report 1963.

⁴⁵KNA/EN/ADC/19/1/5- Elgon Nyanza African District Council, Annual Report. 1958.

⁴⁶ KNA/DC/NN/34-North Nyanza African District Council, Annual Report 1952.

5.4 African District Council and Political Developments

From 1950-1963, the relationship between the central government and local governments was the responsibility of the minister of local government. On 1st May 1953, the management for local councils in African areas was transferred from the CNC to the Commissioner for Local Government. The move meant that local government be consolidated in one department although the separate forms in the African and European areas were not integrated.⁴⁷

However, in financial matters, the ministry was concerned with the provision of grants and loans assistance to the local authorities. The government assisted local authorities by recruiting officers experienced in local government treasury work and making them available as financial advisers to ADCs. The development of ADC was fostered by the local representatives of the central administration. Even though many representatives were elected, some senior officers were nominated by the central government. The DC was often the council president.⁴⁸

In essence, ADCs provided a legitimate outlet for political activity. However, there were no elections for the new councils until 1958 because of the state of Emergency in Kenya. In the white highlands, the situation was very different, as the seven white districts had their own county councils on the British model. In the European County Councils, the voice of African squatters remained weak and their rights non-existent.⁴⁹

Fundamentally, unlike the LNC where the DC had overwhelming powers, councillors ratified much of the decisions. The DC served as President of the ADC for a few more

⁴⁷ Omosule, M. *Ph.D. Thesis Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya 1895-1963*. 1974, 502-503.

⁴⁸ International Bank for Reconstruction and Development: 1963:294.

⁴⁹ Hornsby, C. *Kenya*. 2012:42.

years before Africans took over, his authority over the councils was exercised largely through his persuasive powers rather than by fiat. Africans were in control of the key infrastructure as well as the social and welfare services in their localities. The central government services through various departments complemented local government efforts.⁵⁰

The above general survey on the establishment of ADC in Kenya lays a foundation on the subsequent discussions on Bungoma County. Basically, Local government in Bungoma County could not have been studied in isolation of Kenya, policies and laws that affected all ADCs, were made and implanted from the ‘center’.

As already presented in chapter one, the current geographical region that makes up Bungoma County was represented in the North Nyanza ADC up to 1956, the headquarters were stationed at Kakamega. In the year 1956, Elgon Nyanza was hived off North Nyanza becoming an independent ADC.⁵¹

The creation of the Elgon Nyanza District and ADC was part of the government policies to push ahead with the economic development of the area which had been affected by the Dini Ya Musambwa (DYM). The movement had assumed threatening proportions in the eyes of the administration after the incident at Kolloa in West Suk District in April 1950. DYM activity had spread to West Pokot District. In 1950, a Pokot by the name Lucas who had been converted in DYM led a rebellious group that killed a number of the colonial government law enforcers. Although Lucas died in the fracas, the colonial government learned a lesson on how far DYM had spread. Elgon

⁵⁰ Kipkorir, B.K. *Descent from Cherang'any Hills*. 2009:186.

⁵¹ Nabwera, B. *How it Happened* 2017, 1-9.

Nyanza District and ADC was therefore created to champion African economy and improve African education to stop young frustrated Africans from joining DYM.⁵²

Indeed, the colonial administration considered the creation of a new district (Elgon Nyanza) in their effort to combat DYM activities. In fact, according to C. H. Williams the then North Nyanza D.C, as early as 1954, a sub-station was set up in Bungoma just to deal with the disturbances caused by DYM.⁵³

Aside from the activities of DYM partly leading to the creation of Elgon Nyanza District and ADC, chiefs Kerre and Jonathan Barasa championed for the creation of Elgon Nyanza ADC so that the Bukusu could benefit from the huge taxes they were contributing to the ADC. The Bukusu, due to their stable economic base, were top contributors to the North Nyanza ADC in terms of taxes but returns were minimal because resources were being channelled to other parts of the district. On record, Bungoma contributed half of the incomes but only got back one third on the expenditure⁵⁴

Elgon Nyanza ADC was eventually incepted on 10th January 1956. Councillor Chief Henry Kerre the deputy chairman of the North Nyanza ADC was credited with how he facilitated the division of assets and liquid cash between North Nyanza and the newly created Elgon Nyanza ADCs. North Nyanza paid Elgon Nyanza £ 50,000 for under capitalization of assets and the remainder of the balances was equally divided.⁵⁵

After 1958, Africans became more political in approach to issues to do with their welfare. ADC also became a ground for the colonial government to prepare Africans for leadership as envisaged in their policy of decolonization. This explains why ADCs

⁵² Wolf, J. *"Religious Innovation and Social Change among the Bukusu"*1971, 151-52.

⁵³ KNA/EN/DC/19/1/5-African District Council of Elgon Nyanza, Annual Report. 1958.

⁵⁴ KNA/EN/DC/19/1/5-African District Council of Elgon Nyanza, Annual Report. 1959.

⁵⁵ KNA/ADC/EN/AGB/9/9/5- African District Council of Elgon Nyanza, Annual Report.1962.

had a more expanded mandate as compared to the LNC.⁵⁶ Indeed from 1959, ADCs began to have unofficials as chairmen, though usually nominated from amongst the members of the council by the PC, rather than elected by their fellow councillors.⁵⁷ In a circular to all presidents of the ADCs, the then permanent secretary for local government R. Tatton-Brown indicated the willingness of the colonial government to allow Africans replace DCs as Council presidents. Part of letter read:

It is the intention that as a long term objective, African District Councils should gradually approximate closer to County Councils and eventually there should be only one form of local authority in rural areas. Clearly, it will be a long time before all the rural areas could have an identical form of local government authority. In the interim, more and more councils will have African Chairman and will be developed so as to become less dependent. Upon the central government for the administration of the policy determined by the council.⁵⁸

Following the above circular, more ADCs started having African Presidents for instance, Elgon Nyanza had already been bestowed the honour of the first African President. In early 1959, the then PC for Nyanza made a decision to experiment by withdrawing a DC from one of the council in the province and replaced him with an African President. The PC had taken the advantage of the ADC Ordinance of 1950 that did not specify that a DC had to be the president of the council. He appointed Pascal Nabwana as the first African chairman/ President of the newly created Elgon Nyanza ADC in 1959. Pascal Nabwana was inaugurated in office as the President on 5th March 1959.⁵⁹ The same year Nabwana was also appointed as the first African President of the District Court of Appeal based in Kakamega.⁶⁰

⁵⁶ Stamp, P Local Government in Kenya: Ideology and Political Practice, 1895-1974, 504.

⁵⁷ Report of the Local Government Commission of Inquiry 1966

⁵⁸ KNA/ADC/EN/AGB/9/9/5 African District Council of Elgon Nyanza, Annual Report.1959

⁵⁹ Ibid

⁶⁰ Moss, N.C, *The dilemma of councillors*. 2016, 60.

Before the appointment of Pascal Nabwana to the council presidency, P.M. Gordon, the first president of the Elgon Nyanza ADC left the District in May 1958. P.L. Johnson acted as the chairman of the council before the arrival of R.S. Winser. Winser presided over council election held on 18th, 19th, and 20th of December 1958. Later on in 1959, nominated councillors were appointed.⁶¹

In 1960, Winser gave his address to the newly elected council. His message and advice was very well received and councillors requested that he pays more visits to the Bungoma Council Chambers. The DC had advised them to be developmental conscious. In addition, he reminded them that their role was service delivery to the people.

On 31st October 1960, His Excellency the Governor of Kenya, Sir Patrick Muir Renison the (Governor of Kenya from 1959 to 1962) held a baraza at Kanduyi stadium. A number of councillors requested that his speech be translated into local dialects.⁶² Contrary to his well-received speech by councillors, Renison had arrived in Kenya in 1959 without any African experience at the end of the Mau Mau Revolt. Although the British government and African nationalists wanted to accelerate the pace of decolonization, Renison failed to accomplish this goal. He proved particularly unable to deal with Jomo Kenyatta labelling him a leader to darkness and death; he refused to release him from detention. In November 1962, Renison was fired from office and later on died in November 1965.⁶³ Councillors' excitement over the visit of Bungoma was an indication that there was good rapport between the center and the periphery.

⁶¹ KNA/EN/ADC/19/1/5- African District Council of Elgon Nyanza, Annual Report.1958.

⁶² KNA/EN/ADC/19/1/5:1960).

⁶³Maxon, R and Ofcansky.*Historical Dictionary of Kenya, Second Edition*. Boston. 2000.

Notably, in 1961, the ADC of Elgon Nyanza agreed to become a member of the Association of Local Government Authorities of Kenya.⁶⁴ In addition, in 1961, the ADC members led by Pascal Nabwana, Councillor Chief Jonathan Barasa among others formed the Bukusu welfare of East Africa, a political movement although, concerned itself much more with welfare issues such as awarding bursaries and scholarships to students.⁶⁵

From the above evidence, Pascal Nabwana became the first African president of an ADC. He became an eminent personality in local governance in the Elgon Nyanza District. The colonial provincial administration was represented on the council through chiefs who doubled up as councillors. Chiefs were associated with political movements which might have compromised service delivery in their capacities as administrators. Their positions required impartial agents.

5.5 African Nationalism and the Decolonization Politics

This section deals with the relationship between the ADC and the politics of African nationalism and decolonization process of Kenya. The council members were keen on how political events towards Kenya's independence were unfolding at the national level. Some councillors took active role in African nationalism particularly after the Second World War. Constitutional changes that paved way for Kenya's independence influenced the activities of the ADC not only in the area under study but Kenya as a whole. The section will be analysed from a national point of view, although, the main focus will be on Bungoma County.

The provincial delegates' meetings of councillors increased ethnic awareness that resulted in the rediscovery of a common ethnic identity and integration. This was well

⁶⁴ KNA/EN/ADC/19/1/5- African District Council of Elgon Nyanza, Annual Report.1961.

⁶⁵ Wolf, J. "*Religious Innovation and Social Change among the Bukusu*"1971, 157.

engineered by the Kalenjin episode in 1950s during the Rift valley Joint meeting where the Nandi, Elgeyo, Kamasia (Tugen), Nyang'ori (Terik), and Sebei people “discovered” that they were one and same people. The name ‘Kalenjin’ is a term that refers to people whose languages include the phrase ‘I tell you’ and its use was similarly driven by the desire to obtain the bargaining power at the national level. In early 1950s the Kalenjin nation formed the Rift Valley Union which eventually transformed into Kalenjin Political Alliance.⁶⁶

The Kalenjin group had a tradition that regarded them as one:

Raids could only be undertaken against the Jalu and Kisii on the West and Maasai on the South, as the (Kipsigis) could not fight against the Nandi, Keiyo, and other tribes of the same stock as themselves in the North. The Killing of a man belonging to one of these tribes would have made the offenders liable to an action for the payment of the tug ‘amuget’ compensation. It is said that no war between the allied tribes has ever taken place. “We are all one people, our fathers were the same.”⁶⁷

The Mijikenda retained their separate nine identities as Giriama, Kauma, Kambe, Chonyi, Duruma, Rabai, Jibana, Ribe and Digo throughout the colonial period. In the late 1950s towards Kenya’s independence, political elite asserted a ‘Mijikenda’ identity driven by the desire to create the Mijikenda nation that would be used for political power bargain.⁶⁸

Provincial delegates’ conferences activated regional ethnic consciousness. The creation of large ethnic groupings was done in the anticipation of Kenya’s independence so that such groups could bargain and get a share of the national cake. The mega ethnic groupings were mostly aligned to the regions/provinces apart from Nairobi which was cosmopolitan.

⁶⁶ Kipkorir, B.E. *Descent from Cherang’any Hills: Memoirs of Reluctant Academic*. Kipkorir (2009)

⁶⁷ J. G. Prestiany, *the Social Institutions of the Kipsigis in Omosule*, M. Ph.D. *Thesis Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya 1895-1963*. 1974:369.

⁶⁸ Hornsby, C. *Kenya*. 2012.

The colonial government decision to nominate Africans to the Legislative Council in 1952 was a product of provincial delegates' meetings. *Majimboism* (regionalism) at independence was a product of Provincial delegates' Conferences which saw the need for ethnic amalgamation in power bargain. It is from this period that politicians were keen on regional politics. That explains why African Elected Members Organization AEMO had representation at regional level.⁶⁹

The provincial Conferences were a precursor for the election that was held in 1957. Delegates pushed for more African representation in the Legislative Council. The new African Elected Members included: Oginga Odinga in Central Nyanza, Bernard Mate in Central Province, Ronald Ngala at the Coast, Lawrence Oguda in South Nyanza, Tom Mboya for Nairobi, Masinde Muliro -North Nyanza, James Muimi- Eastern Province and Daniel Moi from the Rift Valley. The newly elected African LegCo members were sworn in on March 26 of 1957 by the speaker of the LegCo, Sir Ferdinand Cavendish Betinck in the presence of the Governor Sir Evelyn Baring. This represented quite a new breed of African leadership - most of them having considerable higher education. For instance Masinde Muliro was a graduate from South Africa in History, Philosophy and Education. As mentioned in the previous chapter, Masinde Muliro was a product of those who benefited from the LAC bursary. Masinde Muliro during the 1957 had defeated Wycliffe Works Wasya Awori. Muliro was also supported in his campaign by Elgon Nyanza Councillors such as Nabwana.⁷⁰

The African elite had found its way into LegCo. They later became a force to reckon with in the decolonization Politics of Kenya. The eight African Elected Members met for the first time on Wednesday 13 March 1957 at the Kenya Federation of Labour

⁶⁹ Omosule, M. *Ph.D. Thesis Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya 1895-1963*. 1974, 365-369.

⁷⁰ Nabwera, B. *How it Happened*. 2017:8.

offices at Pumwani. They met and formed the African Elected Members Organization (AEMO).⁷¹

Jaramogi who served on Central Nyanza Council and later a legislator became the chairman of AEMO. As the leader of AEMO, he had a funny way of describing his fellow African legislators. He described Muliro as a sailing boat whose next direction was difficult for the white settlers to assess. He talked of Ngala as a hippo who hid from his father but would secretly measure his footprints against his father's and when he was satisfied they were equal, challenged his father to a duel. He referred to Oguda as a dog that seldom barked but bit severely. Jaramogi described Moi as a giraffe with a long neck that saw what lay ahead from far away-this description of Moi would be used years later by his supporters to depict him as foresighted and shrewd. ADC laid a political foundation indirectly and directly for politicians such as Ronald Ngala and Oginga Odinga who were councillors and Masinde Muliro who was educated by LC funds and further supported in his campaign by Nabwana who was a senior member of Elgon Nyanza ADC.⁷²

Bungoma County from mid-1950s played a pivotal role in the Kenyan politics of Nationalism and decolonization. Kenya African Union (KAU) had a sub-branch in Bukusuland that operated under the KAU North Nyanza branch, under the chairmanship of John Adala. The Bukusu branch was led by Matthew Makanda with a membership of 200 people. Councillor Pascal Nabwana himself was the chairman of the North Nzoia branch. Most members of the Bukusu Union identified themselves with KAU.⁷³

⁷¹Gona, G.M. *A political Biography of Gideon Ngala*. M.A. Thesis, University of Nairobi, Nairobi. 1990:63.

⁷² Nabwera, B. *How it Happened*. 2017:98-99; Odinga. O. *Not Yet Uhuru*. 1967.

⁷³Wafula, P. *Politics and Nationalism in Colonial Kenya*. 2000,226.

Apart from the BU, ADC members from Bungoma were highly associated with the KAU. Amongst those who were rounded up and given stern warnings to cut all their ties with KAU and to get rid of all writings connected with KAU, were Councillor Pascal Nabwana and Benjamin Kapteni and Nicasio Nang'ole. The latter two were described by the DO in his handing over report of 1952 as the most troublesome members of a most tiresome LAC.⁷⁴

However, in the late 1950s, KAU leaders in Bungoma County became more engaged in the new Elgon Nyanza ADC hence effectively diverting their attention from the national issues. Pascal Nabwana was elected vice-chairman of the council in 1956. In 1959 he became the first African in Kenya to be installed as an unofficial chairman of the ADC instead of the DC. Chief Jonathan Barasa became the vice-chairman. Indeed, in 1961 the DC recognized the positive role Pascal Nabwana played in the ADC.⁷⁵

The shift in power to the Africans meant more freedom and independence. Masinde Muliro and other elected members in the LegCo managed to effectively demand for an end to the emergency and also called on the government to allow for the formation of national political parties irrespective of race, colour and creed. Although the colonial government conceded to the former African demand, it had by 1959 not allowed for the formation of national parties. The government was in favour of colony-wide multi-racial parties. Muliro immediately founded the Kenya National Party (KNP) in 1959 and was elected its President.⁷⁶ The party was supported by nine other elected Africans, namely Ngala, Moi, Towett, Nyagah, Mate, Khamisi, ole Tipis, D.I. Kiamba and Muimi, one European S.V. Cooke and six elected Asian

⁷⁴ KNA,DC/NN.216- North Nyanza African District Council, AnnualReport 1952.

⁷⁵Wafula, P. *Politics and Nationalism in Colonial Kenya*. 2000:231.

⁷⁶Benedicto, O.I 2021.

members.⁷⁷ Muliro's political philosophy and ideology favoured regionalism which by then was perceived as a guardian for local authority.

At the local level politics, the former Bukusu Union (BU) and KAU leaders did not hesitate to co-operate with the administration in the new Elgon Nyanza ADC. As mentioned in this chapter, in 1956 Pascal Nabwana was elected vice- chairman of the council. He took the place of Chief Henry Kerre who had been dismissed over financial irregularities. In 1959, Pascal was installed as the unofficial chairman of the ADC. Chief Jonathan Barasa became the vice-chair. The DC wrote in 1961 "The unofficial chairman of the ADC enhanced his personal status and dexterity during his third year in office".⁷⁸

Consequently, Pascal Nabwana was rewarded for his services with an Officer of Order of the British Empire (OBE), the first to be conferred on an African in Kenya. He was greatly helped by the able secretary of the ADC, Nathan Munoko. Munoko was a trained veterinary officer and the first Bukusu to take the Cambridge School Certificate examination. He was among the first graduates of Kabete campus in 1947. Munoko was the chief executive officer of Elgon Nyanza ADC from 1956. He later on served as a senator of Bungoma in 1963, MP Bungoma Central from 1966 and later on serving as an assistant Minister for local government.⁷⁹

However, the Nabwana led Elgon Nyanza ADC had a number of issues. It was recorded in 1961 that, the West Kalenjin Congress (WKC) under David Moss presented their grievances to the colonial government claiming Trans Nzoia was Kalenjin land. The same year the Sabaot leadership complained to the Trans Nzoia

⁷⁷Wafula, P. *Politics and Nationalism in Colonial Kenya*. 2000:235;

⁷⁸ KNA/DC/EN/4/4/114: Elgon Nyanza African District Council, Annual Report 1961..

⁷⁹ Wolf, J. *"Religious Innovation and Social Change among the Bukusu"*.1971:153.

DC that the Sabaot living in Elgon Nyanza District were being mistreated by the Bukusu leadership. They wanted to register as voters from Trans Nzoia. Moss claimed that the community had been frustrated by the Bukusu hegemony in the ADC, where matters were deliberated from an ethnic angle.⁸⁰

However in 1960, the political activities of Elgon Nyanza ADC were exhibited when, the North Kavirondo Central Association (KCA) in a Luyia unity went into a political alliance with Kalenjin Political Alliance to form Kenya African Democratic Union (KADU) which opposed the Kenya African National Union (KANU). KANU was formed by the majority Luo and Gikuyu communities. KADU was associated with Masinde Muliro. A number of councillors supported KADU due to the Muliro factor.⁸¹

At the national level, KANU had been founded on 14th May 1961 following a conference in Kiambu. The leaders of ethnic minority groups responded by forming Kenya African Democratic Union (KADU) on 25th June 1961 at Ngong.⁸² Ngala considered one major difference between KADU and KANU. This difference lay in the fact that KADU wanted a constitution for a free Kenya that would give reserved powers to the regions as well as the regional representatives to its parliament, and that such reserved powers were to be respected by the central government. On the whole, this was the basis for regionalism. KANU, on the other hand, wanted a unitary government where powers and authority would be centralized. Regionalism in essence favoured local governance as opposed to centralization.⁸³

⁸⁰ Kakai, P. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts, 1875-1997*. 2000:161).

⁸¹ Hornsby, C. *Kenya*. 2010.

⁸² Maxon, R and Ofcansky. *Historical Dictionary of Kenya, Second Edition*. Boston. 2000:28.

⁸³ Gona, G.M. *A political Biography of Gideon Ngala*. 1990: 145.

At the behest of the British decolonization policy in Kenya, KANU and KADU were fighting over political power. *Majimboism* which promoted local governance was the basis of controversy between KADU and KANU. In 1961, Group Captain Briggs on arrival from the First Lancaster House Conference described the conference as calamitous for the whites. His United Party began to appeal to the smaller African ethnic groups, particularly the Maasai, Mijikenda, and the Kalenjin to combine forces against the Luo and the Gikuyu. The Maasai were led by John Konchellah, Chief Lemono and John Keen. The Maasai appealed to the British government through their party- the Maasai United Front- to guarantee security of their land after independence. The Kalenjin Political Alliance (KPA) under Taita Towett pushed for the Kalenjin interest. Ronald Ngala formed the Coast African Political Union (CAPU) to push the Mijikenda interest while Masinde Muliro formed the Kenya African Peoples' Party (KAPP) for Luyia interest. The three communities under the support of European settlers formed KADU to counter KANU which mostly comprised of the Luo and the Gikuyu.⁸⁴

However, KADU joined by the White Highland settler's New Kenya Party (NPK), the Kenya Indian Congress (KIC) and other independent members agreed to form a government beginning with some work on *majimbo*. Incidentally, the idea of *Majimbo* was borrowed from the Swiss constitution and drew heavily on regionalism ideals.⁸⁵

Regionalism featured prominently in Kenyan newspapers and in the constitutional debates over the future of the country. It was a proposal unacceptable to KANU, which regarded itself as a radical nationalist party. As an alternative to regionalism, KANU suggested a strong central government with efficient local government.

⁸⁴ Ochieng, R. *A History of Kenya* 1985:140-141.

⁸⁵ Meyer, K.R. *Kenya: Decolonization, Democracy and the Struggle for Uhuru*. 2015:46.

KANU secretary general Tom Mboya had argued that regionalism was a form of tribalism because it created tribal states. He argued that devolution of power through local government would eliminate tribalism.⁸⁶ As quoted in Omosule, KADU had a counter argument that:

The important difference between the two is that Local Governments are given their powers by the central Government, who can obviously take the Authority away as well. The Regions will have absolute power to control over some things in which the central Government cannot interfere. This means that regional Assemblies will build schools and health centers without the permission of the Central Government. Also the Present ADCs will become County Councils working for their Regional Assemblies.⁸⁷

KADU demanded a quasi-federal division of power, with strong local government (*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. KADU's proposals had a strong bill of rights that would protect private property interests particularly land. The real motive behind the push for devolution was to protect the European settler farmers and allow them to 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. However, due to too much pressure from the European settlers and the minority ethnic groups, the independence constitution endorsed federalism.⁸⁸

Additionally, the African members of the Legislative Council who formed KANU had intended it to be a single nationwide party. Ngala, Towett, Muliro, Moi and the other

⁸⁶Omosule, M. *Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya*. 1974:513.

⁸⁷Omosule, M. *Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya*. 1974:513.

⁸⁸ Muendo, K. L, *Local Government and Development in Kenya*, 2016:91.

KADU leaders eventually decided to form a separate party because they thought they could drive a better bargain for themselves and their supporters in this way. They were also urged by some European politicians to form a separate party with which the Europeans could collaborate, and with which they might even hope to form a coalition government at independence. KADU received substantial European assistance in its early days, and there was no doubt that KADU's subsequent demand for 'regionalism' - the division of the country into regions corresponding to the main tribal groupings and enjoying a substantial measure of constitutionally entrenched self-government - was formulated jointly by the leaders of KADU and some members of the New Kenya Group (NKG). This strategy was adopted, however, only when a general election held early in 1961 had shown that KANU had too large an electoral majority for a KADU-NKG coalition government to be feasible.⁸⁹

However in August 1961 Mr Kenyatta was released. He tried to reconcile KADU and KANU in vain. In October 1962, he was asked to take over the leadership of KANU which he accepted.⁹⁰ The differences between KADU and KANU were very apparent at the Second Lancaster House Constitutional Conference held in 1962 to plot the course of Kenya's path to self-government. Chaired by the new secretary of state, Reginald Maudling, the conference was faced with a choice between KADU's vision of federalism (*Majimbo*) and KANU's unitary approach. Maudling obtained an agreement for a constitutional framework that provided for a semi-federal solution, despite the opposition of KANU, which obviously represented the majority of Kenyans. Maudling's action were based on his hope that a split in KANU would occur with Mboya and his followers joining KADU in opposition moving away from

⁸⁹ Leys, C. *Underdevelopment in Kenya: The Political Economy of Neo-colonialism, 1964-1975*. London. 1975:277.

⁹⁰ Were G.S and Wilson, D.A. *East Africa Through a Thousand Years*. 1974. 302-303.

what he viewed as the radical faction led by Odinga. In the *majimbo* constitution, six regional assemblies with entrenched powers were to be established, and at the center there was to be a bicameral legislature. Details of the new constitution were to be worked out after the conference so that elections could be held.⁹¹

As much as Kenyatta and KANU opposed *Majimboism*, the British government supported the demand for regionalism, and in 1962, obliged the KANU leaders to accept it as the price of getting a date fixed for a fresh general election.⁹²

The Federal Independence Constitution gave responsibility for the definition and establishment of local authorities to the newly created regional assemblies. The Assemblies had powers to allocate resources to their respective local authorities.⁹³

Earlier on, distrust among African communities after the first Lancaster house Conference had resulted into two competing political parties-KANU and KADU. The resultant rivalry between the two political camps for inheritance of the power to be relinquished by the British led to an Independence Constitution with the provisions which significantly affected the local authorities. Smaller ethnic groups had the fear that the two large ethnic groups were planning to take power from the British and dominate the government. A coalition of District Associations from smaller ethnic groupings believed that the confederal state where regions had more powers than the center was seen as a panacea to the economic and political problems that faced the country at that time.⁹⁴

In the 1963 election, there were no racially reserved seats, and KANU leaders therefore hoped to demonstrate their overwhelming electoral support and to capture a

⁹¹ Maxon, R. *An Introductory History*. West Virginia University Press, Morgantown 2009:258.

⁹² Leys, N. *Underdevelopment in Kenya*. 1975:279.

⁹³ Southall, R. and Wood, G. *Local Government and the Return to Multi-Partyism in Kenya*. 1996, 504.

⁹⁴ Masinde: O.I:2020.

large majority of seats in the new parliament. They reasoned that once in power after independence, they would not find it too hard to change even the entrenched regionalist provisions of the constitution. The election was held in May 1963, and KANU won an overwhelming majority of the votes and of the lower-house seats. Subsequently, the independence of Kenya was formally achieved in December 1963.⁹⁵ However, the mandate of regional governments over the local authority remained unachieved until the constitutional amendments from 1964 eroded the powers of regional government.⁹⁶

A part from Kenyatta's challenging task to abolish the regional governments, he also faced threats of secession from the Coastal Arabs living within the 16 Kilometre coastal strip that the Britain had leased from the Sultan of Zanzibar. The Somali community in the Northern Frontier District also wanted to secede to be part of their fellow Somali in Somaliland.⁹⁷

Jomo Kenyatta was faced by a number of challenges, the Somali of North-Eastern Kenya and the residents of Kenyan Ten Miles Coastal Strip (*Mwambao*) which stretched from Kenya's border with Tanzania up to Kipini in the North, covering two thirds of the Kenyan Coast.⁹⁸ The Somali of what was known as 'Northern Frontier District' (NFD) wanted to join their ethnic kinsmen in Somalia and Ethiopia to form the greater Somalia. Similarly the Arabs of the ten Mile Coastal strip demanded that either their autonomy be granted or they be allowed to join Zanzibar so that they would be administered by the Sultan of Zanzibar as was the case before 1895 when

⁹⁵Leys, N. *Undevelopment in Kenya*. 1975:279.

⁹⁶Omosule, M. *Political and Constitutional Aspects of the Origin and Development of Local Government in Kenya*. 1974, 498-499).

⁹⁷Odhiambo, E.S.A; Ouso. T. I & William, J.E.M. *A History of East Africa*. Nairobi. Longman.1977:181-182).

⁹⁸Kakai, P. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts, 1875-1997*.2000:164

the British colonialists acquired the strip at an annual cost of seventeen thousand sterling pounds. The Mwambao group may have been influenced not only by ethnic considerations to join the Arabs of Zanzibar but also because of religious factors. Like in Zanzibar most Mwambao residents are Muslims.⁹⁹ KANU used these secession demands towards justifying a unitary system of Government as opposed to regionalism which was perceived a saviour of local government.

When Kenya celebrated its December 12, 1963 with a Majimbo (federal) constitution, the issue of nationhood was still fragile. Sub-national sentiments within each of the seven regions were strong. For each *jimbo* (region) was defined by a dominant ethnic group.¹⁰⁰ Thus in Western Region there were the Abaluyia, the Rift Valley comprised the Kalenjin and the Maa-speakers, Central dominated by the Agikuyu, in Eastern occupied by the Akamba, Ameru and Aembu whereas Coastal consisted of the Mijikenda and Swahili, Nairobi being a cosmopolitan city of all ethnic and racial groups. The Northern Region which included the Somali ethnic group of the Oromo clans such as the Gabra, the Noran, the Sakaye and the Orma was still keen on secession.¹⁰¹ All these challenges justified the need for the unitary state which was championed by the KANU government as opposed to regionalism. Regionalism was designed to protect the newly established Local Authorities.

In Elgon Nyanza, at the climax of KADU and KANU feuds, in the 1961 general elections, Masinde Muliro was elected unopposed on a KADU ticket as the representative in the Elgon Nyanza constituency. He was then appointed the Deputy

⁹⁹ Nasong'o. S.W. "Constitution Making and the Minority Question: Assessment of Mwambao Separatism and Somali Irredentism" in ed. Chweya, *Ludeki Constitutional Politics and the Challenge of Democracy in Kenya* (Nairobi).1999:176

¹⁰⁰ Maloba, W. "Nationalism and Decolonisation, 1947-1963", in Ochieng' W.(ed.) *A Modern History of Kenya 1895-1980*, Nairobi: Evans Brothers Ltd. 1989.

¹⁰¹ Kakai, P. *History of Inter-Ethnic Relations in Bungoma, Mt. Elgon and Trans Nzoia Districts, 1875-1997*. 2000:161).

Leader of Government and Minister for Commerce, Industry and Communications. This marked the start of Muliroism among the Babukusu, a phenomenon characterised by unquestioning faith in the leadership and direction of Masinde Muliro. Muliroism also influenced council elections, majority of those aligned to him won seats as KADU councillor.¹⁰²

However, in Bungoma District, in the 1963 elections, majority of the council members participated as candidates. The seat in the Senate was won by Munoko, the former ADC secretary, and KADU member. In western Bungoma the Lower House seat was contested by Khaoya of KANU who had resigned as chief. His opponent was his predecessor Councillor Chief Henry Kerre of KADU. Henry Kerre won but within hours of the announcement he crossed the floor and joined KANU. He was the best example of a politician who only joined KADU in order to get elected by the Bukusu. Jonathan Barasa a former ADC member refrained from supporting KANU openly as chief, although his heart was in it. Pascal on the other hand used his official position as ADC chairman to promote KANU where he could. He invited Kenyatta himself to the ADC hall at Bungoma where he was presented with a traditional stool as symbol of his leadership of the Bukusu. Pascal had reached his political pinnacle as the president of the Elgon Nyanza ADC, he was also too old to be able to stand for parliament; he did not try to find a seat in the Regional Assembly either. On the other hand, Muliro warned the Bukusu not to let KANU in through the backdoor by electing them. In the County Council and Regional Assembly all seats of Bukusu were taken by KADU men. In Northern Bungoma, the seat of the Lower House went

¹⁰²Wafula, P. *Politics and Nationalism in Colonial Kenya*. 2000:238.

to Mark Barasa, a primary school teacher and at the time a loyal follower of Muliro.¹⁰³

From the above evidence, it can be deduce that, Bungoma County was affected by the national decolonization politics. Masinde Muliro a forerunner of devolution ensured that his backyard was in solidarity with KADU. This explains why the 1963 general elections, majority of the members of parliament and wards were from KADU.

5.6 Challenges

A number of challenges faced ADC as a corporate institution in local governance. Nevertheless, Ndege¹⁰⁴ asserts that, in 1950 the LNC only changed its name to the ADC. The ADC inherited all the problems which faced the LNC in terms of the colonial government over lordship. In the 1950s, apart from performing its normal functions, the ADC was also used as machinery for spreading propaganda against the Mau Mau movement through speeches to its members by the District Commissioners, and nominated members of the Legislative Council such as B.A. Ohanga and Kikuyu loyalists who were invited to attend its meetings.

As mentioned earlier in this chapter, in 1956, the decision was reached by the colonial government to split North Nyanza into two districts, namely Elgon Nyanza and North Nyanza. The new Elgon Nyanza district and ADC had their headquarters in Bungoma. The advantage of the split was that the Bukusu and other communities such as the Tachoni and the Sabaot who had claimed to have initially raised much more revenue in the former North Nyanza ADC were to benefit more from their large revenue

¹⁰³Wolf, J. *"Religious Innovation and Social Change among the Bukusu"* Wolf, 1971:154-155.

¹⁰⁴ Ndege, P.O. *Economic Change in Kasipul and Kabondo, 1800-1962*. 1987.

base.¹⁰⁵ The split was motivated by the dissatisfaction of the people of Bungoma when it came to service delivery.¹⁰⁶

In 1962, in his speech, the Council Chairman Pascal Nabwana noted that the year 1961 was marked by the tendency of councillors receding into their tribal loyalties. The political awakening of Nairobi based politicians from the district interfered with the council activities by inciting the councillors especially on the issue of uneven development. The politicians criticized council operations and even threatened their 'people' to boycott payment of ADC licences, especially dog and bicycle licences. The unity of the council at this time was threatened hence putting at risk service delivery programs.¹⁰⁷

The ADC of Elgon Nyanza faced a number of challenges. The ADC in its process of funding and providing education to its people faced a series of problems. To start with, in 1959, the government decided to place a ceiling on the councils' expenditure on education at 50% of free revenue. This decision reduced the capacity of the Council in funding education and providing bursaries to the needy students both locally and in foreign institutions.¹⁰⁸

Notably, the provision of six regions in the Kenya's independence constitution led to the establishment of the Regional Boundaries Commission. The commission in 1962 collected a number of views from various leaders and delegations all over Kenya. Some strong ethnic views expressed threatened the existence of already established ADCs.

¹⁰⁵ KNA, DC/EN/1/3-Elgon Nyanza African District Council, Annual Report 1961.1956

¹⁰⁶ Wolf, J. *Differentiation and Integration in Western Kenya*. 1977:188).

¹⁰⁷ KNA/ADC/EN/AGB/9/9/5-Elgon Nyanza African District Council, Annual Report 1961.1962.

¹⁰⁸ KNA/EN/ADC/19/1/5- Elgon Nyanza African District Council, AnnualReport 1961.1959.

Notably, in terms of KANU's position on regionalism, J. Kenyatta while presenting his views to the Regional Boundary Commission on 14th August 1962, argued that, the provincial boundaries at that time be retained because creating new boundaries was an impossible task and unnecessarily expensive. On the contrary, P.M. Muliro in his presentation to the commission on 27th August 1962, asserted that, people were supposed to be allowed to freely choose the new regional boundary they wanted.¹⁰⁹

It is also important to note that, in the late 1950s the Sabaot community complained that they were disadvantaged when it came to distribution of educational resources. Through their leaders such as David Moss who later on became a member of parliament in post- colonial Kenya noted that three quarters of their resources were being used to develop South Bukusu and that the continued use of Lubukusu in examinations which had adversely affected the pupils from the Sabaot community.¹¹⁰ However, the West Kalenjin Congress in their presentation to the Regional Boundaries Commission on 14th September, 1962, argued that the Sabaot who lived in both Trans-Nzoia be allowed to live in the same region as the other Kalenjin tribes. They argued that Trans-Nzoia was their own region and they were to separate from the Luyia who were trying to take over it. Under the leadership Moss, they expressed their wish to be administered from Trans Nzoia District and to be included in Rift valley Province together with their fellow Kalenjins. The Bukusu under the leadership of Masinde Muliro prevailed with the suggestion that the Sabaot should be retained in Western Province. The result was violence, cattle banditry, damage to property and the abandonment of KADU.¹¹¹

¹⁰⁹Republic of Kenya, Report of the Regional Boundary Commission, 1962.

¹¹⁰ Imbuye, K.B. *Intra-Ethnic Relations among the Sabaot of Mt. Elgon, Kenya, 1945-2010*. 2016:98.

¹¹¹Khamala, G. *Gender Dimension of Ethnic Identities and Conflicts in Kenya: The Case of Bukusu and Sabaot Communities* M.A Thesis, Kenyatta University. 2009,101.

Nevertheless, the Western Nyanza Association led by Hon P.J.H. Okondo, while presenting their views to the Regional Boundaries Commission on 10th August, 1962 wished to be joined by their fellow Luyia in Elgon Nyanza District, North Nyanza with headquarters preferably in Kitale. A similar clarion call came from the Gem Bantu Association who wished to be separated from the Central Nyanza Luo. They wanted to be in the same region with the majority of the Luyia in Elgon Nyanza and North Nyanza.¹¹²

In addition, on 5th September, 1962, the Elgon Nyanza ADC president Pascal Nabwana led a delegation to the Regional Boundaries Commission. They demanded that, the Abaluyia of Elgon Nyanza be allowed to be in the same region with North Nyanza, Elgon Nyanza, Bunyala, Busonga and Samia locations of Central Nyanza, Elgon-Marakwet, West Pokot, Trans-Nzoia and Uasin Gishu. They declared that if they could not get their own region, they preferred to be left to join Uganda. However, on 5th September 1962, the Tachoni delegation from Elgon Nyanza, Trans-Nzoia and Uasin-Gishu, wished to be in the same region where their fellow Luyia belonged.¹¹³

However, it is important to note that ADCs collected poll and hut taxes partly to pay teachers' salaries. In the 1950s, due to the councils' inefficiency, the late President Daniel Moi, a teacher by profession agitated for the formation of one teachers' body. Following the formation of the first teachers union- the Kenya National Union of teachers (KNUT) in 1957, there was constant demands for the creation of a single body to manage teachers' issues.¹¹⁴

¹¹²Republic of Kenya, Report of the Regional Boundary Commission, 1962.

¹¹³ Ibid.

¹¹⁴ Wanyonyi, D. Teacher supervisory role rests squarely on TSC. *Education News*, March 22 - APRIL 8, 2021, Shred Publishers & Suppliers LTD.

A retired teacher lamented that teachers were paid peanuts in the 1950s. He explained that teachers sometimes went without pay for several months especially during school holidays. Salary for teachers also varied from one ADC to the other. He further mentioned that the Elgon Nyanza ADC had failed to develop Social Security fund which was supposed to cushion teachers in their retirement. Teachers were answerable to a number of individuals including chiefs, councillors, colonial government officials, missionaries and churches.¹¹⁵

Shortage of trained teachers was also experienced by 1962. The shortage was much higher in the protestant schools. The teacher shortage was due to lack of a teacher training institute in the district. A proposal was made to have a teacher training college in the district.¹¹⁶

In the agricultural sector, the invasion of Army Worms at the beginning of 1961 was a challenge to farmers. Farmers had lost cattle and crops. The rainfall that followed in March destroyed roads and bridges. The ADC of Elgon Nyanza had to appeal for financial support from the government.¹¹⁷

On 16th May 1961, the DC Mr. R.S Winser gave his final speech to the Council Assembly before leaving the Colony. The DC advised the council to invest in publicity so that people could know the good work it was doing. He encouraged the Council to inform people on the need of developing land because only 1/10 of the district land was developed.¹¹⁸

In terms of roads, the Inspection Report of Elgon Nyanza ADC submitted by the Inspecting Superintendent Road Authority on 18th February, 1956 indicated a poor

¹¹⁵Walubengo, R. O.I 2021

¹¹⁶ KNA/EN/ADC/19/1/5-Elgon Nyanza African District Council, AnnualReport 1959.

¹¹⁷ KNA/EN/ADC/19/1/5-Elgon Nyanza African District Council, AnnualReport 1961.

¹¹⁸ Ibid.

state of roads and bridges in the District. The report showed that most bridges were old and needed replacement. The Nyanga-Chebuyusi road which passed through a black cotton soil was impassable and needed more surfacing.¹¹⁹

A speech by R.S. Winser, the DC Elgon Nyanza to the Elgon Nyanza African District Council on 16th May, 1961 indicated a number of challenges that were facing the council in service delivery. Challenges ranged from poor rate paying to high expectations from the people¹²⁰.

In his own words, Winser told the councillors that:

.....Education, though perhaps most important, is not your problem. The financial burden of community development is increasingly yours, and I hope you will shoulder this realistically and see that the training of women can continue in Maendeleo ya Wanawake clubs under effective leadership and supervision. You will have to employ your own staff to implement the water scheme that the people want and not have to wait for Government staff to do them for you. You want Youth club and some want adult education. There is an ever-increasing demand for health services and I could list many more things. Unfortunately, as you know, an extra *mirija* put into the beer pot does not increase the amount of beer. You have a difficult task in allocating the money available in the best possible way and for the maximum benefit of the people of this district.....Ibid.

The major challenge that faced ADCs in Kenya was decolonization politics towards Kenya's independence. African politicians' interest in local government effectively ended when the British government committed to Kenyan independence in 1960. Majority of politicians were interested in securing more prestigious seats in the national legislature. They were no longer keen on local governance.¹²¹

In the decolonization politics of the late 1950s and early 1960s, no one could match Masinde Muliro. Those who sung his 'KADU song' were easily elected to the

¹¹⁹ KNA/ADC/EN/NP/162/9/1-Elgon Nyanza African District Council, AnnualReport 1956

¹²⁰ KNA/DC/EN/12/3/2 Elgon Nyanza African District Council, AnnualReport -1961.

¹²¹ Hornsby, C. *Kenya*. 2012 112.

Council, the Regional Assembly, the House of Representatives and the Senate. As one of the KADU leaders, Muliro hoped to gain support from the non Bukusu tribesmen in Elgon Nyanza by denouncing the leadership of the ADC and accusing Pascal Nabwana, the chairman, and chief Jonathan, vice-chairman, of nepotism and favouritism. Muliro attacked Chief Jonathan Barasa's development policies in his own location, challenged him to resign because he had nothing to show-off. Muliro's attack on Chief Barasa was on the basis that the Chief was covertly supporting KANU. At the same time he deplored the fact that the ADC was split hence ineffective.¹²²

5.7 Conclusion

Agency theory was used to inform this chapter. African agents comprised of African educated elites who became councillors. Agents of the metropole such as J. Creech the then Colonial Secretary, his 1947 popular dispatch led to the establishment of ADC which had constitutional basis and widened mandate. Other colonial agents included the colonial provincial administrators and senior colonial government officials such as the Governor and the CNC who influenced the activities of the ADCs. Prior to Kenya's independence, Kenyan politicians (agents) influenced the activities of the council during the decolonization politics.

The Chapter exposed that LNC evolved into ADC in 1950. ADC had more responsibility in terms of tax collection and expenditure. ADCs were also less influenced by the local DC, much of their proposals sailed through. ADCs had more elected councillors as compared to LNC in which majority members were nominees of the DC

¹²² Wolf, J. "*Religious Innovation and Social Change among the Bukusu*". 1971:154-56.

A number of political developments associated by the ADC in the study area were identified through a number of sources. The establishment of ADC in the study area and Kenya in general was a deliberate decision by the metropole in the British decolonization policy. Kenyans were prepared through the ADC to take over leadership after the exit of the colonial government. However, in 1956, the Elgon Nyanza ADC/District was carved off from the North Nyanza District. The new E.N comprised of the current Busia and Bungoma counties. In 1959, Pascal Nabwana became the first ADC president in Kenya; he took over the leadership of Elgon Nyanza ADC. Prior to Kenya's independence Elgon Nyanza was affected by decolonization politics. The council was divided along party politics of KANU and KADU. KADU supported regionalism which safeguarded the interest of local government from a regional level while KANU supported a unitary state that protected local authorities from the center. From May 1963, the County Council of Bungoma replaced the EN ADC. The new system of LG was under the minister of Local Government.

On the strength of various sources consulted, NN/E.N ADC provided a number of social services in the study area. Services offered included: education, health, establishment of social places among others. ADC, founded its own social institutions at the same time funded the existing ones including those ran by missionaries.

In term of economic development, the council maintained markets, provided loans to traders, provided training to traders, provided licenses to traders, and last but not least provided land for establishment of trading centers. In Agriculture, a number of measures were put in place by the Council to improve livestock production, crop production and soil conservation. Additionally, a number of developments were

realized in the development of infrastructure for instance, construction of roads, bridges, culverts, offices, social halls just to mention but a few.

From the chapter, a number of challenges faced the ADC in provision of services. Economic challenges included poor rate payments, natural disasters such as drought, locust invasion, and poor road infrastructure just to mention but a few. Social challenges comprised inadequate education facilities, poor salary for teachers, and shortage of teachers, among others. Political challenges comprised ethnicity, regional boundary disputes and the Majimbo politics. All these challenges hampered the activities of the ADC. Additionally, the new regional government that was negotiated during the First and the Second Lancaster House Constitutional Conferences 1961 and 1962 respectively were actualized at independence. Regions became custodians of local authorities. However as we shall see in the next chapter, regionalism was phased out from 1964, throwing local governments in jeopardy.

ADCs were liquidated in Kenya in 1963 after Kenya's independence. A new system of local government was introduced. In Bungoma County, ADCs were replaced by the county councils. The county council comprised of elected councillors and nominated councillors. The next chapter will discuss in details the County Council of Bungoma, 1963-1978.

CHAPTER SIX
THE ESTABLISHMENT OF THE COUNTY COUNCIL AND ITS IMPACT
ON DEVELOPMENT, 1963-1978

6.1 Introduction

The purpose of this chapter is to discuss the establishment of the county council and its impact on development. The aim of the chapter is to demonstrate that the county council played a role in the development of the study area. Additionally, the council suffered systemic challenges since its inception in 1963.

The chapter is based on a number of arguments; to start with, the council provided a number of services since its establishment. Additionally, the council was affected by the center-periphery politics. KANU government saw devolution as an enemy to its accumulation of power at the center. The prime narrative in this chapter is to demonstrate that BCC played a role in the development of Bungoma County in the midst of a myriad of challenges that faced County Councils in the independent Kenya. The chapter will also take a national approach to inform us the negative trajectory local authorities took from 1963 to 1978.

6.2 Post-Colonial Context of Local Government.

At independence in 1963, Kenya adopted a quasi-federal system of government. This was a radical shift from the highly centralized system that had been used by the British imperialists. After the Second Lancaster House Conference of 1962, a negotiated constitution that ushered Kenya into independence was promulgated. The Independent Constitution of Kenya- 1963 created 6 semi-autonomous regional governments and a central government with its headquarters in Nairobi. The regional governments had a legislative assembly and an executive committee that was to ensure the handling of all functions devolved to them. However, within each region,

substantial responsibilities were decentralized to local governments including basic education, primary health care, business regulation, water, and sanitation. At the grass-roots, wards were created represented by councillors.¹

Additionally, the Federal Independence Constitution gave responsibility for the definition and establishment of local authorities under the newly created regional assemblies. Regional assemblies comprised of elected members based at regional levels with the responsibility to make By- Laws. The assembly elected a president from amongst themselves and each region had a civil secretary formerly the P.C.² The assemblies had powers to allocate resources to their respective local authorities.³

Local governance system established in post-colonial Kenya was highly influenced by the center-periphery debate. The question had been, between the central government and the local governance system, which was best suited in service delivery? The Kenyatta government in the early 1960s embarked on a political mission to recentralize power due to a number of reasons. To start with, the government restricted local power bases to prevent ethnic groups from building political power. This would have led to emergence of regional ethnic chiefs who would have challenged Jomo Kenyatta's authority. The second reason for power accumulation at the center was that, the rapid growth of local government in the 1960s created massive financial pressures and performance problems that were used to justify greater central intervention. Finally, central control was legitimized by consensus

¹ Muriu, A.R. *Decentralization, Citizen Participation and Local Public Service Delivery. A Study on the Nature and Influence of Citizen Participation on Decentralized Delivery in Kenya.* MA Thesis, University of Potsdam. 2013.

² Ngona, G.M. *A political Biography of Gideon Ngala.* 190, 10.

³ Southhall, R. and Wood, G. *Local Government and the Return to Multi-Partyism in Kenya.* 1996:504.

among early development experts that central planning would lead to rapid developments⁴.

Nevertheless, at independence local governments were placed under regional governments as a consequence of the independence constitution which provided for the *Majimbo* system. However, the Ministry of Local Government had overbearing influence over local authorities. Legal and constitutional changes hampered the activities of local governments in Kenya. By 1964, regional governments had been abolished. This constitutional change threw local authorities in confusion.

Consequently, BCC was almost crippled in its operations due frequent legal changes. This negatively affected service delivery in the rural areas. Services that declined included health, education and road infrastructure. By the end of Kenyatta era local governance system was in disarray.

However, by 1963, the Ministry of Local Authority under Mr Daniel Moi was busy effecting the transition changes to the new system of local authorities to replace the colonial version. Changes were contained in the Local Government regulation Act of 1963. The Sessional Paper No. 2 of 1961 formed the basis of the Local Government Bill of 1962; which was passed in 1963. The law provided for the Local Government regulations (1963) and the establishment of municipal, county, urban and local councils.⁵ It is worth noting that Local Government Regulations (1963) provided the councils with some powers and responsibilities including those of imposing fees and charges and acquisition and dealings in land among others.⁶

⁴Olowu, D.andWisnisch, S.J. Local government in Africa: *The challenges of Democratic Decentralization*.Boulder Colorado; LynneReinner Publishers.2004, p210-211.

⁵Republic of Kenya, *the Local Government Regulations 1963*.

⁶ Mboga, H. (2009): *Understanding the Local Government System in Kenya*.2009:23.

In consequence, in 1963 a hierarchy of county councils, area, and location councils were established. In the new system, the elected chairman or mayor replaced the colonial DC. Education, health, social services and roads were all handled at county council level, funded by the graduated personal tax (GPT), a form of income tax, by rates, taxes on local produce and license fees, topped up by central government grants.⁷

Ultimately, the Ministry of Local Government was the media through which the central government decided how the local government services were to be organized and maintained. The Ministry's functions included: Liaison with Local Authorities on Local Government matters, management Local Government Loans Authority, supervision of the activities of the Local Authorities Provident Fund, training of local government staff, and organized short term courses for members and staff of local authorities.⁸

The Minister for Local Government had powers to approve Standing Orders made by local authorities. He ensured standing orders were followed by all local authorities. The minister specified minimum number of meetings to be held by various classes of local authorities each year. This was meant to limit the expenditure on the sitting allowances for councillors. In addition, he had the authority over the nomination of councillors (nominated councillors).⁹

Principally, in 1963, Bungoma District had two levels of local authority, the BCC and the local councils which replaced the old locational councils in those areas where it was considered inappropriate to change to the larger area councils. Local councils

⁷ Hornsby, C. *Kenya*. 2012, 112-113.

⁸ Republic of Kenya. *Report of the Local Government Commission of Inquiry*, 1966.

⁹ Ibid.

were created within the boundaries of the county councils. By 1974, Bungoma District had the following local councils: Naitiri, Ndal, Ndivisi, Kimilili, Bokoli, North Malakisi, South Malakisi, West Bukusu, East Bukusu and Elgon Republic of Kenya.¹⁰

Nevertheless, as mentioned earlier, county councils in Kenya since independence as guided by the Local Government Act 1963 worked through committees consisting members of the councils. Committees were specialized dealing with specific issues affecting their areas, for instance health, education public works and so on. Committee members deliberated important issues affecting the councils in search of solutions. It is observed that, the council committees discussed departmental programmes and activities of the council on regular basis. In addition, committees played a key role in budget making process by proposing their budgets. These budgets finally formed the council annual budget which was discussed during the council budget day. Committees also played a key oversight role to ensure that council resources were prudently utilized.¹¹

However, resolutions made in the committees were tabled before a full council meeting which was the highest organ in the council under the leadership of the Council Chairman. Furthermore, the procedures for conducting debates in the councils were provided for in the 1963 Act to ensure uniformity among all councils. The resolutions once adopted at the full council meeting become a policy at the local authority level known as By-Laws. By-Laws were not supposed to be in conflict with

¹⁰ The Kenya Gazette Published by Authority of the Republic of Kenya (Registered as a Newspaper at the G.P.O.) Vol. LXXVI—No. 23 NAIROBI, 21st May, 1974.

¹¹Wanjohi, N. G. Modern Local Government in Kenya, (KAS) and (ADEC), Nairobi. 2003.

the national laws and the Kenyan constitution. It is important to note that, By-Laws were supposed to be approved by the Minister for Local Government.¹²

Council clerks played important roles in the councils. Their mandate included convening meetings, coordinating councils meetings, acting as secretary during council meetings, and implementation of policies. Functions and powers of the offices of the council clerks was provided for in the Local Government Act of 1963 cap 265. Part VIII, section 109 of the Act empowered the Public Service Commission (PSC) to appoint county council clerks on a full time basis. Clerks to county councils were appointed under section 109 of the same Act. The qualifications of a clerk included being an advocate of the High Court of Kenya or having ten years of experience in local government administration. The County Clerk of a local authority was empowered by the Local Government Act of 1963 under section 129 to be the Chief Executive Officer and Chief Administrative Officer of the county council operations. The clerk had the general responsibility of coordinating the whole activities of the council.¹³

In terms of election, functions and powers of chairpersons of county councils, deputy chairpersons and committee chairpersons was provided for in the Local Government Act of 1963 which was also amended in 1977. In addition, after the enactment of the 1963 Local Government Act, all councils had councillors that were elected, nominated by political parties or appointed by the Minister for Local Government. From amongst these councillors, a County Council Chairman was elected by Councillors in accordance with the rules prescribed by the Electoral Commission of

¹² Ibid

¹³ Republic of Kenya, Local Government Act of 1963 also see Mboga. *Understanding the Local Government System in Kenya*. A Citizen's Handbook. 2009.

Kenya (ECK). Upon formal election, the Chairman held office for two years after which elections were held.¹⁴

The major functions of the chairperson as provided for under section 77 of the 1963 Act was presiding over council meetings. Sections 78-84 described the conduct of the council meetings including; record of attendance and quorum, attendance by public officers, the keeping and signing of the minutes, legality of the meetings, inspection of the minutes, adjournment of meetings, and admission of press. The chairperson was empowered by the Local Government Act (LGA second schedule standing orders) to summon public meetings to discuss matters affecting the inhabitants. The standing orders of Local Authorities that regulated the conduct of business were provided for in section 85 of the Act and in Part I of the Second Schedule. In consequence, Bungoma County Council from July 1963 complied with the Local Government Act 1963 provisions by establishing a number of committees. The committees included: Roads and public works committee, health committee, education committee, trade and licensing committee, Agricultural committee among others. Committee members elected their chairperson. Subsequently, committee reports were escalated to a full council meeting for final deliberation. Finally, By-Laws were enacted and then implemented and enforced by the Bungoma County Council staff.¹⁵

From the foregoing, it can be deduced that at independence, the system of local authority in Kenya and subsequently the Bungoma County was designed to allow effective and efficient service delivery to the people at the grass-root. The system ensured that services were well discussed and planned for during the committee meetings and the budget making process. The 1979 amendments on the 1963 Local

¹⁴ KNA/BCC/ABG/9/3- Bungoma County Council Minutes of Meeting Held in July 1963.

¹⁵ Ibid

Government Act allowed public participation in the council decision making process, how in practice public participation remained a mirage.

However, at the end of April 1963, the ADC of Elgon Nyanza was dissolved. The winding up commission was established. The commission comprised of the DC Bungoma, the Treasurer, ADC and the secretary to the ADC. The commission was charged with the following responsibilities: To continue with the delivery of services, to employ staff and pay them, to make payments to the successor council, to make By-Laws, to alter policy and finally to borrow money.¹⁶

Fundamentally, the 1963 Local Government Act stated that, all councils had to have councillors that were elected through elections, nominated by political parties or appointed by the minister for local government. The form of local government that existed before independence was replaced by a new structure with new powers and duties. This new arrangement was drawn up by the Governor. The role of local authorities now expanded beyond managing residents and maintenance of utilities, to providing primary education and public health services within properly defined regions. These councils fell within the ambit of regional assemblies which in turn fell under the control of the ministry of local government.¹⁷

However, in the new BCC, archival records reveal that, among the first council meetings in July 1963, councillors requested the minister for local government to increase their allowance from 15/- to 40/- per sitting. They justified their pay increments by claiming that there was too much pressure from work.¹⁸ The table below shows councillors and their representation in July 1963.

¹⁶Mukei, I.O, 2021.

¹⁷Bulletin of the Institute of Economic Affairs, 2005.

¹⁸ KNA/BCC/ABG/9/3/3-Bungoma County Council Minutes of Meeting Held in July 1963.

Table 6.1: The Council of Bungoma, 1963

Name	Representation
Lukas Wose	South Bukusu
Epainito Wanyama	Ndivisi
Chief Lavington Naibei	Elgon
Julius Nabimba	South Bukusu
Raymond Wekesa	Naitiri Ndal
Alexander Olunga	Naitiri/Ndal
Pascal Otunga	West Bukusu
Blasio Barasa	West Bukusu
Paul Nasiuma	Malakisi
EliudWandiema	Malakisi
Joseck Okisai	Elgon
Jackson Tengwer	Elgon
Alexander Morioto	West Bukusu
Remi Wanyonyi	Bokoli
William Yiminyi	Kimilili
Jonathan Musabi	Bokoli
Peter Simiyu	Kimilili
Mrs M Masinde	Kimilili
Mrs W Nyukuri	West Bukusu
Chief William Chiuli	Ndivisi
Maurice Temba	Ndivisi
E.N. Scott	DC
Protas Khisa	East Bukusu
J.H. Dhosa	Bungoma Urban
H.H. Patel	Bungoma Urban
John Musundi	Bokoli
T.W. Katenya	Acting Clerk

Source: KNA/BCC/ABG/9/3-1963

From table 6.1, a number of councillors represented various locations. Some locations had more than two councillors; this was a justification of proper representation. The central government was represented by the DC. The presence of the DC was a justification that the county council of Bungoma was under the influence of the central government.

Notably, at the end of 1964, regional governments were abolished and the control of local authorities was handed over to the central government. This transferred all the activities of the defunct regional assemblies to the local authorities without any adequate preparations and proper consideration of administrative and financial implications.¹⁹

Moreover, the enactment of the GPT Act in 1964 was meant to close the financial gap. However, this act was cumbersome to implement and it was perceived to be colonial as it resembled the hut tax and the poll tax. The new GPT was to serve as a source of revenue to local authorities. GPT was calculated on the basis of someone's income. The higher the income, the more GPT someone had to pay.²⁰

However, from 1964, the powers of local authorities were classified as either permissive or mandatory. Permissive powers allowed local authorities to carry out certain tasks or activities subject to the approval of the minister for local government. On the other hand, the mandatory powers were duties that expressly defined by the statute. Permissive powers gave the minister for local government sweeping powers over the local authorities.²¹

Notably, The enactment of Transfer of Functions Act in 1969 transferred major services, primary schools, health services and road maintenance including financial resources (grants and assets), to central government except in seven Municipal Councils, namely, Nairobi, Mombasa, Thika, Eldoret, Kisumu, Nakuru, and Kitale. The Act left county councils with the staff in sectors of transferred functions with no job specifications hence becoming a burden to the County Councils with reduced

¹⁹Stamp, P. *Local Government in Kenya*.1986.

²⁰ Republic of Kenya *Report of the Local Government Commission of inquiry*, 1966:36-37.

²¹ Bulletin of the Institute of Economic Affairs: 2005.

revenue base. In 1974, the government transferred the GPT from the local government to the central government general grants.²²

In 1978 the Local Government Act Cap 265 was enacted. The Act was the principal law that created and regulated the local government system in Kenya. The Act laid out the legal powers, responsibilities and institutional structure of local authorities. It gave powers and responsibility to the local authorities to provide public services and to co-ordinate affairs of a particular locality under the guidance of the Ministry of Local Government.²³

From the above data presented, legal changes completely changed the form of local government in Kenya from 1963. There was more democratic space in the election of council officials. However, the provincial administration just like during the colonial period influenced the activities of the council. The collapse of regional governments that housed local authorities in 1964 put local governments in jeopardy. They did not have constitutional backup.

6.3 The Impact of Bungoma County Council and the Kenyan Experience on Development

This section looks at a number of economic and social initiatives established by the BCC. However, at independence, the council was effective but its role in development declined with time. According to archival sources, BCC expenditure estimates in 1964 were £360,040 and the revenue collected was £360694. This implies the council had a surplus of £654 which was forwarded to the civil secretary Western region. This was an indication that the council was doing well at independence under the *Majimbo*

²²Barasa, T. and Eising, W. *Reforming Local Authorities for better Service Delivery in Developing Countries*. Nairobi: Institute of Policy Analysis and Research.2010.

²³KNA/BCC/ABG/9/4/2- Bungoma County Council Minutes of Meeting Held in July 1978.

Constitution.²⁴ Nevertheless, a number of social and economic achievements were realized.

Notably, the BCC just like the defunct ADC of Elgon Nyanza was keen on provision of education. In one of the Council Meetings held in 1964 under the chairmanship of the committee chair Councillor Blasio Barasa and members including councillors, Lucas Wose, Epainito Wanyama, Alexander Olunga, Joseck Okisai, William Yiminyi, Jonathan Musabi, George Mirioto and Paul Nasiuma, the Council noted that there was shortage of equipment in schools. This was occasioned by the central government taking the role of the council in supplying equipment to schools and giving it to private suppliers such as Sardaral Ltd. However, during the meeting, the council proposed to the regional assembly to allow Kamusinga, Kibabii, and Lugulu to be two streams.²⁵

Additionally, the council continued with its initiative to sponsor students in terms of bursary allocation just like the case of its predecessor the Elgon Nyanza ADC. Local bursaries were awarded to students learning in Uganda and Kenya.²⁶ Furthermore, the Council gave education Bursaries to students locally and overseas. Those at overseas were mainly studying in various universities in the USA and Europe. Students in local secondary schools who benefitted included: orphans, very poor, deserted, blind and those with sick fathers.²⁷

During the 2nd meeting of the education committee held in the council chamber on 17th and 18th March, 1964, the council seconded councillors on secondary school committees. For instance, councillors chief William Chiuli and John Musundi were

²⁴ KNA/BCC/ABG/9/4/1- Bungoma County Council Minutes of Meeting Held in July 1964

²⁵ Ibid.

²⁶ KNA/BCC/ABG/9/4/2- Bungoma County Council Minutes of Meeting Held in July 1965

²⁷ KNA/BCC/ABG/9/4/1. Minutes of the 1st Meeting of the County Council of Bungoma held in the Council Chamber on 19th January, 1964.

seconded to Kamusinga secondary school. Councillors Epainito Wanyama and H.H. Patel were to sit on Bungoma secondary school Committee.²⁸

However, in 1970, 1000 acres were donated by the Bungoma County Council towards expansion of the Sang'alo Technical Training College. The donation was given during the District Leaders Conference at the Bungoma County Council hall. Leaders present included MP for Bungoma East, Elijah Mwangale and MP for Bungoma South J.W Khaoya who was also the Chairman of Bungoma District KANU branch. Addressing the conference, Mwangale warned people to refrain from unnecessary squabbles and join hands for development of the District.²⁹

In the health sector, in 1967, the construction of Kapsakwany health center was completed. The center was officially opened by Hon. J.D. Otiende the minister for health on 30th December, 1967. The completion of the partially constructed health center had started in February 1967 by Errick Neeve Flatt Ltd at an estimated cost of 62, 000/- mostly funded by the Bungoma County Council.³⁰

The period 1963-1970, the council maintained cemetery services at Bungoma town and Kimilili. Collection of garbage and sewerage services was only limited in advanced urban centers such as Bungoma, Kimilili and Webuye.³¹ The Council also provided water in various urban centers, schools, hospitals and coffee factories.³²

From the aforementioned, the BCC, provided a number of social services. They included, education, health services, water supply, sewerage services just to mention.

²⁸KNA/BCC/ABG/9/4/2. Minutes of the 2nd Meeting of the County Council of Bungoma held in the Council Chamber on 17th and 18th March, 1964.

²⁹ Mabololo, A.W. (2016) A Political Bioography of Elijah Wasike Mwangale: 1939-1992. 2016.

³⁰KNA/ BCC/ AGB/3/13.Memo for the opening of Kapsakwany Health Center. 1967

³¹KNA/BCC/ABG/9/3/3. Bungoma County Council Meeting Held in July 1963

³² KNA/BCC/ABG/9/3/6.Bungoma County Council Meeting Held in July 1966.

During this period councils in Kenya were struggling to provide services under difficult circumstances such as insufficient funds.

In addition to the provision of social services, the county councils were also conduits of economic development. Even though, the role of the council in the economic sector declined in post-colonial era in the view of the fact that, most of the economic functions such as Agriculture, livestock and forestry were taken to various line ministries. However, the council achieved what it could during this period. From 1964 to 1970, the council struggled to build and maintain open market centers and market stalls. The Council maintained a number of roads for instance, Chwele-Malakisi, Mayanja-Malakisi, Kimilili-Malakisi and Bungoma-Bumula. A number of permanent and semi-permanent bridges were constructed for instance; at Mabusi along Naitiri Tongareni road and more several bridges were repaired along Musikoma-Khachonge-Kimilili road. Several roads in the interior parts of the county were also carpeted with marrum.³³

The council provided employment opportunity to a number of people in various departments such as revenue and tax collection, health, education, engineering department and so on. However, some staff such as the town clerks were employees of the central government.

From the above, it is arguable that from 1963 the effort of local authority to deliver its services took a negative trajectory. The justification of why local authorities declined in terms of service delivery will be explained in the next section. However a number of achievements are evidenced especially in some road infrastructure project.

³³KNA/BCC/ABG/9/3/11. Minutes of Bungoma County Council Meeting Held in July 1970.

6.4 Local Authority, its Decline and Destruction

This section will briefly discuss a number of general factors that led to the decline and destruction of Local Authorities in Kenya with a focus on the study area. A number of challenges that faced BCC will form part of our discussion.

It is on record that, African politicians' interest in local government effectively ended when the British government committed to grant Kenya independence by 1962. Politicians' interest shifted to national politics; a political wave that cut across Kenya. Around independence, with uncertainty in the air, many people had refused to pay taxes, forcing councils to borrow to finance their activities. By 1965–1966, most local authorities were in serious difficulties, as the demands on their services massively exceeded their income. For instance, Kakamega County Council was dissolved as insolvent as early as 1965, and the responsibility for collection of GPT moved to the provincial administration. The finances and administration of local government were to remain a problem for the next four decades.³⁴

Basically, in 1964, the independence constitution was amended to make Kenya a republic with an executive president. President Kenyatta from 1964 enjoyed total power and therefore had the necessary political and legal gravitas to phase out the regional governments in Kenya. As mentioned earlier KANU opposed regionalism and favoured centralization of power.³⁵

Moreover, the concern of the Kenyan government was more to do with setting limits to popular participation than ensuring sound local administrative procedures. To be sure, unchallenged victory in the first nation-wide local government elections in 1968

³⁴ Hornsby, C, *Kenya*. 2012,112-113.

³⁵ Southhall, R. and Wood, G. *Local Government and the Return to Multi-Partyism in Kenya*.1996:504.

was secured for KANU by controlling factionalism within KANU at the ward levels. Party division was seen as a threat to national stability and the unity of KANU.³⁶ In all Districts, KANU District Chairpersons were mandated to identify suitable candidates for local government seats. In Bungoma District the then KANU Chairman J.W Khaoya ensured that all candidates at ward level were individuals who had KANU at their heart.

The amendment to make Kenya a republic with an elected president in 1964 paved way for a unitary state. Following the republican constitution therefore, the regional assemblies were dismissed and their powers were transferred to the minister of local government. Regional assemblies were completely starved of the much needed revenue.³⁷

After phasing out Regional Assemblies, Jomo Kenyatta and his government focused on strategies to dominate the grass roots. Kenyatta designed a grand plan to frustrate the local governance system which he termed as colonial relic. Rather than attack the local government system directly, Kenyatta established the provincial administration as an agent of control. Ironically the provincial administration had been the chief instrument of colonial rule.³⁸ Kenyatta discovered the usefulness of the bureaucratic colonial style of government in the countryside-complete with the trappings of pith helmets and *khaki* uniforms as symbols of governmental authority.³⁹ In December 1964 the provincial administration was transferred from the Ministry of Home Affairs to the Office of the President. Provincial and district commissioners resumed as the senior executive officers and coordinators of government activities in the field. By

³⁶Leys, C. *Underdevelopment of Kenya: The Political Economy of Neo-Colonialism, 1964-1971*. Heinmann, London 1975, 225-226.

³⁷ Moss, N.C, (2016) *'The Dilemma of Councillors': The history of Local Government in Kenya, 1945 – 2010*.

³⁸ Stamp, P. *Local Government in Kenya: Ideology and Political Practice, 1895-1974*. 1986.

³⁹ Hornsby, C, Kenya. 2012.

strengthening the provincial administration, Kenyatta created a parallel structure of government whose advantage was its accountability personally to him. Kenyatta's activities led to frequent conflicts at the grassroots between chiefs and councillors.⁴⁰ A former councillor and teacher revealed that, in the 1970s supremacy battle between Chiefs and councillors was witnessed in a number of locations. In 1977, in one of the functions in Ndivisi location, a chief and a councillor fought in public over who was the senior most to speak last. Same superiority related conflicts were witnessed in Kimilili Location. Indeed, supremacy battles hampered service delivery.⁴¹

Besides, in 1964, chiefs were mandated to collect the GPT on behalf of the County Councils of Bungoma. Sometimes chiefs colluded with some of their relatives and friends to lower their income in order to pay fewer taxes. In addition, the decision for chiefs to collect tax encouraged corruption and created village tyrants in the name of chiefs.⁴²

However, as indicated earlier, by 1964, Local Authorities had survived 'natural death' from KADU verses KANU conflicts and continued to offer services such as health, education and road maintenance among others. The survival did not take too long; by 1970 a series of amendments had been instituted that transferred the responsibilities of local authorities to the central government. Local authorities were starved off revenue which made it difficult for them to survive.⁴³

It was established that, the Kenyatta regime used all means available to ensure that power was at the center. The first two decades of independence saw the incorporation of the Kalenjin into Jomo Kenyatta's Kikuyu alliance, and eventual marginalization of

⁴⁰ Ibid

⁴¹ Mukeyi, I.O 2021.

⁴² Report of the Local Government Commission of inquiry, 1966:36-37.

⁴³ Moss, N.C, *The dilemma of councillors': The history of local government in Kenya, 1945 – 2010.* 2016, 75-76.

the Luo whose leaders criticized accumulation of power at the presidency. It should be remembered that at independence, competition between the Luo and the Kikuyu dominated the political scene. The Luyia ended up inclined towards the Kalenjin. The perception of politics as ethnic competition for resources and a survival of the fittest was built in the country since independence. The consolidation of power at the center ensured the necessary support particularly in the National Assembly to disable local authorities which seemed a diversion of political and economic power from the center.⁴⁴ Local authorities were deliberately phased out to consolidate power at the Kenyan capital. Benjamin Kipkorir in his own words asserted that:

What was witnessed in 1965-1966 was only the beginning. The usurpation of powers of local government was but part of an elaborate scheme by which Kenyatta arrogated to his person all powers in the state-both political and executive. The provincial Administration was transferred to the Office of the President in December 1964. It should be remembered that this service used to fall under the Chief Native Commissioner during the colonial period. In concerting power in his Office and, in particular, in promoting the coordinating role to the Provincial Administration, Kenyatta faced considerable opposition, not least from his own backyard of Central Province. The instrument he employed to address the opposition was the Provincial Administration, a government department that had never been under the Governor's Office during the entire period.⁴⁵

It is defensible to assert that, KANU never wanted devolution from the time the independence constitution was being negotiated. Kenyatta's address to parliament was a clear message that he had little regard for the local authorities. He asserted that:

My government is totally committed to serving the people by increasing the initiatives and improving the living standard of every family. Such an aim greatly depends on the effective operation of the Local Government. In this regard we deplore a position in which people in many areas are blaming their local authorities for inefficiency, while the council blames the local people for not paying taxes that are due. All this means in effect that thousands of families are unable to access services they need. We need to examine the

⁴⁴ Hornsby, C. *Kenya*. 2012.

⁴⁵ Kipkorir, B.E. *Descent from Cherang'any Hills* 2009:208.

whole Local Government position and see how present difficulties can best be met and put right.⁴⁶

Following this observation, the Hardacre Commission of 1966 was constituted, comprising a number of professionals including Dr Bethwell Allan Ogot an academician. Before the commission started its work, the president made it clear that they were free to do their work so long as they did not interfere with the structure of the provincial administration which represented the central government at the grassroots.⁴⁷

The Hardacre Commission in its report made a number of observations: They identified the weaknesses of the local government in terms of its structure and operations; they paid tribute to the achievements of the local government; they stressed on additional sources of revenue to the local authorities, they argued that the expenses had increased over time; they recommended the adjustments of GPT collection and enforcement procedures; and finally they also looked at the challenges of dual administration in respect to the conflicts between the provincial Administration and the local authorities.⁴⁸

Hardacre Commission Report was handed over to the president but delayed to be tabled in parliament for debate and adoption until December 1967. It was noticed that, its content had been altered during the minister for local government Hon. Lawrence Sagini's address to parliament. The minister presented the report as part of the Sessional paper No. 12 of 1967. The paper suggested amendment in the Local Government Act to allow the transfer of services from the local government to the central government. In his address, minister Sagini lamented that:

⁴⁶ Republic of Kenya, Official Report, House of representative, First Parliament, Third Session, 2nd November 1965.

⁴⁷ Moss, N.C, *The dilemma of councillors*.2016.

⁴⁸ Republic of Kenya, *Commission on Local Government*, 1966.

Revenue which Local Government requires for their services must be found from basically the same person from whom government seeks its own revenue. There cannot be competition between government and Local Authorities in matters of taxing the country..... These days considerable amount of overseas aid are difficult to obtain and it must be accepted that the majority of the money for development will have to come from the people of this country.⁴⁹

Nonetheless, in a parliamentary session in the afternoon of November 4th, 1969 the government introduced a bill in parliament to empower the president; if he desired to transfer to the central government the administration of health, education, and the maintenance of all secondary roads previously under the county council administration. During the debate, the impression was choreographed to indicate that the councils had issues of financial mismanagement, corruption and bribery. Councillors were also accused of only being interested to become Members of Parliament. The debate was also prompted by the 1969 teachers strike over non-payment of salary. In Nyanza province one thousand teachers had been fired over what the authorities called illegal strike. Hon. Martin Shikuku in the session stated that in his constituency parents had paid school fees and yet teachers had not been paid because the council had eaten the money. Hon. Shikuku implored that any member of parliament who opposed the motion to move crucial services from local authorities to the central government was mad. The amendment was implemented from 1970 and this crippled the activities of the local authorities in Kenya.⁵⁰

Apart from financial challenges, the central government transferred all major roles from the local Authorities to state line ministries. Functions taken away included provision of, Primary education, public health and roads. The transfer was referred to by the central government as ‘to alleviate the financial burden placed on the councils.’

⁴⁹ Republic of Kenya, House of Representative, First Parliament 8th Session 18th December 1967.

⁵⁰ Kipkorir, B.E. *Descent from Cherang'any Hills* 2009, 209.

Together with these services, also transferred to the central government was the principal source of the councils' revenue, namely GPT and the general grants.⁵¹

In consequence, in 1973, the Kenyan government abolished GPT which had been the main source of local revenue to local authorities.⁵² 1st January, 1974, was the effective date for local authorities to end GPT collection. The government promised the councils that they would receive compensating grants in progressive declining order for five years during which period the councils were to find alternative sources of revenue for themselves. In 1973, the Nyaga committee was appointed to examine the whole mechanism of revenue collection of local authorities and to recommend ways and means of improving the revenue and methods of collection.⁵³ The Nyaga committee recommended far-reaching measures on how to raise revenue and how the central government was to share financial responsibilities with the local authorities. Some of the measures included increased rates, expansion of taxable items, and cost effective methods of revenue collection. Interestingly, Nyaga's proposals never reached the implementation desk.

Notably, ascribable to the comparatively short reign (two years) of most council chairmen, the incentives that drove their action tended to have been based on securing re-election. This state of affairs was not suitable for the residents in terms of service delivery.⁵⁴ The position of the mayor and the council chairman was surrounded by a series of lobbying and campaigns.

⁵¹The Republic of Kenya. *Report of the Civil Service Review Committee 1979-80, 1980, September*. Government printers. 1980.

⁵²Bienen, H. *The Politics of Participation and Control in Kenya*. Princeton University Press. Bienen, 1974:63-78.

⁵³Hamisi, M. *Understanding the Local Government System in Kenya*. Institute of Economic Affairs. 2009.

⁵⁴The Bulletin of the Institute of Economic Affairs. 2005

Furthermore, elected councillors' term of office was equivalent to the electoral cycle of five years while that of nominated councillors could be less as this depended on the discretion of the nominating authority (the minister for local government). Nominated councillors therefore played the role of serving their appointing authority- the minister for local authority who was a politician and equally served the interest of the president and the ruling party.⁵⁵

6.5 Challenges that faced BCC

Most notably, the Transfer of Functions Act of 1970 finally deprived the county councils of their role in providing health care and primary education. The assumption of revenue-raising powers by the central government resulted in further erosion of the fiscal base of local authorities, which nonetheless earned the blame for the non-delivery of services.⁵⁶

Table 6.2: Development Funds for Bungoma County Council, 1960-1969

Year	Government Loan to the Local Authorities	Total Expenditure
	Sterling pounds	Sterling Pounds
1960	1000000	1281000
1961	700000	1364000
1962	511000	625000
1963	579000	578000
1964	293000	273000
1965	375000	435000
1966	-	537000
1967	8000	811000
1968	21000	895000
1969	107000	551000

Source: The Report of the Commission of Inquiry on Public Service Structure and Remuneration, 1971: 220.

⁵⁵ Ibid.

⁵⁶ Southhall, R. and Wood, G. *Local Government and the Return to Multi-Partyism in Kenya*. 1996, 506.

The figures above show the shrinking funds from the central government to finance local authorities. This was a clear justification of the central government grand plan to disable local authorities in Kenya.

After the transfer of functions and less of government grants, councils including Bungoma County Council were pushed in a tense relationship with the public. In order to finance their remaining services, and support large staff establishment, councils had to exploit a wide range of taxes. To the public, it became unclear in what the councils offered for their taxes.⁵⁷

However, in the provision of education, the central government made local authorities, directly responsible for primary education when Kenya achieved independence. It was inevitable that this service would expand rapidly as the election campaign had virtually promised free education, local authorities were put under extreme pressure to develop more schools and at the same time there was reluctance in fees payment by parents.⁵⁸

In conformity with the foregoing observation, the decline in terms of efficiency negatively affected service delivery of the BCC. A former councillor and teacher Mr Mukeyi noted that, Sporting activities had been sponsored by local government from the time by LNCs and ADCs. Up to mid -1960s, the council sponsored a number of football matches, distributed sports equipment to clubs and schools and also maintained various sports grounds. He further contends that, in the late 1960s sporting

⁵⁷Moss, N.C, *The dilemma of councillors*.2016, 22.

⁵⁸ Mukeyi, O.I, 2020.

activities took a negative trajectory. He exhibited nostalgia for the past when games were free compared to the late 1960s onwards.⁵⁹

In revelation, a letter dated 7th January 1971 from the District sports Supervisor Bungoma to the BCC indicated the poor state of the Kanduyi stadium. The grand stand was almost collapsing and required urgent repairs. This was a clear indication of insufficient funds that were supposed to repair and maintain the stadium.⁶⁰

In addition, a letter dated 4th September 1977 from M.A. Khan, water development officer BCC to headmaster Teremi, was a clear indication that one of the challenges that faced the council in its mandate to supply water was non-payment of water bills. The letter showed that Teremi secondary school had not paid water bills at the rate of Kes 120/- per month from 1965 to 1977. There were also cases of vandalism where water pipes had been cut.⁶¹

Eminently, in the health sector suffered a number of challenges. The financial situation got worse when the central government decided to abolish out-patient treatment fees in all local authorities' clinics. This happened at the same time when the government reduced the scope of the GPT to cover only people whose income was above a certain level. This resulted in a drop in county councils' revenue. Huge deficits on local authority's budgets became inevitable and by 1967 most of the health centres in BCC were in deplorable conditions.⁶²

⁵⁹ KNA/BCC/Corr/1/69/6: A letter dated 7th January 1971, from the District sports Supervisor Bungoma to the B.C.C.

⁶⁰ KNA/BCC/ABG/9/3/9. Minutes of Bungoma County Council meeting held in July 1969.

⁶¹ KNA/ BCC/ABR/9/18/4, A letter dated 4th September 1971 from M.A. Khan, Water Development officer BCC to Headmaster, Teremi.

⁶² Barasa, T. and Eising, W. *Reforming Local Authorities for better Service Delivery in Developing Countries*. Nairobi: Institute of Policy Analysis and Research. 2010.

Moreover, in 1968, the Webuye health center was in poor condition in terms of facilities. The female ward was closed on 5th June 1968 because it did not have window panels. The health center had no ambulance because the only ambulance had overstayed at the garage for repair. The septic tank was full and even threatened the closure of the whole health center. General repairs were also needed.

Apart from technical, operational and financial challenges, there were structural challenges that affected the BCC. According to the former councillors, the council officials were subjected to multiple lines of reporting and accountability. There was a parallel system in management of local government where the provincial administration reported directly to the Office of the President, while local authorities on the other hand reported to the minister for local government. Within this set up, local authorities in some instances were expected to comply with provincial administration requirements in the formulation of their budgets. This brought unending conflicts compromising service delivery to citizens.⁶³

It is on record that the council did not have the capacity in terms of funds to finance its operations. Table 6.2 is a clear indication that by 1966, the BCC was among the local authorities that experienced increased demand of services by rate-payers as compared to the shrinking revenue base. County councils experienced huge financial deficits as indicated in the financial years of 1965 and 1966. BCC had an accumulated deficiency of £947,000 on general fund at end of 1966.

⁶³Masinde, O.I, 2020; Mukeyi, O.I, 2020.

Table 6.3: Annual Budgets for County Councils in Kenya (1965-1966).

1962 population census	Council	Estimated Annual Expenditure in 1966	Revised Estimated Deficit in 1965	Estimated Deficit in 1966	Estimated Accumulated Deficiency on General Fund at end of 1966
		£	£	£	£
571, 600	Masaku	705,000	13,000	39,000	37,000
134,700	Embu	224,000	15,000	67,000	101,000
279, 000	Nyeri	538,000	41,000	44,000	114,000
595, 000	Kisumu	532,000	45,000	75,000	150,000
481,600	South Nyanza	422,000	18,000	44,000	114,000
600,200	Kakamega	651,000	69,000	74,000	221,000
241,900	Bungoma	294,000	18,000	104,000	210,000
			193,000	447,000	947,000

Source: Republic of Kenya, Ministry of Local Government Annual Report, 1965-1966.

Notably, the council staff was faced with a myriad of issues for instance: senior staff members experienced a great deal of frustration, much of which emanated from the interference of councillors; the local governments were also understaffed and poorly remunerated compared to other public sector and the private sector; some local government officers did private business at the expense of their official duties; there was also a tendency for appointments, promotions, and discipline that was influenced by tribalism and nepotism; and lastly there was no planned effort of capacity building among the staff.

In addition, other political related challenges included illiteracy among Councillors who did little meaningful contribution in their capacity as people's representatives. The report also alleged that Councillors had corrupt tendencies where they influenced tender awards to themselves and their relatives. Finally, the report indicated that political wing including councillors, mayors and council chairmen interfered with the working of the technical staff.⁶⁴

⁶⁴The Republic of Kenya, *Report of the Commission of Inquiry (Public Service Structure and Remuneration Commission, 1971:216-221.*

Most notably, from 1963, allowances to Councillors were a matter always on the agenda in Council meeting of BCC. This indeed affected the operations of the council. Funds to meet important social services such as education, health and salaries for council staff were vied to take care of the councillors' salaries and allowances.⁶⁵ Councillors did not have a meaningful salary hence relied on allowances. Poor remuneration of councillors led to a number of them making money through unfair means. Councillors engaged in corrupt practices such as receiving money to influence the tendering process, awarding of contracts, granting loans, leasing council property such as market stalls and school bursaries.⁶⁶ The behaviour of councillors made them unpopular and people perceived councils as ineffective corporate institutions only meant to collect money to be 'eaten' by a few council members.⁶⁷

It was proclaimed that the reasons for poor performance of BCC Council, was the fact that councillors had insufficient resources for the enormous tasks that they often had to undertake. Additionally, decisions were sometimes made informally or casually hence it was very difficult for citizens to have a clear understanding of the standing procedures of service delivery.⁶⁸

Moreover, Councillor John Masinde a former deputy Mayor asserted that, in the 1970s councillors were paid peanuts in terms of salaries. There was nothing like house allowance or commuter allowance. This led to some of them getting involved in illegal practices such as corruption for survival. Councillor Masinde went on to explain that councillors were supposed to use money for campaigns, *Harambees* and to help electorates with personal financial problems. The only way they could raise

⁶⁵KNA/BCC/ABG/9/3/5. Bungoma County Council Meeting Held in July 1965.

⁶⁶KNA/BCC/ABG/9/3/7. Bungoma County Council Meeting Held in July 1967

⁶⁷Wasilwa, I.O. 2020.

⁶⁸ Ibid

money to do all these was through corrupt practices. Councillor Mumbwani explained that, mayors and council chairmen had an election cycle of two years. Within this short period they were supposed to raise finance and lobby their fellow councillors to elect them. This encouraged the council bosses to engage in corruption and ‘cutting deals’ to win re-elections.⁶⁹

All expenditure during the year 1975-1977 in the BCC was on recurrent items such as administration, payment of salaries, garbage collection, recreational facilities, sanitary services at market places and health. No new projects were undertaken. In fact, the provision of sewerage and water distribution by 1977 was at the verge of collapsing.⁷⁰

Jomo Kenyatta’s political philosophy, pull together (*Harambee*) emphasized more on self-help local development as opposed to local government which was mundane and bureaucratic. In the late 1970s social institutions such as hospitals, schools, cattle dips among others were established. In Bungoma County and even the rest of Kenya schools established through *Harambee* were known as *Harambee* schools. After fund raising in most cases by prominent politicians and bureaucrats projects were established and the institution that funded the recurrent expenditure was the county council.⁷¹ The County Council of Bungoma before 1974 paid teachers and purchased stationary and infrastructure in all schools including *Harambee* ones that were established. It is therefore tenable to argue that *Harambee* was indeed anti-local government.

In a nut-shell, all these mentioned challenges; operational, financial, and legal led to the downfall of the BCC and many other councils in Kenya. After the death of Jomo

⁶⁹Masinde and Mumbwani, O.I 2020.

⁷⁰KNA/BCC/ABG/9/3/10. Bungoma County Council Meeting Held in July 1970.

⁷¹Moss 'The dilemma of councillors'. 2016.

Kenyatta in August 1978, President Daniel Moi took power and shifted his attention to revitalizing KANU, strengthening the provincial administration, and initiating District Focus for Rural Development (DFRD). He selectively used county councils to popularize himself and his party KANU.

6.6 Conclusion

This chapter has gone some way towards enhancing our understanding of the role of BCC in development, its challenges, and finally, the decline of local government system in Kenya from 1963-1978.

The chapter adopted agency theory in the discussions and analysis of the findings. Towards Kenya's independence, a number of politicians were created by various social structural forces such as ethnicity, education and Europeanization. The first generation of politicians became political agents that determined the fate of Local Authorities in Kenya. Political agents were members of parliament and executive who did a series of amendments to change the form of local government. A group of Political agents fought for regionalism which would have saved local government system but their struggle did not last long after crossing the floor of the house (parliament) from KADU-which supported Majimboism to KANU. KANU was against any form of decentralization. Mzee Kenyatta became the chief agent who, according to Charles Hornsby, was created by the European social structures. Kenyatta's Agency impacted negatively on local authorities in Kenya and subsequently the area under study.

In this chapter, a number of sources identified a series of political developments that impacted on the BCC. A number of social and economic developments were also

identified. The discussions also focused on a number of challenges that led to the decline of BCC in terms of service delivery.

The chapter establishes a series of amendments orchestrated by the Jomo Kenyatta government which phased out *Majimboism* and subsequently placed local authorities under the manipulation of the minister for local government. Furthermore, local authorities were squarely under the central government and no longer a competitor over resources to the KANU regime.⁷² Subsequently, centralized political and economic power enabled Jomo Kenyatta to distribute resources from the center to any corner he wished. Power was around him and a group of Kikuyu politicians coded as ‘the Gatundu courtiers’, ‘the Family’, ‘the Kiambu Cabal’, ‘the Kiambu mafia’ and so on. Devolution of economic and political power through local units such as regional governments and local authorities was a stumbling block which Jomo Kenyatta was keen to hogtie.⁷³ When Kenyatta died in 1978, local authorities had declined in terms functions and operations. When Moi took power, he had his own ideology and philosophy in the development of rural areas in Kenya. Local government was not among his priorities.⁷⁴

⁷² Ibid.

⁷³ Masengeli O.I, 2020).

⁷⁴ Ibid

CHAPTER SEVEN

SUMMARY, CONCLUSION AND RECOMMENDATIONS

7.1 Summary

This chapter summarizes the study from its introductory chapter to the terminal end. This study used Historical research design which is the systematic and objective location, evaluation and synthesis of evidence in order to obtain facts and come up with conclusions about past events.

Chapter one comprised the preliminaries which laid down the general direction of the study. The chapter encompassed the problem of the statement, objectives, research questions, literature review, theoretical framework, and methodology employed in the study.

The main objective of the study was to examine the evolution and development of local government in Bungoma County, Kenya 1925-1978. Specific objectives were: To analyse the pre-colonial systems of government in Bungoma County; to explain the justification for the establishment of local governments in Bungoma County; to examine the successes of local government in social, economic and political developments in Bungoma County and finally to assess the challenges that faced local government in Bungoma County. However, as we shall see in the summery of the substantive chapters, an attempt was made to achieve all the stated objectives.

However, literature review presented in chapter one has demonstrated that various works have so far been produced on the local government system in Kenya and outside Kenya. All the works indicate that, no effort has been undertaken to address the academic demands of this research. Nonetheless, in terms of justification and significance, our current research has addressed the above gaps.

After reviewing a number of theoretical paradigms, the study finally decided to use bureaucratic and agency theories to inform the investigation and analysis. Max Weber's bureaucracy underscores the fact that, the colonial Kenya was divided into administrative units which were controlled by a bureaucracy popularly known as the provincial administration. Provincial administrators played a pivotal role in the establishment of colonialism in Kenya. Eventually after the establishment of the LNCs in African areas from 1925, Provincial administrators became automatic members of LNCs and later on ADC. DCs determined the nomination process of members to the Councils. From 1940s, the Provincial Councils and LACs were established in line with the colonial Provincial administrative boundaries.

Agency theory informed the study throughout. Pre-colonial Kenyan societies had their own traditional political institution with almost anointed agents for instance King Nabongo Mumia, Letia Sifuma, Namachanja among others. Pre-colonial African political, social and economic institutions were shaped by African leaders. The establishment of colonial rule in Kenya was influenced by African agents who either collaborated or resisted the British rule. During the establishment of colonial rule in *Kitosh* now Bungoma County, the Kenyan Colony relied on colonial agents such as C.W. Hobley to pacify the region and establish colonialism. Colonial agents like the DCs literally influenced all the decisions on the LNCs and ADCs. Most Agents were chosen on the basis of leadership qualities such as courage, charisma, honesty, sycophancy among others.

The research methodology effectively served the concerns of the researcher. The study employed historical survey research design. The method relied on both primary and secondary data. The target population in the study comprised: former councillors, former teachers, custodians of community cultures, family members of councillors

and chiefs, and senior citizens. Sampling techniques involved purposive sampling and snowball sampling. The study employed both primary and secondary sources of data. Primary sources included carrying out oral interviews with at least two people from each of the 11 sub counties knowledgeable in the subject matter. Archival materials comprised the second category of primary data. The study benefited from, annual reports, minutes, memos, letters and Kenya gazettes. Secondary data comprised journal articles, books, and theses.

In Chapter two, by 1895, the three communities (Tachoni, Bukusu, and the Sabaot) had already occupied regions currently forming Bungoma County. However, this chapter posits that the three ethnic communities in the study area had well organized political systems prior to the coming of the colonialists. The management of community affairs was dealt with by community leaders. Clan and sub-clan leaders were individuals of good leadership qualities, who made important administrative decisions which were respected by their subjects. Community Agents were adored and their wisdom respected. Political structures such as traditional offices of *Letia* among the Tachoni, *Laiterian* among the Sabaot, *Omwami/Omukasa* among the Bukusu, created agency among African communities studied.

In chapter 3 a variety of data was examined on the colonial invasion of Kenya with a specific focus on the area under study. A discussion was done on the process of colonization of East Africa, reasons for European interest in the East African territory and the evolution of colonial process up to 1924. African response to colonial invasion in the area was explored.

The chapter found out that Africans responded to colonial invasion majorly in two ways, resistance and collaboration. For instance the Bukusu resisted heavily while the

others collaborated like the case of the Wanga community. The Wanga was not part of the communities under study but necessitated colonialism in *Kitosh*. Nabongo Mumia became the paramount chief and also had powers to appoint chiefs and plant them in various parts of *Kitosh*. For instance Namachanja Khisa was appointed by Nabongo Mumia to become the colonial chief of Kitosh. Later on, Nabongo Mumia appointed Sudi Namachanja the son of Namachanja Khisa to become the chief of South Bukusu while Murunga in-charge of North Bukusu.

The chapter also discussed the role of African chiefs in the process of colonial invasion in Kenya with specific focus on the area under study. Chiefs played a number of roles such as tax collection, maintenance of law and order, control of illicit alcohol, mobilization of African labour, identification of African able men to be recruited in the first wars among other functions.

It was demonstrated that the success of British administration in Bungoma County in particular was based on the effectiveness of the Provincial administration at the local level represented by chiefs and paramount chiefs. The introduction of local administration below the DO was characterized by a colonial concept known as indirect rule which necessitated identifying, recruiting and appointing chiefs to act as conduits between the colonial state and their subjects.

Chapter four highlighted that, even though the colonial government established local authorities as a tool to control Africans, North Kavirondo L.N.C realized a number of achievements in social and economic sectors. Initially, LNCs councils were meant to control the rising number of educated Africans who frequently criticized the colonial government and made the work of local chiefs difficult. L.N.Cs were supposed to be a short-term solution to early African Nationalism but eventually the high spirit among

African councillors led to the realization of some development in African areas. The push for more allocation of resources to education, health and the economic sectors was so strong that the colonial government gave in to some of the councils' proposals.

Local governments particularly LACs worked as checks and balances to corrupt chiefs who used their offices for their own interest. For instance, in Kimilili location, chief Amutala was told to face during council meeting by councillors such as Pascal Nabwana over corruption claims. Chief's excesses indeed were controlled with establishment of LACs.

Chapter five discusses the establishment of Elgon Nyanza ADC. It was revealed that, ADCs were established in 1950. ADC had more responsibility in terms of tax collection and expenditure. They were less influenced by the Local DCs, much of their proposals sailed through. ADCs had a large number elected councillors as compared to LNCs hence increased representation.

The Bungoma ADC realized a number of achievements in the Agricultural sector in terms of improved methods of crop cultivation, introduction of high quality seeds for maize and cassava and proper land use such as ploughing along the contours. Veterinary services were also expanded to treat and control livestock diseases. Cattle dips were established at various points across Kitosi County.

ADCs improved education sector by establishing schools, hiring, paying teachers and sponsoring bright students to acquire higher education from abroad. Health centers were established and maintained by ADCs although the medical staff was hired and paid by the central colonial government.

Chapter six discusses the BCC and the Kenyan experience in development. It was established that there was a decline in terms of service delivery and operations of county councils in Kenya. The chapter is dealt with from a wider Kenyan perspective. Through the analysis of various sources, it can be acknowledged that, KANU demand for the unitary state led to the collapse of *Majimboism* and subsequently weakening local authorities. All KANU politicians were mobilized to demonize *Majimboism*, thus by the end of 1964, when regionalism had finally been abolished and KADU had merged with KANU, the government embarked on a mission to weaken local authorities in Kenya. Devolution of economic and political power in local units such as regional governments and local authorities was a stumbling block to the Jomo Kenyatta's government that endeavoured to centralize power in order to allocate resources to his own people.

7.2 Conclusion

The study established that the pre-colonial African communities in Bungoma had a well and elaborated system of local governance through councils of elders. Each clan had a council of elders who advised the clan leader. Clan leaders were referred to by different names. Among the Bukusu they were known as *Omwami*, among the Tachoni the leader was referred to as *Letia* and among the Saboat *Kirwagindet/laitarian*. Political leadership provided a number of services such as administration of justice, security and religion. Leadership was exercised by the people's consent with recognition and respect of their leaders.

The coming of colonialism to Kenya led to a new type of local governance. Indirect rule was established; the office chief was created after the enactment of the Native Authority Act of 1902 and 1912. A number of chiefs such as Namachanja *wa* Khisa, Sudi, Murunga among others were empowered by the colonial government to play a

number of roles such as maintenance of law and order, collection of taxes, restricting the brewing of *busa* and *chang'aa*. African chiefs in early 1920s were challenged by the 'mission boys' who were better educated. African elite increased their popularity at the grass roots threatening the effectiveness of the provincial administration.

Consequently, the colonial government established LNCs to contain the African elite. LNCs played a number of functions such as provision of social services and promoting economic developments. However, the study established a number of challenges that faced LNCs in Bungoma. Challenges included, financial constraints, constant interference from the central government just to mention but a few.

LNCs evolved into ADC due internal and external factors. Internal factors comprised political agitation perpetuated by African nationalists after the Second World War. The British government deliberately allowed Africans some level of democratic and political latitude to prepare African leaders to take over the political management of Kenya in the anticipated independence. The ADCs played important roles in Bungoma County in terms of social and economic development. The ADCs were democratic because majority of councillors were elected. They had better service delivery due to increased revenue base. The ADC in Bungoma just like other ADCs in Kenya had a number of challenges including insufficient finance, ethnic balkanization in the council and under-utilization of resources such as land.

At Kenya's Independence, Elgon Nyanza ADC was divided into two, Busia County Council and the BCC. In early years of Kenya's independence, the council contributed in the social and economic development of Bungoma. However, the council faced a number of challenges during the Kenyatta era which led to a sharp

decline in terms of service delivery. By 1978, BCC just like many county councils in Kenya had lost its relevance.

7.3 Recommendations

The study established that the pre-colonial African communities in Bungoma had a well and elaborated system of local governance through councils of elders. Political leadership provided a number of services such as administration of justice, security, allocation of land just to mention but a few. It is recommended that, the government institutionalizes the use of community elders in alternative dispute resolution mechanism, community policing, and formulation of socio-economic development policies. Also, the study established that women were missing in action when it came to leadership in the pre-colonial period. It is therefore necessary to incorporate women in such suggested councils.

The coming of colonialism to Kenya led to a new type of local governance. Indirect rule was established; the office of chief was created after the enactment of the Native Authority Act of 1902 and 1912. Chiefs played a number of roles such as maintenance of law and order, collection of taxes, restricting the brewing of *busa* and *chang'aa* among others. However, chiefs misused powers and became dictatorial hence compromising service delivery. It is therefore suggested that an investigation be done to ascertain the effectiveness and efficiency of the current administrative agents such as chiefs and ward administrators.

LNCs, ADCs and BCC were established to perform a number of functions such as provision of social services and promoting economic developments. However, the study also established a number of challenges that faced them. One of the major challenges was financial constraints. This therefore justifies the clarion call for the

increase of revenue allocation to counties to improve service delivery. Other than increased revenue allocation from the national government, there is need to identify more sources of revenue in Bungoma County.

7.4 Suggestions for Further Research

From the study, the following areas for further studies are recommended;

1. Study in local governance situation in Kenya, 1978-2010.
2. Study of local governance situation in Kenya, 2010-2021.

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C. Oral Evidence: was derived from oral interviews.

Name	Ethnicity	Age	Interview date
Bendict	Bukusu	70	16-2-2021
Bitobo	Tachoni	75	17-2-2021
Chele, M	Teso	85	5-2-2021
Councillor Masinde	Bukusu	75	16-2-2021
Ekapel, F	Teso	85	5-2-2021
Hon Njebwe	Tachoni	85	22-2-2021
Hon. J. Masinde	Bukusu	80	20-2-2021
Hon. Mukeyi	Bukusu	90	23-2-2021
Hon. Mumbwani	Bukusu	78	21-2-2021
Kimosop, K	Saboat	76	7-2-2021
Kirui, J	Saboat	81	7-2-2021
Makokha, A	Bukusu	97	9-2-2021
Mariselina, W	Bukusu	94	9-2-2021
Masengeli	Bukusu	89	24-2-2021
Mukulongolo, T	Bukusu	98	9-2-2021
Munialo, F	Tachoni	71	11-2-2021
Murumba, M	Tachoni	83	11-2-2021
Nasimiyu Barasa	Bukusu	90	10-2-2021.
Ndiema, M	Saboat	96	5-2-2021
Sichangi, G	Bukusu	88	9-2-2021
Simiyu, N	Bukusu	80	9-2-2021
Tietie, J	Tachoni	77	10-2-2021
Wakoli, G	Bukusu	73	12-2-2021
Waliaula, T	Bukusu	79	12-2-2021
Walubengo, R	Tachoni	78	12-2-2021
Waningilo, T	Bukusu	72	10-2-2021
Wasilwa, E	Tachoni	81	10-2-2021

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APPENDICES

Appendix A: Oral Interview Guide Questions

1. From your oral tradition where did your ethnic community originate from?
2. Describe the organization of the pre-colonial political institution in your ethnic group.
3. From your oral tradition how did your ethnic community respond to the coming of the British colonialists?
4. Tell us the experience in your community with the British Colonial administration.
5. Did you experience the activities of Local Government during the Colonial period?
6. Who sat in the LNC and ADC representing Bungoma County?
7. What was the work of the local government during the colonial period?
8. Where did the colonial local government get money to finance its operations?
9. What can you say about the relationship between the colonial local government and the central government and its agents?
10. Did the Colonial Local Government succeed in the work it carried out?
11. Are you aware of any of the projects undertaken by the Colonial Local Government?
12. Can you remember some African leaders in the Colonial Local Government?
13. What were the challenges to the operations of the Local Government?
14. What were the election procedures to the ADC?

Appendix B: Research Authorisation



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21st March 2021

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REF: DIPERUS WAFULA WANYONYI - SASS/DPHIL/HIS/01/18

This is to confirm that the above named is a student in the School of Arts and Social Sciences, Department of History, Political Science and Public Administration pursuing Doctor of Philosophy Degree in History. He has successfully completed his coursework and defended his thesis proposal titled: **"The Evolution and Development in Bungoma County, Kenya 1925-1978"**. He is now allowed to obtain research permit in order to collect data in the field.

Any assistance given to him will be highly appreciated.


Prof. Ken Ohuch PhD.
Chairman, Department of History Political Science and Public Administration
P. O. Box 3900, ELDORÉT



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