

**A HISTORICAL STUDY OF THE ADMINISTRATION POLICE IN KENYA,
1902 – 2018.**

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Requirements for the Conferment of the Degree of Master of Arts in History
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NOVEMBER, 2025

DECLARATION AND RECOMMENDATION

DECLARATION

I declare that this Thesis is my original work, and to the best of my knowledge, it has not been presented for any award in any other institution.

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RECOMMENDATION

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

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DEDICATION

I dedicate this work to my late father, Mr. Githinji Thiuri.

ACKNOWLEDGEMENT

First and foremost, I would like to express my heartfelt gratitude to God Almighty for providing me with the strength, knowledge, ability, and opportunity to undertake and successfully complete this research study. This accomplishment would not have been possible without His blessings.

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ABSTRACT

Historians have either been reticent or have lagged behind in engaging with research on contemporary policing or in investigating how society has historically dealt with crime and order. Governance of the police, the use of force, and the management of public order has, in many cases, not been sufficiently explored. This study, therefore, is a historical examination of the emergence and development of the Administration Police from colonial times to the post-independence era (1902- 2018). The study focuses on the origins of the police in reserves through the Administration Police. Through academic investigations the Administration Police emerge as the force that was used as an instrument of state administration and coercive power. The main aim of the study is to account for the origins and development of the Administration Police in Kenya. To achieve this, Preliminary data was sought from the Kenya National Archives and Documentation Services, the Kenya Police Archives, Administration Police-herein after-(AP) Archives at Harambee House as well as former Provincial Commissioners' offices where records and reports concerning AP were consulted. This was complemented by data from oral interviews and narratives. The data collected was supplemented with secondary data which were obtained from journals, books, magazines, among others, for interpretation. The concepts of dialectic of domination as propounded by Bruce Berman and modernization theory as articulated by W.W. Rostow were used in the study. The study not only sought to offer comparative analyses but also examines why policing has often been regarded as a subject of national history rather than a broader subject of interest. This perspective has posed challenges, particularly given the vulnerability of nation-states in Africa since the conclusion of the Cold War.

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LIST OF ABBREVIATIONS

AIG	:	Assistant Inspector General
AP	:	Administration Police
APTC	:	Administration Police Training College
ASP	:	Assistant Superintendent of Police
B.E.A	:	British East Africa
C.ID	:	Criminal Investigation Units
CI	:	Chief Inspector of Police
E.A	:	East African
GJLOs	:	Governance, Justice Law and Order sector
IBEA	:	Imperial British East Africa
IBEAC	:	Imperial British East Africa Company
IGP	:	Inspector General of Police
IPOA	:	Independent Police Oversight Authority
JKIA	:	Jomo Kenyatta International Airport
K.A.U	:	Kenya African Union
KAR	:	Kenya African Rifles
KPF	:	Kenya Police Force
KNA	:	Kenya National Archive
NPSC	:	National Police Service Commission
OCS	:	Officer Commanding Station
PC	:	Provincial Commissioners
TNA	:	The National Archive

OPERATIONAL DEFINATION OF TERMS

- Askari** : A Swahili name for a police officer
- Askari Kanga:** Colonial term for an administration police officer, used even in the present
- Baraza** : A Swahili word for a chief's weekly organized meeting where government policies are attended to.
- Tribal Police** : The term used for quarter recruitment of the administration police officer normally drawn from each tribe of Kenya
- Kanga** : Clothing material that has decorations of different colours and patterns
- Khaki** : A type of fabric always between brown or white used to make police uniform
- Mungiki** : a banned ethnic militia organisation in Kenya.
- Militia/Gang** : A group of people organized in a paramilitary formation characteristically regarding themselves as defenders of individual rights against the supposed intrusion of the government.
- Ngoroko** : The Stock Theft Unit that found itself in the middle of saucy political propaganda in the 1970s.
- Police force** : The official organization that is responsible for protecting people and property, making people obey the law, finding about and solving crime and arresting criminals.
- Policing** : The enforcement of the regulations and order in the sense of controlling, patrolling, watching and protecting people in communities

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CHAPTER ONE

1.1 Background to the Study

Across the globe, policing has evolved as a central institution in the maintenance of public order, the enforcement of law, and the safeguarding of civil liberties. From the structured constabulary systems of England to the militarized law enforcement agencies in parts of Latin America, the concept of policing reflects a society's values, governance structures, and historical legacies¹. In the United States, the trajectory of policing has been shaped by waves of reform, civil rights movements, and debates over accountability and community engagement². Meanwhile, France presents a dual model, civilian and military through the Police Nationale and the Gendarmerie Nationale, each with distinct jurisdictions and operational philosophies. These diverse models underscore the complexity of law enforcement as both a tool of state authority and a reflection of societal expectations, making policing a rich subject for comparative analysis and reform.

The English policing tradition, rooted in Sir Robert Peel's 1829 Metropolitan Police Act, introduced the principle of "policing by consent," emphasizing legitimacy through public trust rather than coercion³. This model influenced policing across the Commonwealth and inspired reforms in the United States, where the emphasis gradually shifted toward professionalization and community-oriented policing⁴. In contrast, France's centralized and hierarchical policing system, shaped by Napoleonic ideals, prioritizes administrative control and national security, often at the expense of local responsiveness⁵. American policing, particularly in recent decades, has grappled with issues of racial bias, militarization, and public accountability, prompting widespread calls for reform and alternative public safety models. These divergent

¹ David M. Anderson, "Policing, Prosecution and the Law in Colonial Kenya, c. 1905–39," in *Policing the Empire: Government, Authority, and Control, 1830–1940*, ed. David M. Anderson and David Killingray (Manchester: Manchester University Press, 2017), 295–327.

² Andrew Barton, 'Brothers by day': Colonial policing in Dar es Salaam under British rule, 1919–61. *Urban History*, 30 no. 2, (2003): 193–210

³ John Lonsdale and Bruce Berman, Coping with the contradictions: The development of the colonial state in Kenya, 1895–1914. *The Journal of African History*, 20 no.4, (1979): 487–505

⁴ Lonsdale and Berman, Coping with the contradictions, 487

⁵ Barton, 'Brothers by day', 193–210.

trajectories reveal how historical, political, and cultural contexts shape the structure, function, and legitimacy of police institutions worldwide.⁶

Recent scholarship has emphasized the need for a global discourse on policing that transcends national boundaries and interrogates the interplay between law enforcement, governance, and human rights. Comparative studies reveal that while some nations have embraced community policing and transparency, others continue to struggle with systemic abuses, lack of oversight, and politicization of the police force. The rise of transnational crime, digital surveillance, and global migration further complicates the role of policing in the Twenty First Century, demanding adaptive strategies and international cooperation. This study is situated within this broader global context, drawing on international perspectives to critically examine the evolution, challenges, and reform trajectories of policing systems. By grounding the inquiry in global experiences, the research aimed to contribute to a nuanced understanding of law enforcement as a dynamic and contested institution across diverse socio-political landscapes.⁷

The Administration Police (AP) in Kenya, established during the colonial period, continued to play a crucial role in maintaining law and order, particularly in rural areas. Originating as a colonial instrument of control, the AP was initially formed to assist the British administration in enforcing policies and suppressing resistance among the indigenous population. Over the decades, the AP evolved from its early roots as a paramilitary force into a significant component of Kenya's national security framework⁸. This study thus reflects on the history of the Administration Police and argues that the determinant of this force recounts the broader shifts in the country's governance and security strategies from colonial rule to independence and beyond.

In the post-independence era, the Administration Police underwent various reforms to align with the new Kenyan government's objectives. Following independence in 1963, the AP was integrated into the national policing framework, tasked with a range of duties including maintaining public order, preventing crime, and

⁶ Andrew Barton, 'Brothers by day': Colonial policing in Dar es Salaam under British rule, 1919–61. *Urban History*, 30 no. 2, (2003): 193–210

⁷ Ibid

⁸ N. M. Mogire, *Indians in State Policing in Colonial Kenya, 1884–1963* (PhD diss., Kenyatta University, 2023), <https://ir-library.ku.ac.ke/handle/123456789/27354>

supporting local administration⁹. The force was instrumental in implementing government policies at the grassroots level, especially in areas where the regular police force had limited reach. Despite its expanded mandate, the AP faced numerous challenges, including inadequate resources, training, and instances of corruption and human rights abuses, which occasionally marred its reputation.¹⁰

As we shall see, the significant reforms to the Administration Police were initiated in the early Twenty First Century as part of broader efforts to modernize Kenya's security sector. The promulgation of the new constitution in 2010 brought substantial changes to the policing structure, emphasizing accountability, professionalism, and community-oriented policing. Under the new constitutional framework, the AP's role was redefined, and efforts were made to enhance its operational capacity and public trust. These reforms were aimed at addressing historical issues within the force and ensuring that it could effectively contribute to national security and development in a rapidly changing societal landscape. The evolution of the Administration Police is thus a testament to Kenya's ongoing efforts to build a more efficient and responsive security apparatus.

The roots of modern policing can be traced directly to its English origins. Concepts such as community policing, crime prevention, the posse, constables, and sheriffs stemmed from English law enforcement practices. By the late nineteenth century, a significant reform movement began to take shape, primarily driven by a group known as the Progressives, who sought to establish a truly professional police force.

Historically, the portrayal of police in Kenya has predominantly come through commemorative writings and autobiographical narratives, often skewed towards a positive and legitimizing perspective that typically fell short of rigorous scholarly research and presentation standards. However, there has been a notable shift in recent years. Various research initiatives have enhanced the quality of studies on police history in Kenya by uniting academic historians, sharing scholarly methodologies with police practitioners, and providing insider viewpoints¹¹.

⁹ Killingley, D. (1986). The maintenance of law and order in British colonial Africa. *African Affairs*, 85(340), 411–437.

¹⁰ N. M. Mogire, *Indians in State Policing in Colonial Kenya, 1884–1963* (PhD diss., Kenyatta University, 2023), <https://ir-library.ku.ac.ke/handle/123456789/27354>

¹¹ E. Masake and G. O. Okoth, “Transitional Crime, Colonial Economy and the Police Force in Colonial Kenya (1887–1963),” *Global Scientific Journal* 11, no. 8 (2023): 1–20

Nevertheless, it remains essential to explore the history of policing in Kenya to gain a clearer understanding of its evolution and transformation over time. The roles, responsibilities, and organizational structures of police agencies have facilitated the profession's growth from ineffective watch groups to modern police forces that integrate advanced technology and problem-solving techniques into their everyday functions.

Law and order consist of a set of rules that govern interactions among various social forces, actors, and interests. This framework naturally creates opportunities for pursuing a wide range of objectives within the political sphere. According to Naomi Chazan and others,¹² the state's apparatus establishes the conditions under which social groups emerge and determines which political actions are feasible while limiting others. Consequently, the organization and nature of the state influence the political issues that arise and the manner in which they are addressed.¹³

In the past twenty-five years, there has been significant historical research focused on crime, policing, and law enforcement. Historians have often been somehow hesitant to confront certain claims about a supposed golden age or to critique what they consider familiar 'new' solutions to crime and disorder. Gaining insight into how and why police institutions were established and their relationship with the societies they serve may not offer straightforward answers to current issues. However, it will, at the very least, equip participants in these discussions with a more informed perspective.

Before the establishment of the IBEAC in Mombasa, there seems to be little or no mention at all of a police force being in existence in Mombasa. It is indicated that the only form of a police force in Mombasa that existed before the IBEAC was the Baluchi Soldiers stationed at Fort Jesus by Seyyid Bargash of Zanzibar between 1870 and 1888¹⁴. The Kenyan East Africa Protectorate, which transitioned to a colony in 1920, faced significant challenges in reconciling two parallel economies. While elements of British Common Law and the Indian Penal Code were already established,

¹² Naomi Chazan et al., *Politics and Society in Contemporary Africa* (Boulder, CO: Lynne Rienner, 1988)

¹³ Mau, the 'Kapenguria Six' and the 'Ocampo Six' in Kenya. *International Journal of Transitional Justice*, 18(1), 32–48.

¹⁴W.R Foran. *The Kenya Police 1887-1960* (London, 1962), p.6

the discrepancies between the formal and native economies led to differing values, conflicting norms, and incompatible cultures and legal systems. The Kenya Police, which had already been formed, primarily concentrated on urban regions, railway lines, and areas inhabited by the affluent, whereas the Tribal Police operated in rural areas¹⁵. The creation of African Reserves in 1926 for each of Kenya's tribes, which left the White Highlands exclusively for Europeans, raised the need for a Tribal Police force focused on policing the African areas. The Kenya Police was more of an 'urban force' and therefore catered for the needs of Europeans who were considered to be urbanized.

In the meantime, village headmen relied on local "toughs" and bullies to implement the often-unpopular policies of the Colonial Government and to establish arbitration and other enforceable mechanisms. These local toughs assumed the role of Native Police. In 1929, the Tribal Police Ordinance was enacted to provide legal support for the Native Police, with their training managed by regional agents, most of whom had military backgrounds. Training, uniforms, and equipment varied by district, and elements of the Kenya Police and the King's African Rifles (KAR) contributed to the training process. The uniforms primarily drew inspiration from colonial military attire while incorporating culturally significant local symbols of authority¹⁶. Generally, the force remained small and unarmed, except in frontier areas. Significant expansion of the Tribal Police began around 1948 in response to increased native agitation and concerns over potential widespread rebellion. As their numbers grew in Central Province and armament became more common, their presence along the province's borders was strengthened to curb the spread of Mau Mau influence during the Emergency period¹⁷.

In 1958, the Tribal Police Ordinance was updated and transformed into the Administration Police Act, leading to the initiation of centralized training at Ruringu in Nyeri. This training program concentrated on fundamental instruction for recruits, along with courses aimed at promotions and prosecutions in Native Courts. After Kenya gained independence in 1963, the Provincial Administration and the Administration Police were moved from the Ministry of Native Affairs to the Office of the Prime

¹⁵Justin Willis, "Potent Space: The Contradictions of Colonial Policing in Mombasa," in *Policing and Decolonisation in Africa, 1945–60*, ed. D. M. Anderson and D. Killingray (Manchester: Manchester University Press, 2002), 127-146.

¹⁶W.R Foran. *The Kenya Police 1887-1960* (London, 1962), p.6

¹⁷Y.P Ghai and Mc Auslan, J. P. W. B *Public Law and Political Change in Kenya: A Study of the Legal Framework of Government From Colonial Times to the Present*. (Nairobi,1970)

Minister and subsequently to the Office of the President, where they have continued to operate.¹⁸

Since the establishment of centralized training in 1958, the highest-ranking officer of the Administration Police was the Commandant of Training, supported by the Adjutant, both of whom were European. The remaining ranks were filled by Africans, with the highest rank being Senior Sergeant Major (Warrant Officer I). All District Officers and Commissioners held officer ranks. Typically, an Administration Police Officer was assigned to a specific district, and upon transfer, they needed to receive a new identity card or have their duty status re-endorsed for the new district.¹⁹

Centralization of training and command continued in the sixties with Embakasi Training School being set up in 1967 at the present-day JKIA and finally moving to the present-day Administration Police Training College in 1972. Although the AP transformed gradually starting in 1958 from a localized police service to a national structure, it continued to offer localized policing services. The force was given the AP name simply because it was used by IBEAC to administer colonial rules and policies within the protectorate²⁰. This study, among other things, examines and analyzes the issues and challenges faced by the Administration Police Force in providing effective policing services as mandated by law and anticipated by the public.

The force has transformed from a pro-imperial colonial police, established to control the colonized 'native populations,' into its current form. Initially created as a colonial constabulary, this institution was not intended to serve the people but rather functioned as a repressive tool of conquest aimed at fulfilling the imperial goals of resource extraction and political control.

The unique history of pro-imperialist coercion and hostility toward local populations has significantly influenced the structure and functioning of many African police forces, including the Kenya Police Force (KPF)²¹. Understanding this historical context is essential for comprehending the KPF's role in suppressing anti-colonial movements and the mistreatment of activists involved in independence struggles,

¹⁸John Lonsdale and Bruce Berman, *coping with the Contradictions: The Development of the Colonial State in Kenya, 1895-1914* *Journal of African History*, (20) (1979):487-505.

¹⁹Y. P. Ghai and J. P. W. B. McAuslan, *Public Law and Political Change in Kenya: A Study of the Legal Framework of Government from Colonial Times to the Present* (Nairobi: Oxford University Press, 1970).

²⁰Ghai and McAuslan, *Public Law and Political Change in Kenya*,

²¹ Achille Mbembe, *On the Post colony* (California: University of California Press, 2001).

notably the Mau Mau²². One of the major yet often overlooked challenges of independence in Kenya and throughout Africa was the need to transform the colonial police force—originally an oppressive entity—into a legitimate national police service that serves and is accountable to the people.

Unfortunately, the crucial reform needed to change the police force has largely remained unachieved in many post-colonial African states, including Kenya. Evidence from the twenty-four years of President Daniel Arap Moi's administration shows that the KPF was involved in numerous human rights abuses, including politically motivated disappearances and targeted killings of perceived adversaries. Many prominent pro-democracy activists advocating for a broader political space faced harassment and violence from the KPF. Moreover, unlawful and extended detentions without trial of political opponents were widespread, and several critical private media outlets were banned.²³

Under President Moi's extended undemocratic regime, the police institution became deeply politicized, leading to recruitment and promotion practices primarily driven by cronyism and clan affiliations. As a result, the police force was largely dominated by certain ethnic groups. Corruption became rampant, coinciding with a significant rise in violent crime. The 1990s, in particular, experienced a staggering increase in crime rates, especially in Nairobi²⁴. The police force's image and reputation reached their lowest point in post-independence history²⁵. Moi oversaw a tightly controlled one-party state that was largely maintained by an unprofessional police force, which many critics compared to the Gestapo, the secret police of Nazi Germany.

1.2 Statement of the Problem

Despite a growing corpus of literature on policing and law enforcement in Kenya, scholarly attention has disproportionately centered on the Kenya Police Service and urban policing dynamics, leaving the Administration Police Service (AP)

²²Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the legacy of Late Colonialism* (London: James Currey, 1996).

²³Human Rights Watch, *Playing with Fire: Weapons Proliferation, Political Violence and Human Rights in Kenya* (New York: Human Rights Watch, 2002).

²⁴Katumanga Musambayi and Lionel Cliffe, *Nairobi – A City Besieged: The Impact of Armed Violence on Poverty and Development* (Bradford: Centre for International Cooperation and Security Department of Peace Studies, 2005).

²⁵Human Rights Watch, *Playing with Fire*

underexamined. Furthermore, while colonial excesses and post-independence police reforms have been widely documented, the institutional apparatuses—especially the APS—used to enforce state authority have not been sufficiently interrogated in terms of their structural transformation, operational ethos, and socio-political entanglements. The APS’s transition from a localized tribal enforcement unit to a national paramilitary service under the 2010 Constitution and subsequent reforms presents a rich site for academic inquiry. This omission is particularly striking given the APS’s unique mandate in border security, anti-stock theft operations, and protection of critical infrastructure—functions that have shaped Kenya’s security landscape far beyond urban jurisdictions. While there is a substantial body of scholarship on policing and law enforcement in Kenya and across Africa, the historical evolution of the Administration Police (AP) remains significantly underexplored. Existing literature tends to emphasize the Kenya Police and urban policing, often relegating the AP to peripheral mention. This oversight persists despite the AP’s pivotal role as a colonial instrument of control within African Reserves, tasked with maintaining public order beyond urban centers.

1.3 Objectives of the Study

The main objective of the study was to account for the origins and development of the Administration Police (AP) in Kenya. The specific objectives were:

- (i) To outline a historical background of the Administration Police between 1902 and 1928
- (ii) To trace the origin of administration Police from 1929 to 1963
- (iii) To illustrate the development of Administration Police in the post-colonial Kenya, 1964-2018

1.4 Research Questions

- (i) What historical factors shaped the colonial background of the Administration Police between 1902 and 1928?
- (ii) What were the origins and influences behind the formation of Tribal Police in Kenya from 1929 to 1963

- (iii) How did the Administration Police evolve during Kenya's post-colonial era from 1963 to 2018?

1.5 Research Premises

- (i) The Administration Police (AP) emerged from colonial "divide and rule" policing strategies designed to fragment communities and maintain control.
- (ii) The establishment of Administration Police institutionalized social separation, embedding the AP as a coercive symbol of state authority.
- (iii) Postcolonial policing practices inherited from the British entrenched the alienation between citizens and the state, perpetuating mistrust and authoritarian governance

1.6 Justification of the Study

The study is expected to help in understanding the problems and challenges experienced by the state as well as by AP as they perform their duties. This may eventually lead to designing respective measures that would be taken to enhance their service. The study also aims at portraying the role of the AP which has always been seen as a brutal weapon used by the state. It will also offer planners of police reforms background from which they can work.

On the other hand, grasping the history of policing is essential for shaping police professional identity. A thorough understanding of their field fosters a sense of connection among officers and personnel with other police organizations globally. While engaging and educational narratives that illustrate ideals and inspire professionals to reach them are valuable, they represent only a portion of what police professionals should learn about their history, and what historians can provide regarding the police.

1.7 Scope and Limitations of the study

This study examines the historical trajectory of colonial rule in Kenya from its establishment in 1890, focusing specifically on the law enforcement mechanisms that underpinned colonial administration. Central to this inquiry is the 1902 Village Headmen Ordinance and the establishment of African Reserves in 1926, which laid the institutional groundwork for localized governance and control.

The study centers on the Tribal Police Force, created under the Tribal Police Ordinance of 1902, which operated primarily within the African Reserves. Unlike the Kenya Police, which served urban areas and settler communities, the Tribal Police functioned as an extension of colonial authority in rural African jurisdictions. The geographical scope of this research encompasses select African Reserves located in Central, Western, and Eastern Kenya, with particular attention to regions where archival documentation is accessible and historically rich.

The study traces the evolution of the Administration Police (AP) from its Tribal Police origins, examining its structural transitions and institutional reforms leading into the modern era of multi-choice policing. This includes evaluating shifts in jurisdiction, mandate, and operational strategies under changing political and administrative contexts. The study spans a considerable historical period, which resulted in gaps or unevenness in source material. Applicability of findings may be constrained, as conclusions drawn from specific African Reserve contexts may not be generalized to all regions historically policed by the AP. Data access challenges are anticipated due to possible bureaucratic restrictions or fragmentation of colonial records. This was mitigated by extensive use of secondary literature and archival sources, complemented by oral histories where feasible.

1.8 Literature Review

While the Kenya Police has frequently dominated narratives of law enforcement, a significant body of scholarship is slowly emerging tracing the distinctive historical evolution and contested role of the Administration Police (AP) within Kenya's security architecture. This literature review thus examines the trajectory of this scholarship, highlighting the AP's specialized mandate, its complex entanglement with the Provincial Administration, its longstanding rivalry with the Kenya Police, its problematic human rights record, and the profound challenges it encountered in transitioning into the unified National Police Service. The review is organized on a funnel approach that tends to begin from global while ending with localized studies.

Globally, colonial policing was deeply embedded in the machinery of imperial governance, serving primarily as a mechanism of control rather than public service. Scholars such as Martin Thomas argue that colonial police forces were not merely law

enforcement bodies but extensions of the colonial state's coercive apparatus, often tasked with suppressing dissent and maintaining economic order.²⁶ These forces were shaped by imported legal codes, paramilitary structures, and racial hierarchies, with European officers commanding indigenous rank-and-file personnel²⁷. The global literature also highlights how colonial policing was influenced by political economy designed to protect settler interests, enforce labor regimes, and facilitate resource extraction. Despite regional variations, the overarching theme remains: colonial police were instruments of domination, not justice.

Across British colonial Africa, policing was characterized by its paramilitary ethos and its alignment with indirect rule. In territories like Tanganyika and Nigeria, police forces were often recruited from so-called "martial tribes" and deployed to enforce taxation, quell resistance and uphold the authority of colonial chiefs²⁸. The literature reveals that these forces were deeply politicized, frequently used to suppress nationalist movements and maintain colonial hegemony. Post-independence, many African states inherited these structures, resulting in police forces that continued to operate with authoritarian tendencies and limited public accountability. This regional continuity underscores the enduring legacy of colonial policing and its impact on contemporary law enforcement across Africa.²⁹

While extensive literature exists on the colonial state and the rule of law in Africa, there is comparatively little focus on the maintenance of law and order. In the

²⁶ M Thomas., *Violence and Colonial Order. Police, Workers, and Protest in the European Empires, 1918–1940*, (Cambridge: Cambridge University Press, 2012)

²⁷ A. E. Afigbo, *The Warrant Chiefs: Indirect Rule in Southeastern Nigeria, 1891–1929* (London: Longman, 1972), ; Michael Crowder and Obaro Ikime, eds., *West African Chiefs: Their Changing Status under Colonial Rule and Independence* (New York: Africana Publishing, 1970), ; John Tosh, *Clan Leaders and Colonial Chiefs in Lango: The Political History of an East African State and Society, 1800–1939* (Oxford: Clarendon Press, 1978) see also , Martin Chanock, *Law, custom and social order. The colonial experience in Malawi and Zambia* (Cambridge: Cambridge University Press, 1985).

²⁸ E. Leigh, B., *Land, Food, Freedom Struggle For the Gendered Commons in Kenya 1870 to 2007* (Ph.D. diss, of University of Toronto 2006)

²⁹ David, Killingray, 'Consent, coercion and colonial control: policing the Empire 1830-1940' in *Policing the Empire: Government, Authority and Control, 1830-1940*, (Manchester: Manchester University Press, 1991)

works of Lugard, Buell³⁰, and Hailey,³¹ which are considered 'standard' texts from the colonial era, various forms of taxation are indexed, but discussions of the police and law enforcement are only mentioned briefly. Likewise, contemporary historiography regarding British colonial Africa often overlooks the mechanisms through which the authority of the colonial government and the chief hierarchies it established were upheld. Many studies of colonial Africa primarily concentrate on administrative frameworks and judicial processes, offering limited insight into the enforcement of law and order.³²

Many studies focusing on indirect rule often overlook how the 'traditional' elite wielded authority. However, notable exceptions include John Tosh's examination of colonial chiefs in Lango and Martin Chanock's recent work on law, custom, and social order in Malawi and Zambia. Additionally, the role of the police has generally been neglected by historians of Africa. Moreover, there exist no proper historical works on the history of the administration police. There may exist some journalistic and unconventional literature on the subject, but there is a need to document the history of the police and place them in the historiography of Kenya.

Killingray investigates the cultures of colonial policing and concludes that a specific set of traditions and attitudes shaped police practices across British colonies, mandates, and protected territories during the extensive period of Empire. He starts by defining policing cultures in these colonies, highlighting their key features and how they contrasted with policing cultures in Britain.³³ The argument presented is that these cultures are not entirely separate; rather, they have shared significant similarities over time. In fact, police practices considered 'exceptional' in the colonies have become normalized within Britain itself. The study will demonstrate that the influence of colonial policing cultures is not a one-way street, solely flowing from the colonies to

³⁰ Raymond Lesly Buell, *The Native Problem in Africa*, Vol 1 and 2. (New York: MacMillan 1928)

³¹ Lord Hailey, *Native Administration in the British African Territories*, Part I (London: H. M. Stationery Office, 1950), pp. 187

³²E.g. A. E. Afigbo, *The Warrant Chiefs. Indirect rule in Southeastern Nigeria, 1891-1929* (London 1972); M. Crowder and O. Ikeme, eds., *West Africa chiefs. Their hangings under colonial rule and independence* (New York 1970). 5. John Tosh, *Clan leaders and colonial chiefs in Lango. The political history of an East African state and society. 1800-1939* (Oxford 1978), also in Martin Chanock, *Law, custom and social order. The colonial experience in Malawi and Zambia* (Cambridge 1985).

³³ D. M., Killingray, D., *Policing the Empire*

the mother country. Evidence suggests that colonial policing methods are now being exported from Britain worldwide, as part of a neocolonial expansion driven by commercial interests. Both domestically and internationally, the exceptional policing practices once associated with colonial cultures have become accepted as common practice, shaping contemporary understandings of policing on a global scale.³⁴

In 1897, Mr. R.M Ewart was appointed to organise a police force after the administration of the E.A. protectorate was transferred from the company to the foreign office. The Commissioner of the protectorate, Sir A. Hardinge, found it necessary to appoint police officers to provide the security required for the skeletal administration.³⁵ At this period it is important to note that there was no unified police force. The railways, the customs and the administration each had a separate police force. Though the police was a relatively small force in the protectorate, it was often called upon to work along with the military force in what was then referred to as wars of pacification. The Kenya Police was legally constituted by the Police Ordinance of 1906. Up to 1907, the Kenya Police was organized more on military lines and the training given to the police officers was military in nature though they were nothing more than mere askaris or guards.³⁶

Alice Hills³⁷ notes that the police serve as a reflection of regime power, illustrating the character of the governing authority. In authoritarian regimes where armed forces are deployed against citizens, the police often become disconnected from the communities they are meant to protect. In these contexts, the use and abuse of political power become closely intertwined with the police's role and functions³⁸.

Marxist theorists argue that the state functions primarily as a tool of coercion for the ruling elites, serving to uphold their interests while suppressing and exploiting

³⁴ David Arnold, 'Police Power and the Demise of British Rule in India, 1930-47', in David M. Anderson and David Killingray (eds), *Policing and Decolonisation: Politics, Nationalism, and the Police, 1917-65*, Manchester, Manchester University Press, 1992, p. 44

³⁵ David Arnold, 'The Armed Police and Colonial Rule in South India, 1914-1947', *Modern Asian Studies*, 11(1), (1977):101-25.

³⁶ Foran W.R. *The Kenya Police 1887-1960* (London, 1962)

³⁷ Alice Hills, *Policing in Kenya: A Selective Service* (Oxford: African Affairs, 1991).

³⁸ Gjelsvik, I. M. (2020). Police reform and community policing in Kenya: The bumpy road from policy to practice. *Journal of Human Security*, 16(2), 19–30. <https://doi.org/10.12924/JOHS2020.16020019> — Analyzes the challenges of implementing community policing reforms in Kenya.

the governed. As a regime focuses on its own survival, the likelihood of employing excessive force rises, leading to increased insecurity. This situation often fosters the emergence of informal political groups, such as Mungiki, Jeshi la Mzee, and Kamjesh in Kenya, which operate with little regard for established law and order procedures. Chabal and Daloz refer to this phenomenon as the "institutionalization of disorder," suggesting that such practices maintain a political framework that serves only those who benefit from it. Thus, the presence of these political gangs and the prevalence of political violence during Kenya's political transitions necessitate a thorough examination of the police force, the government body tasked with maintaining security.³⁹

There has been limited research on British policies aimed at safeguarding its interests in Kenya following independence. The book *Britain, Kenya and the Cold War: Imperial Defence, Colonial Security and Decolonisation* illustrate how Britain continued to prioritize its strategic interests in Kenya by supporting the "moderate" Kenyatta government, relinquishing the colonial army base deemed unacceptable, but maintaining military camps, airspace rights, and involvement in training the Kenyan military for internal security purposes. David Percox⁴⁰ emphasizes that the process of decolonization in Kenya was closely intertwined with British defense interests, particularly in the context of the Cold War and the competition between East and West⁴¹

The book is a detailed colonial historical work, which draws heavily on original archival documents probably never accessed or used before. Percox does great labour to organize these documents together to tell a largely neglected aspect of British decolonization in Kenya. There are innumerable features that make this study appealing to both historians of Kenya and the casual reader of military history.

Following the defeat of the Mau Mau insurgency and the formulation of plans for decolonization, the British were compelled to make concessions to acknowledge the aspirations of African nationalists. This approach aimed to ensure that Kenya remained stable enough for British influence to persist. The political environment was tempered

³⁹ Opolot Okia, "*Communal Labor in Colonial Kenya: The Legitimization of Coercion, 1912–1930*" (PhD diss., Wright State University, 2012), — Explores forced labor policies and their socio-political implications in colonial Kenya

⁴⁰ David Percox, *Britain, Kenya, and the Cold War: Imperial Defence, Colonial Security and Decolonisation* (London: Tauris Academic Studies, 2012)

⁴¹ *Ibid*,

by rehabilitating Kenyatta, equipping his government with arms, and eventually transferring power to an independent Kenya. The British sought to maintain access to air staging, overflight rights, training and communication facilities, as well as naval bases in Mombasa. In exchange, Kenya would receive military personnel to help train its army and air forces. These actions were influenced by economic interests and Britain's regional Cold War strategy following the Suez Crisis⁴².

The themes that Percox explores in this eight-chapter book are illuminating. The weakness of the book, however, lies in its structure and organization. The book is hastily formatted and lacks coherence in citation style and chapter organization in general. It does not consider the perspectives of the independent Kenyan political leadership⁴³. Britain did not act in isolation in coercing Kenya for her Suez military strategy. The author does not consider the negative sentiments of leftist politicians, for example, the role played by the local political critics such as Oginga Odinga who constantly questioned the presence of British military on Kenyan soil so that by 1982 Kenya would still be hesitant to grant military facilities to Britain.

The book largely dwells on the dialogue in the British parliament and military establishments. It makes little or no use of records from the Kenya National Archives. Nor are interviews carried out involving former military chiefs. The author briefly discusses the generalship of the British offensive against the Mau Mau which ought to have been covered extensively here owing to the importance of Mau Mau in the decolonization process. Nonetheless, the book is a readable and extremely valuable resource tool for the military historian. It is highly recommended as a reference source⁴⁴.

African Police and Soldiers in Colonial Zimbabwe builds on Timothy Joseph Stapleton's earlier research regarding the Rhodesian Native Regiment, delving into the complex issue of African involvement in the colonial state during peacetime and

⁴² Baker Bruce. , 'Beyond the State Police in Urban Uganda and Sierra Leone'. *Afrika Spectrum* 41, no.1 (2006)

⁴³ *African History and Western Criminology*, Africa 54 (1984): 468–83; and ,B. Smit and C. Botha, *Democracy and Policing: An Introduction to Paradox*, *Acta Criminologica* 3, no. 1 (1990): 1–15., 56.

⁴⁴ E. S. Atieno-Odhiambo, "Some Reflections on African Initiatives in Early Colonial Kenya," *East African Journal* 8, no. 6 (1971).

wartime.⁴⁵ This participation, often labelled as “collaboration” by nationalist politicians and their supporters, has been largely neglected by historians.

Stapleton aims to move beyond this divisive and outdated viewpoint, which he considers reductionist and overly structural. Instead, he emphasizes “the life experiences of African police and soldiers within the colonial society of Southern Rhodesia,” achieving significant insights (p. 2). He notes that a historiographical shift has already taken place in related fields, such as those studying French West Africa and British East Africa, and positions his work as an effort to apply these lessons to the contested context of Zimbabwe⁴⁶. However, Stapleton’s achievement is more substantial than this modest claim indicates. His depiction of African servicemen reintroduces the concept of “agency” to a historically marginalized group, extending it to individual experiences. This approach liberates the group from the limitations of being viewed merely as treacherous mercenary “collaborators” or practical “negotiators” using survival strategies for advancement⁴⁷.

This nuanced and empathetic analysis reflects a broader trend in imperial literature that emphasizes individual experiences in transitional colonial contexts. The shift from collective approaches is particularly evident in the first chapter, which explores recruitment and enlistment motivations. While economic gain is recognized as a key factor, Stapleton suggests that this fundamental motivation can be understood in various ways, from perceiving police and soldiers as “opportunistic mercenaries” to appreciating their service as simply “another wage” in the expanding colonial cash economy⁴⁸ (p. 16).

Additionally, Stapleton identifies other significant yet less tangible incentives, including the pursuit of prestige, adventure, and societal validation of masculinity—expressed in sentiments like not wanting to be seen as a “sissy,” as noted by one of

⁴⁵ Timothy Stapleton, *African Police and Soldiers in Colonial Zimbabwe, 1923–80* (Rochester, NY: University of Rochester Press, 2011).

⁴⁶ Atieno-Odhiambo, ‘Some Reflections on African Initiatives in Early Colonial Kenya’,

⁴⁷ Bruce Berman, *Control and Crisis in Colonial Kenya: The Dialectic of Domination* (London: James Currey, 1990)

⁴⁸ Bruce Berman, *Control and Crisis in Colonial Kenya: The Dialectic of Domination* (London: James Currey, 1990)

Stapleton's frequent contributors, Chazan⁴⁹, in his 1936 enlistment interview (p. 20). Importantly, the chapter also highlights the unique motivations among many Africans for enlisting, such as familial pressure to provide and a strong personal desire for revenge, whether against the Japanese in Burma or against "insurgents" in their local areas (pp. 32-33)⁵⁰.

However, there are limitations to the thematic approach used throughout the work. Notable repetition exists across individual chapters regarding the transformative effects of changes occurring from around 1930 to the mid-1960s, such as improved educational attainment, better pay and working conditions, and growing alienation from the wider African community⁵¹. Particularly, the rising standards of Western education among recruits, along with shifts in social and institutional status, camp life dynamics, and racial segregation, emerge as recurring themes in the conclusions of each section. This raises questions about why such a crucial element, although given its own chapter, wasn't given a more prominent role in the overall structure of the study. Nevertheless, to pursue this argument further would imply critiquing the author of this well-researched and informative work for not producing a fundamentally different study, which must be set aside.

Stapleton's meticulous research offers several significant historiographical insights that challenge oversimplified narratives of "collaboration" and "resistance."⁵² These insights are rooted in contextual factors—territorial, temporal, and societal. The primary innovations include: first, the importance of understanding Zimbabwean developments, particularly after the Unilateral Declaration of Independence, within a broader colonial or African context; second, a reinterpretation of the authorities' decision to recruit women as police officers in the mid-1960s; and third, an emphasis on a central tension that persisted throughout this period, characterized by a shortage of white personnel, the growing need for African security forces, and the unfounded fears among Europeans regarding their African protectors.

⁴⁹ Naomi Chazan et al., *Politics and Society in Contemporary Africa* (Boulder, CO: Lynne Rienner, 1988)

⁵⁰ Berman. *Control and Crisis in Colonial Kenya*

⁵¹ Ibid

⁵² Timothy Stapleton, *African Police and Soldiers in Colonial Zimbabwe, 1923-80* (Rochester, 2011)

The necessity for a territorial perspective that extends beyond the formal British Empire and the specific colony is evident throughout Stapleton's work. For instance, this is illustrated early on by the British South Africa police's strategy of recruiting African men from outside the territory following the Ndebele and Shona rebellions of 1896-97. Actions beyond Zimbabwe's borders, such as the service of African soldiers in East Africa during World War I and in East Asia during World War II, also provide a compelling argument for considering a broader timeframe. However, as decolonization progressed after 1945, the need for a transnational framework became increasingly urgent. Particularly during the 1960s, as the winds of change swept across Africa, events outside of Southern Rhodesia were keenly observed by soldiers and policemen within the territory⁵³.

In a 2008 interview, Tobias Mutangadura, a former adult education instructor in the army, reflected on the reaction of Royal African Rifles soldiers to Nigeria's independence in 1960 and their singing of nationalist songs celebrating Ghana's independence. Likewise, official military records illustrate the significant influence that events in the neighboring Portuguese territories of Mozambique and Angola had on the decision-making of elite white Rhodesians, extending until the withdrawal of that colonial power in 1975, following Lisbon's "Carnation Revolution."⁵⁴

Stapleton argues that the choice to allow African women to join the police force was "a political move aimed at countering African women's involvement in nationalist protests," a claim he supports with compelling, though not entirely definitive, evidence (pp. 147-148). While this may appear to be a minor point, it sheds light on the mindset of the white Rhodesians in charge of these services and highlights the limitations of African agency within colonial service during the 1960s and 1970s⁵⁵.

In a democratic society, the police force plays a crucial role in upholding the principles essential to democracy, ensuring a sense of security by safeguarding free elections, and protecting citizens' rights to associate and move freely. According to P.L.O. Lumumba, the police are responsible for shielding citizens from criminal

⁵³ Sticher, S. Labour, and National Development in Colonial Kenya Ph.D. Thesis Columbia University

⁵⁴ Chitalu, K.A. Bruce, *The Challenges Related to Police reforms in Kenya: A survey of Nairobi County*. (M.A. Thesis Kenyatta University, 2014)

⁵⁵ Timothy Stapleton, *African Police and Soldiers in Colonial Zimbabwe, 1923-80* (Rochester, 2011)

activities and creating an environment that allows them to engage in social, economic, and political activities without fear⁵⁶.

The history of the Administration Police (AP) dates back to approximately 1902 with the introduction of the Village Headmen Ordinance. This ordinance was established to facilitate access to native areas, ostensibly to integrate the local population into the monetary economy, enforce taxation, regulate livestock movement, and oversee agriculture, labor, and the movement of people, along with other social and economic regulations. Prior to this, Kenya's inland regions consisted of interconnected domestic economies characterized by both nomadic and sedentary pastoral production systems.⁵⁷

An essential implication of the principle 'trust the man on the spot' was that this individual needed to be the 'right man,' someone who could be relied upon to act in accordance with the central authorities' expectations when they were unable to maintain direct control over him. In such circumstances, the central authorities tended to rely upon the more indirect, but socially and politically significant, methods of highly selective recruitment and intensive indoctrination of administrative personnel.⁵⁸

It is perhaps important to summarize the main principles of British police philosophy, operating as it did and still does with the English Common Law concept. The Kenya police origins lay in Mombasa in 1896 where a British ASP and two inspectors together with Indian personnel were officially constituted as police force. A police force is concerned essentially with the protection of citizens in their full legal rights. The preservation of order and their prevention of crime is the primary concern, with the apprehension of felons and lawbreakers.⁵⁹ Police are the agents of the law, its officers and executives, rather than the agents of any government of the day. The British concept of 'constable'. Its origin in Medieval England was of a person chosen by a local community to apprehend lawbreakers. A force primarily of individuals acting as constables is then essentially a body of local citizens formed voluntarily into a

⁵⁶ P.L.O Lumumba, *The Police and the Administration of Criminal Justice in Kenya,* (Unpublished LLB Dissertation, University of Nairobi, 1984), p. 19.s

⁵⁷ Felser, Approaches, p.556 see also HerberkKaufam, *The Forest Ranger, A Study of Administrative Behavior,* (Baltimore:1960)161-200

⁵⁸ Antony Downs, *Inside Bureaucracy,* (Boston: 1967) pp.228-360: Amitia Etzion, *Format organizations,* (New York,1961) pp.156-160

⁵⁹ Clayton A: *Khaki and Blue :Military and police in British Colonial Africa.*(Athens, 1989)

constabulary for certain specific purposes. It should be unarmed except in the most dangerous circumstances.⁶⁰

1.9 Theoretical Framework

This study draws primarily on modernization theory as articulated by W.W. Rostow and the dialectic of domination proposed by Bruce Berman, to examine the historical development of policing in colonial Kenya from 1902 onward. These frameworks are complemented by insights from Marxist and Weberian traditions, which provide deeper understanding of the intersection between state power, coercion, and institutional legitimacy⁶¹. Theories of modernization illuminate the colonial state's aim to reshape African societies along European models of bureaucratic control and industrial development⁶², while Berman's dialectical approach reveals the tension inherent in establishing authority through local intermediaries and coercive policing. Together, these theories uncover how colonial policing functioned not just as a tool of order, but as a mechanism of domination woven into the broader project of state formation⁶³. The development of policing systems in colonial Kenya cannot be understood in isolation from the broader sociopolitical and economic structures that shaped state formation and colonial governance. This study draws primarily on modernization theory and Bruce Berman's dialectic of domination to analyze how law enforcement institutions evolved under British colonial rule from 1902 onward. These lenses are further supported by Marxist and Weberian perspectives that contextualize the role of policing within structures of power and legitimacy⁶⁴.

The development of policing systems cannot be understood in isolation from their sociopolitical context. Theories in this area examine how policing is intertwined with broader power structures and social hierarchies. Marxist theories, for example, argue that policing serves to protect the interests of the ruling class by maintaining order

⁶⁰ Ibid

⁶¹ Eweje, Gabriel. *Marxist Perspectives on Policing and Social Control*. African Journal of Political Economy, 2006

⁶² Tipps Dean C. "Modernization Theory and the Comparative Study of Societies: A Critical Perspective" *Comparative Studies in Society and History* (1973) 15:199-226

⁶³ Bruce Berman, *Control and crisis in colonial Kenya, The Dialectic of Domination* (Nairobi,1990)

⁶⁴ Eweje, Gabriel. *Marxist Perspectives on Policing and Social Control*. African Journal of Political Economy, 2006

and suppressing dissent.⁶⁵ According to this perspective, the police are instruments of state power used to enforce social and economic inequalities. Weberian theories, on the other hand, focus on the role of the state in monopolizing legitimate violence. Max Weber argued that the modern state is defined by its exclusive right to use physical force, and policing is a key mechanism through which this power is exercised.⁶⁶ This view emphasizes the legal-rational authority of the state and the professionalization of policing as part of the broader process of rationalization and modernization.

The history of policing is also deeply affected by the processes of colonialism and state formation. Colonial powers established policing systems in their colonies to maintain control and suppress resistance. These colonial policing systems were often characterized by their repressive and militaristic nature, designed to enforce the colonial order and extract resources rather than to serve and protect the local populations.⁶⁷ In post-colonial states, the legacy of colonial policing continues to influence contemporary practices. The transition from colonial to independent rule often involved the retention of colonial policing structures, leading to ongoing tensions between the police and the citizenry. Thus, theories used in this study examine how these legacies of colonialism shape current policing practices and the relationship between the state and society.⁶⁸

Therefore, two theories will be used in this study: modernization theory as explained by W.W Rostow and others and the concept of a dialectic of domination as propounded by Bruce Berman. In the context of social sciences, modernization denotes a model representing an evolutionary shift from a pre-modern or 'traditional' society to a modern one. The progression of modernization is outlined in theories of social evolutionism, which serve as a framework typically adhered to by societies that have reached modernity. In the context of this study, modernization theory—as articulated by W.W. Rostow—offers a structured model for societal transformation, emphasizing economic growth, industrialization, and technological advancement as markers of

⁶⁵ Ibid

⁶⁶ Meyer, John W., and Sanklecha, Anil. *Weberian Theory and the Modern State: Policing and Legitimate Violence*. *Comparative Studies in Society and History* 51, no 3, (2009) 505-528.

⁶⁷ Grim, John. *Colonial Policing in Africa: Mechanisms of Control and Suppression*. *The Journal of African History*, 1994.

⁶⁸ Mojibayo Fadakinte, "Africa and Colonial Legacies: Analyzing a Troubled Continent," *International Journal of African and Asian Studies*, no. 83 (December 31, 2024): 89-91, <https://doi.org/10.7176/JAAS/83-08>.

progress. Its strength lies in providing a clear developmental roadmap for post-colonial states, but its weaknesses include a Western-centric bias and an oversimplification of diverse socio-cultural realities. In contrast, Bruce Berman's dialectic of domination presents a historically grounded and critical framework for understanding colonial governance in Kenya, highlighting the tensions between administrative control and capitalist integration. While it offers deep insight into the structural legacies of domination, its abstract nature and limited policy applicability may challenge its integration into empirical analysis. Together, these theories offer complementary lenses—modernization theory frames the aspirational trajectory of institutional reform, while the dialectic of domination interrogates the entrenched systems that complicate that evolution.

Although it is theoretically conceivable for certain societies to undergo this transition through alternative routes, no credible sources have presented any counterexamples.⁶⁹ Modernization theory, as articulated by W.W. Rostow⁷⁰ (1960) and subsequent theorists, proposes that societies progress through distinct stages of development—transitioning from traditional to modern states. In colonial Kenya, British authorities sought to implement urbanization, bureaucratic rationalization, and institutional expansion as markers of progress. Historians such as Kendall (2007) emphasize that industrialization and education were central to these efforts, and policing functioned as a key mechanism in controlling populations deemed "traditional" or resistant to modernity.

From a sociological standpoint, modernization also encompassed rationalization, wherein institutional behavior shifted from familial and communal structures to state-centered authority (Weber, 1919). Policing thus became a crucial arm of modern governance, entrusted with enforcing colonial law and managing urban populations through routinized coercion. As Eisenstadt (1973) argues, modernization created not only new opportunities but also entrenched social inequalities—conditions that policing often enforced rather than resolved⁷¹.

⁶⁹Brugger, Bill; Kate Hannan. *Modernization and revolution*. (London. Routledge.1983).45

⁷⁰ W.W. Rotow, 'The Stages of Economic Growth,' *The Economic History Review* 12, no.1 (1959) 1-6

⁷¹Brugger, Bill; Kate Hannan. *Modernization and revolution*. (London: Routledge.1983).45.

Historians associate modernization with urbanization, industrialization, and the expansion of education. As Kendall points out, "Urbanization accompanied modernization and the rapid process of industrialization." In the realm of sociological critical theory, modernization is tied to a broader process of rationalization. As modernization advances within a society, the significance of the individual grows, ultimately superseding the family or community as the primary unit of society.⁷²

Modernization theory and historical analysis have served as explicit guides for countries seeking rapid development, notably China. In fact, modernization has been suggested as the most relevant framework for understanding world history in the context of China, a developing nation that began its modernization journey later than others. It has been noted that "China's modernization must draw on the experiences and lessons of other countries." As societies progress through modernization, governance tends to be shaped by abstract principles rather than traditional norms. Consequently, traditional religious beliefs and cultural traits often diminish in significance as modernization advances.⁷³

Modernization theory, developed in the 1960s, emerges from a capitalist perspective on development and links modernization with economic growth. It posits that modern societies are more likely to achieve economic development compared to their non-modernized counterparts. According to Smelter's analysis, modern societies are generally more productive due to factors such as formal education for children, a strong sense of time management, and enhanced welfare provisions for those in need. Coleman further elaborates that three key characteristics distinguish a modern society from a non-modernized one⁷⁴. First, there is a differentiation in the political structure, where components like the executive, judiciary, and parliament operate independently, with decisions made by one branch remaining unaffected by the others. Second, there is the secularization of political culture, which allows all political parties and leaders to

⁷² See Brugger, Bill; Kate Hannan. *Modernization and Revolution*. (London: Routledge 1983) and Chin, Carol C. *Modernity and National Identity in the United States and East Asia, 1895-1919* (Kent State University Press; 2011)

⁷³Tipps Dean C. "Modernization Theory and the Comparative Study of Societies: A Critical Perspective" *Comparative Studies in Society and History* (1973) 15:199-226

⁷⁴Tipps "Modernization Theory and the Comparative Study of Societies

engage freely in their respective political traditions and practices. Lastly, modern societies exhibit active participation from citizens within their political systems⁷⁵.

The theory also posits that development follows a linear progression, with societies needing to pass through specific stages to achieve development. This notion is reinforced by American economist Walt Whitman Rostow, a prominent figure in the modern school of thought, who published his ideas in the 1960s as a modification of Karl Marx's theories⁷⁶. Rostow identifies five linear stages of economic development that a society must navigate: the traditional society stage, the preconditions for take-off, the take-off stage, the drive to maturity, and the stage of mass consumption. From these stages, it can be inferred that a developed society exists at the fifth stage of mass consumption⁷⁷. Rostow further explains that each stage is characterized by distinct attributes typical of societies at that level of development. For example, the traditional society stage serves as the foundational phase of development that all societies must experience. This stage is characterized by low productivity resulting from inadequate technology, with agriculture primarily practiced at a subsistence level. There are no social classes due to the small population, and people primarily live in family units. Economically, this stage is stagnant, with limited opportunities for individual mobility.⁷⁸

The preconditions for take-off represent the second stage, where Rostow outlines the defining features of a society in this phase. He suggests that external demand for raw materials drives changes that lead to technological advancements and an increase in investment levels. This stage witnesses a transformation in the social structure, with greater opportunities for individual mobility emerging. A society in this stage has met the necessary criteria to progress to the subsequent stages of development⁷⁹. The take-off stage, which is the third stage, is marked by a rationalization of manufacturing processes. This stage sees significant growth in a few key industries, as production gears up for both export and domestic markets. Notably,

⁷⁵ Tipps Dean C. "Modernization Theory and the Comparative Study of Societies: A Critical Perspective" *Comparative Studies in Society and History* (1973) 15:199-226

⁷⁶ Tipps "Modernization Theory and the Comparative Study of Societies

⁷⁷ Ibid

⁷⁸ A. Portes, (1976) *On the Sociology of National Development: Theories and Issues*. *American Journal of Sociology* 82 (1), 55–85.

⁷⁹ Tipps "Modernization Theory and the Comparative Study of Societies

the output of secondary goods surpasses that of primary goods, with industries such as textiles being among the first to experience significant growth⁸⁰.

In the drive to maturity stage, a society is characterized by a diversification of its industrial base. Manufacturing transitions from being investment-driven to focusing on consumer-oriented durable goods aimed at domestic consumption. This stage also sees rapid advancements in transportation infrastructure, along with significant investments in social services, including schools and hospitals⁸¹. The final stage, mass consumption, is distinguished by the industrial sector's dominance in the economy. At this point, there is widespread consumption of goods, with consumers enjoying higher disposable incomes that allow them to purchase luxury items. The modernization theory remains relevant and can effectively contribute to achieving development in less developed countries, such as Kenya⁸².

Investment in the social infrastructure, Rostow claims, drives a society to maturity stage in which much investment is expended in the development of social infrastructure to ensure there are adequate health facilities, schools, police, and others demanded by a society at this stage. Furthermore, Coleman stresses much on this by saying that a modern society is likely to achieve development because there is an availability of formal education and the society receives more welfare. For a society to be considered modernized it must therefore do much investment in the creation and distribution of formal education⁸³.

The improvement of social institutions will therefore lead to a more educated and effective population. This will lead to a better-educated police force and consequently a much more effective economic development of the country. Kenya should therefore secularize its political system including its police institutions to reach Rostows highest stage of development. Modernization theory, therefore, will help us to assess the relationship between policing and postmodernity, and to argue that police

⁸⁰ Brugger, Bill; Kate Hannan. *Modernization and revolution*. (London: Routledge.1983).

⁸¹ Tipps Dean C. "Modernization Theory and the Comparative Study of Societies: A Critical Perspective" *Comparative Studies in Society and History* (1973) 15:199-226

⁸² Tipps "Modernization Theory and the Comparative Study of Societies

⁸³ Ibid

leaders and policy-makers have developed over time to a postmodern sensibility in relation to social change and policing.⁸⁴

Discussions about police reform and developments in policing are predominantly framed within the context of modernization. This study proposes that a post modernization perspective should be included in the dialogue surrounding the police service and its reforms. It highlights how certain police leaders and agencies in Kenya's history have addressed the challenges and evolution of policing in an increasingly diverse and fragmented society. While this consideration has typically not been analysed through a postmodern lens, it is suggested that some police leaders and initiatives have set the groundwork for postmodern policing. The study also examines the extent to which the modernist approach continues to dominate the policing agenda in contemporary Kenya⁸⁵.

To gain a deeper understanding of the development of the Administration Police in Kenya, the principle of the dialectic of domination was utilized. This principle describes and explains the various control and domination mechanisms employed by colonialists in Kenya to further their capitalist ideologies. In his work *Control and Crisis in Colonial Kenya: The Dialectic of Domination*, Professor Bruce Berman argues that the colonial state was characterized by a contradiction: it had to maintain effective political control with limited coercive power while also ensuring the profitable integration of metropolitan and settler capitalism with African societies. This perspective highlights that the colonial state functioned as both a structure of power and an instrument of domination⁸⁶.

The colonial state encompassed both oppressive and benevolent forces, leading to inherent contradictions. It played a crucial role in the political economy of colonialism, with the police serving as one of the key instruments of domination employed by the British to manage the economy. The colonial state is viewed as a coercive entity representing the metropole, subjugating and controlling the local population through forceful means. It is important to acknowledge that this control was

⁸⁴ Brugger, Bill; Kate Hannan. *Modernization and revolution*. (London: Routledge.1983).

⁸⁵Tipps Dean C. "Modernization Theory and the Comparative Study of Societies: A Critical Perspective" *Comparative Studies in Society and History* (1973) 15:199-226

⁸⁶ Tipps Dean C. "Modernization Theory and the Comparative Study of Societies

exercised through a system of enforcement, with Mau Mau fighters and other nationalists being apprehended by the police.

William Ochieng's⁸⁷ *Themes in Kenyan History* discusses provincial administration as a tool of control and domination as used by the colonialist. During the post-war period, the colonial government established provincial administration whose function was to maintain law and order. In the 1950s, as a result of the ministerial reorganization at the centre, this administration acquired additional functions including responsibility for African courts and collection of local taxes. Not surprisingly, therefore, the administration, believing itself to be indispensable, grew in self-assertiveness⁸⁸. Sir Evelyn Baring saw the role of the administration in agricultural and overall development as the prime means of combating the Mau Mau threat. In his view, the reorganization and strengthening of the arm of coercion went hand in hand with the revitalization of the provincial administration as the executive's other agency of control.

To deepen this perspective, the concept of a dialectic of domination as a theory which was developed by Bruce Berman (1992), offers a critical lens on how colonial statecraft relied on both coercion and consent. In Kenya, British authorities institutionalized a dual structure of control: direct enforcement by administration police and indirect rule through local chiefs. Berman posits that this dialectic was not stable—it involved ongoing negotiation, resistance, and conflict between colonial agents and indigenous populations⁸⁹

This theoretical frame reveals that policing was not merely a tool of modernization but also a site of power contestation. The administration police enforced not only colonial laws but also the authority of traditional elites, thereby embedding their role within both colonial and local hierarchies. As Berman & Lonsdale argue, such arrangements created enduring tensions, wherein state violence coexisted with claims of legitimacy and representation.⁹⁰

⁸⁷ William R. Ochieng', *Themes in Kenyan History*, (Nairobi,1990) p,110

⁸⁸Tipps "Modernization Theory and the Comparative Study of Societies

⁸⁹ Ochieng', *Themes in Kenyan History*, (Nairobi, 1990) p.29-30

⁹⁰ Bruce Berman and John Lonsdale, "Coping with the Contradictions: The Development of the Colonial State in Kenya, 1895–1914," *Journal of African History* 20, no. 4 (1979): 487–505.

As an act of control and domination, the colonial government went ahead and passed and enforced all sorts of racist and inhuman laws. These included the Vagrancy Ordinance laws of 1896, African Passes Ordinance of 1900, Native and Labourers Ordinance of 1902, Crown Lands Ordinance of 1902 and 1915, Masters and Servants law of 1904, Labour Rules of 1907, and Native Registration Ordinance of 1915⁹¹. It was the determination of the colonial state and its coercive bodies to see that the overwhelming majority of the oppressed Kenyan masses were legally frozen into subordinate cultural and class positions.

Colonialists established their own dominant class, characterized by a superordinate position. The strategies employed by these dominant individuals or groups inevitably provoke counter-strategies from the subordinate groups. In capitalist societies, the dynamics of control can be understood through the ability of state administrators to influence even the most personal aspects of daily life. This expansion of intentional control and the growth of bureaucratic agencies are rooted in the fundamental nature of capitalist production: the relentless pursuit of conditions that enable profit accumulation through increasingly detailed and predictable management of the production process⁹². In colonial contexts, the police functioned as instruments of political domination. The imposition of the capitalist mode of production undermined indigenous structures, subjecting them to significant transformative forces. Colonial administrators established police forces to promote their ideology of paternalistic authoritarianism, reflecting a broader agenda of domination. According to Anthony Giddens in Bruce Berman:

All enduring social systems include an “institutional mediation of power.” Domination manifests through institutions that embody the most deeply rooted continuities of social life. Within any collective, association, or organization, domination is articulated as mechanisms of control through which certain agents aim to secure and sustain the compliance of others. These relatively stable control forms constitute different types of governance. Each type of governance relies on the institutional mediation of power, utilizing specific strategies of control that are significantly influenced by the prevailing form of domination under which they operate.⁹³

⁹¹ Ochieng', *Themes in Kenyan History*, (Nairobi, 1990)

⁹² William R Ochieng', *Themes in Kenyan History*, (Nairobi, 1990)

⁹³ Giddens A, *The Nation-State and violence* (Cambridge,1985), p.12

In his book *The Nation-State and Violence*, Giddens identifies two levels of domination: structural determination and instrumental agency. The most profound level of domination is embedded within fundamental social institutions passed down through generations, forming the taken-for-granted framework of daily life that individuals navigate while pursuing their goals⁹⁴. Concurrently, this institutional level is shaped and transformed by more self-aware organizations employing intentional "strategies of control." The colonial administration utilized the police as a tool of domination to manage the Kenyan population and secure their compliance in furthering colonial objectives. This principle examines the mechanisms of control established by the British government within the social fabric during the colonial period, highlighting how the British government functioned as a bureaucratic entity wielding significant power.

1.10 Research Methodology

This study adopts a qualitative historical approach to explore the evolution of the Administration Police and Tribal Police in Kenya between 1902 and 2018. Emphasis is placed on archival analysis, oral interviews, and documentary review to examine the structural and ideological shifts in colonial and post-colonial policing. Data were sourced from key institutions such as the Kenya National Archives and ministerial reports, supported by a pilot study conducted at Kenyatta University Library Archives to ensure reliability and validity of research instruments.

1.10.1 Research Design

This study adopted a mixed method research design, combining qualitative and historical analysis to examine the evolution of the Administration Police (AP) and Tribal Police in Kenya from 1902 to 2018. Through archival research, document analysis, and oral interviews, the study integrated both interpretive and empirical data to trace policing transitions and institutional developments. This approach was selected to bridge historical gaps and provide a nuanced understanding of AP's role in colonial and post-colonial governance, addressing both structural and community-level dynamics.

Filling the Void in AP History While there is a wealth of research on police and policing in Africa and Kenya, there is a noticeable gap when it comes to the history of

⁹⁴ Ochieng', *Themes in Kenyan History*

the Administration Police (AP) in Kenya. Even when mentioned, it is often done so briefly. Despite extensive literature on the excesses of colonial rule, specific institutions of control—such as the colonial police and army—have received inadequate attention. Most studies on law-and-order maintenance tend to focus on urban areas, where the Kenya Police played a central role. However, there is a dearth of comprehensive works on the history of the AP, whose jurisdiction covered the African Reserves and served as an instrument of public control during the colonial era.

Tracing AP Evolution and analysing Policing Transitions: This study aims to address this gap by delving into the historical evolution of the Administration Police. It seeks to explore the transition from state policing to multi-choice policing in Kenya. Through rigorous analysis, the study will uncover structural and empirical impediments, external factors, challenges, and opportunities associated with this policing shift. By doing so, it intends to contribute significantly to our understanding of Kenya's law enforcement history and shed light on the role of the AP as a crucial instrument of colonial governance.

1.11 Sampling Procedures

The informants and respondents were selected using a non-probability or purposive sampling method, based on the researcher's discretion, with criteria including age, gender, and prior experiences with the police, as well as references from archival and documentary sources. The number of informants fluctuated as new information came to light during the research process. Additionally, a snowball sampling technique was employed, allowing the researcher to ask identified informants to recommend others who might possess similar experiences.

Initial informants and respondents were selected based on pre-established criteria that aligned with the study's research objectives. These included, Individuals over the age of 50, likely to possess lived experience or oral history knowledge related to the administration police. Both male and female participants were considered, allowing for exploration of gendered perceptions of law enforcement. Prior direct interaction with police institutions (e.g., as officers, community leaders, or civilians affected by policing practices). Names and roles mentioned in historical documents, administrative records, or related literature were prioritized.

A total of 15 informants were initially identified through these criteria, ensuring a diverse and historically relevant sample. To deepen the inquiry, snowball sampling was applied. Identified informants were asked to recommend other individuals with similar or complementary experiences. This approach allowed the researcher to access hard-to-reach individuals, particularly retired officers and community elders whose insights might not be documented elsewhere. As a result, the number of participants expanded dynamically during fieldwork, reaching a final sample of 27 individuals, including: 10 retired administration police officers, 6 community elders, 5 historians and archival experts, 6 civilians with firsthand experience of colonial or post-colonial policing structures. This flexible approach ensured both historical depth and personal insight, while maintaining alignment with the study's critical lens on institutional development and social memory.

1.12 Data Collection

The study employed a sample question guideline, interviews, and document analysis as the primary methods for data collection. The choice of these tools was influenced by the type of data required, the available time, and the study's objectives. The researcher focused primarily on gathering views, opinions, and perceptions, which are most effectively collected through the use of the sample question guideline and interviews. Using a sample question guideline, the informants were encouraged to express themselves freely after the topic was introduced. The researcher and her assistants provided guidance on specific sub-topics as needed. Oral testimonies from the informants were recorded with a tape recorder. Additionally, archival materials were gathered from the Kenya National Archives in Nairobi, while other primary data was sourced from reports of the Ministry of Internal Security, Ministry of Defense, and Ministry of Environment and Natural Resources. Data was also extracted from Economic Reviews and Statistical Abstracts obtained from the Ministry of Finance and Planning. Annual Reports -. Secondary sources included books, journals, newspapers, magazines, articles, unpublished theses, seminar papers, and periodicals. This involved the compilation of a thorough bibliography of published literature, grey literature, and archival sources on police and administration, both current and historical.

1.13 Data Analysis and Interpretation

The study utilized three analytical frameworks: theoretical reflection, documentary review, and content analysis. Theoretical reflection involved comparing the collected facts with the established theory. Content analysis consisted of organizing the data according to the study's objectives and chapters. Document review analysis focused on identifying pertinent documents and extracting relevant information, incorporating direct quotations to support the arguments. Additionally, the information captured on tape was transcribed for further analysis.

1.14 Ethical Considerations

In this study focusing on the origins and development of the Administration Police (AP) in Kenya. These considerations are crucial to ensure the research is conducted ethically and respects the rights and well-being of all involved parties. The study sought ethical approval from the relevant ethics and research committee. This step ensures that the research adheres to ethical guidelines and protects the rights of participants. Proper documentation of the study was maintained at the university faculty. Informed consent is essential. Participants should be fully informed about the study's purpose, procedures, risks, and benefits before agreeing to participate.

Researchers respected the autonomy of individuals involved. They had the right to choose whether to participate, disclose information, or remain anonymous. Researcher ensured that privacy was maintained. Personal information should not be disclosed without consent. Confidentiality was upheld. Data collected should be anonymized, and participants' identities protected. Researchers considered the benefits of the study (such as contributing to historical knowledge) and weighed them against any potential harm. Non-maleficence—avoiding harm—was a priority. Researchers minimized harm to participants. In conducting historical research requires a delicate balance between uncovering important truths and respecting the rights and well-being of those involved. Ethical considerations ensure that the study contributes meaningfully while safeguarding individuals and communities.

CHAPTER TWO

BACKGROUND OF THE ADMINISTRATION POLICE, 1902–1928.

2.1 Introduction

At the onset, the administration police force (as it is known today) became an apparatus and a tool of British domination and political control in the Kenya colony. The structure of the colonial power that drew these police to its use is, therefore, worth discussing in this chapter. As such, this chapter explores the origins and structure of the colonial system and how this led to the establishment of law and order, how new formal legal institutions were operationalized and how Africans reacted to them in different ways. This chapter contends that, alongside the military and police forces, structural violence, and strategic alliances, the notions of "rule of law" and British "justice" were also essential for the establishment and maintenance of colonial dominance throughout British Africa. It was clear that the Government's responsibility was to civilize society and ensure peace and order, which could only be achieved through the adoption of British notions of wrongdoing. Consequently, British colonial administrations placed significant importance on policing as a fundamental aspect of their concept of "justice" and "law and order," equating civilization with adherence to the rule of law. Throughout this chapter, it will be demonstrated that colonial officials exhibited a strong cultural allegiance to British principles of law and justice. The chapter also explores the colonial roots in Kenya and the formation of mechanisms for power and control.

2.2 Establishment of Colonial Rule and Administration of Law in Kenya

The concepts of indirect rule were important to the early administration of the British Empire's colonies. It wasn't until 1934 that this principle was formally introduced. When Africans are governed through their own institutions, it is called indirect rule⁹⁵. The policy's underlying premise was that Africans and Europeans were fundamentally different culturally, and that the governance of African communities should be based on the institutions that had evolved naturally within those communities. On the other hand, native African practices were never widely accepted. Instead, the

⁹⁵ John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 *Canadian Journal of History*, Vol. 41, No. 1, (Spring-Summer 2006):71-79

acknowledgement of indigenous political strength invariably meant that the British would rethink and restrict the influence of African political forces and radically alter traditional practices if they were deemed offensive according to European ideas. And the overarching political and economic goals of colonial rule took precedence over the idea of indirect rule.⁹⁶

Therefore, Africa was subject to imperialist hostility, diplomatic pressures, invasions, and colonization by European powers from the 1870s to 1900. While this was going on, African communities resisted colonization and foreign dominance in many different ways. However, by the turn of the twentieth century, European nations had conquered most of Africa with the exception of Ethiopia and Liberia. Economic, political, and social considerations were the driving forces behind European imperialism's expansion into Africa⁹⁷. Abolition and suppression of slavery in the 18th and 19th centuries, along with the growth of the capitalist Industrial Revolution in Europe, led to its decline in profitability and its subsequent development in the 19th century. The European race, the partition of Africa, and the conquest of the continent were all prompted by the necessities of capitalist industrialization, which included the need for secure supplies of raw resources, the pursuit of guaranteed markets, and lucrative investment opportunities. Therefore, economic reasons prompted European invasion.

Clearly, the majority of African societies fought valiantly to defend their independence against European imperialist ambitions and invasions. However, African societies were ultimately disadvantaged. Political and technological shortcomings contributed to this to some extent. Many long-lived African kingdoms and empires collapsed and reformed into new political organizations during the nineteenth century, marking a time of dramatic shifts in the continent's political landscape. While some of the more ancient African civilizations were rebuilt, others were established on social and ideologically distinct foundations. As a result, many African societies were

⁹⁶ E.S Atieno-Odhiambo, 'Some Reflections on African Initiatives in Early Colonial Kenya', *East African Journal* 8, no.6 (1971): 30–6.

⁹⁷ Sticher, S. *Labour, and National Development in Colonial Kenya* (Ph.D. Thesis Colombia University. n.d)

politically unstable and institutionally weak, and they were all in a constant state of upheaval. That left them defenseless in the face of the European invaders⁹⁸.

Kenya went from being a 600-mile-long pathway to a colonial administration in the decade from 1895 to 1905. What used to take three months to cross could now be done in two or three days by rail, and the expense of transportation was a small fraction of what it had been for a caravan of porters. As it came to understand the might of colonial domination a decade later, it was yanked from its traditionally peaceful and autonomous nation-states and thrust into a battlefield. According to Lonsdale, the "conquest state" functional politics of access to its limited institutions were solidifying their prior cultural identities into new tribes, while their non-sectarian elasticity had protected them from natural disasters in the past⁹⁹. It took nothing less than brute force to bring about this change. As a result of their external force, the British rethought internal power dynamics and used violence on a scale never seen before in the area. Inequitable human connections were the foundation upon which African authority rested prior to the colonial conquest.¹⁰⁰

Capital appeared to be firmly rooted in property and racial identity during colonial rule. The state delineated and safeguarded both preserves. There was more of a foundation for acquisitive distinction than for rough equivalence in the enjoying of resources due to bureaucratic power and exclusive property rights. By distributing resources to dependents, the original intent of property capital was to entice workers. Furthermore, public spending might subsidize a select few, making them more appealing to outside investors, thanks to universal taxation. When the economy was in a slump, the powerful might use organized force to put more pressure on the weak, which gave the rejection of their demands a whole new significance.¹⁰¹

Along with turmoil, there was continuity. Constructing a state could not possibly be completely detrimental. In order to establish power apart from preexisting networks, the British conquerors had to establish a new system of high politics based

⁹⁸ Sticher, S. *Labour, and National Development in Colonial Kenya* (Ph.D. Thesis Columbia University n.d)

⁹⁹ Ibid.

¹⁰⁰ Ohaegbulam, Festus Uboaja. *Nationalism in Colonial and Post-Colonial Africa*. (Washington: University Press of America, 1977)

¹⁰¹ John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 in *Canadian Journal of History*, (Vol. 41, No. 1, Spring-Summer 2006)

on self-interest. Even while African leaders had never before faced such enormous challenges, they nevertheless needed new opportunities to fulfill their long-held passions. Their new rulers and their former societies both saw them as worthless without submissive subjects. Not only did famous Africans discover a lot of familiarity in the unfamiliar, but so did many others. When the embryo state was formed, it was with the explicit intention of limiting and concentrating power for the advantage of a select few.

It was also created by numerous people acting anonymously. The more vulnerable members of African society reclaimed their former liberties through innovative forms of association in their evasion of servitude, both ancient and modern. Unwillingly, the state safeguarded both new forms of privilege and these revolutionary, youth-oriented approaches to common life and labor. Contradictory but complementary processes were state-formation and state-building. The former involved the vulgarization of authority, while the latter involved its nurture. The reason behind this was that conquering had both political and economic components¹⁰². Because of this, the repressive and destructive impulses of propertied capitalism were able to take root.

Markets were expanded during colonial control, even while power was entrenched. Because there was new competition for the prestige of their protection, the impoverished Africans could take advantage of the increased demand for their produce and labor. Even though land was foreign to Europeans, they discovered a market for it. Although they were under pressure as employees, they profited from the competition for their services among a larger variety of customers as dependents. With administrative consequences, their superiors were even more firmly bound over them, yet they were not their exclusive masters¹⁰³.

The state's authority had created space for the others. Landlords, bureaucrats, missionaries, and merchants demand that the state shield them from the inflationary effects of their rivals, driving up the price of the poor's productive devotion. As a result, the conquest's brutality was never fully accomplished. Throughout Kenya's ensuing history, it would be revived time and time again. Whenever powerful men learned they couldn't satisfy the people's resentful ingenuity by retaining some of the privileges that

¹⁰² Ibid.

¹⁰³ John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 in *Canadian Journal of History*, (Vol. 41, No. 1, Spring-Summer 2006)

kept capitalism afloat locally and profitable for backers abroad, they would constantly demand new forms of protection.¹⁰⁴

It was critical that the British convert their domestic, negotiable, and productive power immediately. Tacitus had praised their Roman governor Agricola, saying that "when he had done enough to inspire fear, he returned to mercy and proffered the allurements of peace." This meant that they had to follow Agricola's leading example. "These people must learn submission by bullets," said Sir Arthur Hardinge, the first commissioner of the protectorate, who recalled his own schooldays¹⁰⁵. It stands alone as a school. After that, you'll be able to start using more compassionate and contemporary teaching techniques. The political aspects of the British invasion can be better understood if one is familiar with the rationale and guiding principles of colonization.

The management of limited labor resources was of utmost importance in traditional African societies. They relied on their extended family as their primary means of subsistence. However, remaining apart would be fatal for any family. When it came time to tend to the crops and the livestock, everyone required a helping hand. Contemporaneous kinship and matrilineal descent were the idioms of collaboration. Although the idea was egalitarian, the organizational structure was not. The show centered on powerful males who could take advantage of more than just their own families. Taking advantage of vulnerable immigrant families who are thankful for protection, forging marital ties with nearby settlements or herding sections, and forming mutual defense arrangements with other powerful men are all ways this may be accomplished. Without extensive networks, small villages would struggle to thrive.¹⁰⁶

The colonial dilemma was not complete without the politics of conquest. The conquerors took a huge moral hit for their conquest, which affected every country in Africa. It was necessary to control rinderpest, Jiggers, and starvation. Taking an auxiliary part in the British investment in force allowed many Africans to rebuild their resources, albeit it was frequently at the cost of their fellow countrymen. "Intensely local" was the political climate during conquering. The double trading frontier and the

¹⁰⁴ Easterly, William and Ross Levine. "Africa's Growth Tragedy: Policies and Ethnic Divisions." *Quarterly Journal of Economics* 112: (1997) 1203-1250,

¹⁰⁵ Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: (2006)

¹⁰⁶ Crowder, Michael. *Colonial Africa: Collected Essays*. (London: Routledge, 2013) and Parsons, T. "Local Responses to the Ethnic Geography of Colonialism in the Gusii Highlands of British-Ruled Kenya." *Ethnohistory* 58, no. 3 (2011): 517.

disasters are interconnected, but four overarching patterns emerge. Up until 1901, the Buganda road's security and supply were the primary concerns of the British. In the middle of the eighth century, three major food purchasing posts were established, each with a small garrison: Machakos in the southern Kamba region, Fort Smith in the southern Kikuyu, Mumias, and a hamlet called after its Luhyia Wanga chief, and just above the swamp that became Nairobi. Such places were the first strongholds of the conquerors. The British enticed market brokers from neighboring towns in every region. The secrets they shared with one another were old news. However, in all three regions, a crack formed between the "friendlies" (those the British considered to be on the inside) and the "recalcitrant" (those on the outside). The lines of violence were defined by these divisions.¹⁰⁷

The boundaries of British security were defined by local economic disparities. In order to protect the Kamba from the Maasai, John Ainsworth—a former employee of the Company who rose to the position of senior protectorate official in the interior—organized and trained militias drawn among his food-suppliers. However, they quickly turned into his backup plan when facing the more rural northern Kamba towns, where the displaced Swahili had found allies in the ivory trade and slave trade. Among the southern Kikuyu, a comparable mosaic of friendships and animosities developed¹⁰⁸. It is possible that the caravan market in the 1860s prompted their cultivation to develop even earlier. And while proof is lacking, it seems that the elders of Kikuyu communities, who ruled over the central arable land, grew progressively enraged with the younger generations, who were more concerned with livestock, and with the warrior age-grades. The goals of the latter two groups interfered with commerce.

In the mid-1890s, there were "punitive expeditions" out of Fort Smith. One possible explanation is that they were protecting the Kikuyu grain suppliers from their less fortunate pastoral neighbors who lived deeper in the hills and were hit hard by rinderpest. The adventurers from Swaziland do not appear to have introduced any new complications. In fact, the British placed their utmost trust in the Kikuyu chiefs

¹⁰⁷ Leonard, David K. *African Successes: Four Public Managers of Kenyan Rural Development*. (Berkeley: University of California Press E-Books Collection, 1991). Chap 2: Colonial African Administrations.

¹⁰⁸ John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 in *Canadian Journal of History*, (Vol. 41, No. 1, Spring-Summer 2006)

Waiyaki, Kinyanjui in the south, Karuri in the middle, and Wang'ombe in the north. All four of these men had become famous as Swahili trade brokers, with Wang'ombe, Waiyaki, and Kinyanjui having strong relationships to the elephant hunters of the Athi forest¹⁰⁹.

One may argue that the primary goal of establishing colonialism in Africa was to consolidate authority in order to gain control and legitimize their administration through law. Colonialism helped heal social divisions by establishing powerful institutions. For their own benefit, they abused their position of public trust. Undermining the long-established political, social, and economic norms of African society was the foundation of colonialism. For example, in Africa, a system of local administration based on ethnically distinct locales and districts allowed for the establishment of ethnicity as the fundamental foundation for political activity. There was a great deal of animosity and strife between the pre-colonial Kenyan communities and the Europeans after colonization began. According to Killingray, numerous African practices, such as attire, raiding, and economic life, were made illegal under colonialism. As a result, colonialists and Africans became increasingly tense and violent¹¹⁰.

The colonial authority had to set up the dominating structures to prove itself to the world in its early days. Forcible colonization was the only option available to the colonial administration. Because of this, the colonial rulers resorted to military coercion and force¹¹¹. It did not care about borders or national tastes. Special possibilities were established by the colonial authorities for the benefit of a select group of African leaders and headmen, while the general public was left to struggle. The discontent and subsequent rebellion against the colonial authority among African communities might be traced back to this injustice. Colonial government officials like Lord Cranworth portrayed African culture as backward and uneducated. There was a lot of social order

¹⁰⁹ John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 in *Canadian Journal of History*, (Vol. 41, No. 1, Spring-Summer 2006)

¹¹⁰ Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul:2006

¹¹¹ Ibid

and wholeness in the Maasai way of life, he said, and that was why it would be so difficult to civilize them¹¹².

Europeans portrayed Africans in a negative light, leading to the creation of strict regulations meant to safeguard species and their habitats. On the other hand, the primary goal of enacting hunting restrictions was to limit inter-colonial competition. Even further, the state outlawed hunting by Africans, leading to escalating tensions between humans and animals. The African warriors' unbridled barbarism was not taken into account by the colonial administration. The disarmament of warrior systems was initiated by the colonial authority. The armies were characterized as barbarians or swarms. Being a warrior was a significant element of life for the Meru people. There was a much higher expectation for a Meru man to accomplish during his warrior era. He would have enough money to buy a house, get married, and save for the future with this. In addition, when time and effort permitted, the warrior was expected to rise in status for himself, his family, and the community at large by forcefully acquiring additional animals.¹¹³

Any African found with poisoned arrows was prosecuted by the colonial state. Poison arrows were a specialty of the Kikuyu people. Violent means were employed for the imposition and upkeep of colonialism. The rulers showed complete disregard for the will of the governed while making decisions. Through the use of incarceration, banishment, and even genocide, colonialism established a reign of terror that utterly silenced its opponents. This research proves that the institutions of colonialism served as a mechanism for political dominance and control¹¹⁴.

2.3 From Conquest to Ordinances: Instrumentation of the Native Regulations, 1902-1929

This period marks the transition from brute force to bureaucratic governance, as the colonial state codified its authority through legislation designed to regulate every facet of African life. The "Native Regulations" became the primary instruments of this

¹¹² John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 in *Canadian Journal of History*, (Vol. 41, No. 1, Spring-Summer 2006)

¹¹³ Jeffrey.Fadiman, *Mountain warriors: the pre-colonial Meru of Mount Kenya by 1976* (Athens: OH Ohio university centre for international studies, Africa series No.27).

¹¹⁴ Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul

transformation, embedding colonial power into the daily existence of Indigenous populations. This essay examines how these regulations were systematically developed and deployed to entrench British rule, suppress resistance, and facilitate economic exploitation, laying the groundwork for decades of institutionalized inequality.

These laws targeted land, labor, movement, and cultural practices, effectively criminalizing traditional ways of life. For instance, the 1902 Masters and Servants Ordinance compelled Africans into wage labor on settler farms by penalizing "contract-breaking," while the 1915 Native Authority Ordinance empowered appointed chiefs to enforce colonial dictates, turning Indigenous leaders into agents of repression. The 1920 Hut and Poll Tax ordinances further enforced economic dependency, forcing Africans into cash economies to pay taxes levied without representation. These regulations were not merely administrative tools; they were instruments of dispossession, designed to break communal land systems, control labor flows, and eliminate dissent by criminalizing cultural autonomy.

The "instrumentation" of these laws extended beyond their text to their enforcement mechanisms. District Commissioners (DCs) and Native Tribunals—staffed by compliant chiefs—became the enforcers, wielding powers to arrest, fine, or imprison Africans for violations as minor as brewing traditional beer or failing to carry a pass (the Kipande system, formalized in 1919). This created a pervasive surveillance state where Africans were subject to arbitrary authority. The regulations also served economic ends: by restricting African cultivation of cash crops (e.g., the 1908 Cotton Rules), they protected settler monopolies, while forced labor ordinances supplied infrastructure and farm workers. By 1929, this legal architecture had normalized colonial subjugation, transforming conquest into a bureaucratically sanctioned system of racial hierarchy. The Native Regulations thus exemplify how colonial powers weaponized law to legitimize exploitation, laying the foundation for Kenya's entrenched inequalities and shaping the struggles for independence that would follow.

Keep in mind that the colonial administration could only function as a whole if the rule of law was strictly enforced. The enactment of Ordinances formalized this. Ordinances acted as coercive instruments of control and domination. The ordinances were important pillars of colonial governance and discrimination. Some of these

ordinances were discriminatory and later led to control of the Africans. A good example of such legal instruments of control was the Vagrancy Ordinance of 1896¹¹⁵.

People who are considered vagrants tend to be nomadic and unable to settle down for lengthy periods of time. The term "vagrancy" was used by colonialists to describe an individual of African heritage who did not have a permanent residence. It became a crime for individuals to loiter around without apparent means of support and to beg as a result of the Ordinance's criminalization of homelessness. The three "native regulations" were primarily entrusted to the police for enforcement and supervision. They frequently found the new legislation to be unenforceable, which made it difficult for them to implement the rights that Africans were denied. The dynamics between Africans and police officers naturally shifted toward animosity, intimidation, and retribution. Many Africans were hesitant to accept colonial authority, as shown by banditry and other types of disorderliness. As hundreds of African workers were rounded up, tried, and thrown into prison for not having a place to live, colonial officials knew full well the precariousness of their power systems from the start. This was the British way of guaranteeing that Africans would beg for jobs on the settlers' fields.¹¹⁶

Following the enactment of the Headmen Ordinance in 1902, colonial authorities strategically deployed local intermediaries to extend state control into African reserves. These headmen were tasked with modernizing indigenous economies by enforcing taxation, regulating agricultural production, controlling livestock movement, and overseeing local dispute resolution. Crucially, they also played a central role in law enforcement, acting as conduits between the colonial administration and native populations. The colonial state used these figures to embed surveillance and discipline within everyday life, often blurring the lines between governance and coercion⁷²

This dynamic is vividly illustrated in Plate 1, which depicts native police in Mararal in 1920. The image captures the militarized posture and hierarchical structure of colonial policing, with African officers positioned as enforcers of imperial authority⁷². Their presence in remote regions like Mararal underscores the colonial strategy of indirect rule—using local personnel to impose foreign legal norms and

¹¹⁵ John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 in *Canadian Journal of History*, (Vol. 41, No. 1, Spring-Summer 2006)

¹¹⁶ See *The Vagrancy Ordinance* of 1896.

maintain order. The visual record complements textual accounts by revealing the performative and symbolic dimensions of colonial power, where uniforms, posture, and spatial deployment communicated dominance and control¹¹⁷¹¹⁸.

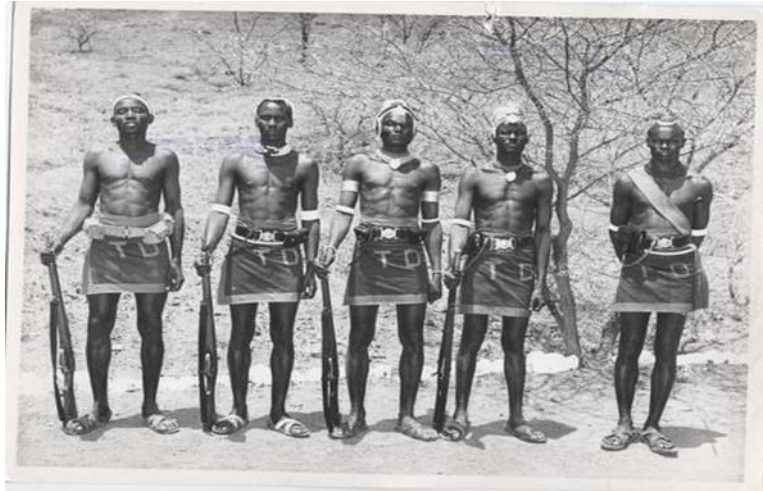


Plate 1: Native police in Mararal, 1920.

Source: Global pictures inc. 2019

The recruiting process gave more weight to guys who were tall, dark-skinned, muscular, and athletically gifted than to their academic credentials. They had to maintain a constant state of moral rectitude by shaving their beards. Known as the Native Police at the time, these fighters were the African version of the English village constable; in the course of their responsibilities, they would abuse other Africans, infuriating the villagers.¹¹⁹ Eustace recorded:

.... that the “In 1904, the native police force stationed at the boma was a rather disheveled, uniform-less bunch. Actually, I purchased a whole bunch of white pants (pantaloon style) for the incoming commissioner, Sir Donald Stewart, so that he might appear dapper on parade when he came to the country and visited the boma.¹²⁰

The *Native Authority Ordinance* of 1902 thus marked the beginning of formalized control over African populations in Kenya. This legislation granted colonial

¹¹⁷ John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 in *Canadian Journal of History*, (Vol. 41, No. 1, Spring-Summer 2006)

¹¹⁸ Mwaruvie, *Kenya's "Forgotten" Engineer and Colonial Proconsul*

¹¹⁹ Kenya National Archives, “The Tribal Police Ordinance, 1929: Correspondence, General” *Colony and Protectorate of Kenya* (Nairobi: KNA, AG/16/252/1, 1929), Folio 4 (A).

¹²⁰ H.P.Rice , “the story of the Kenya police”-11, *Kenya police review* (October, 1949),

officials, particularly District Commissioners, extensive powers to enforce regulations on the movement, labour, and residency of the native population. The ordinance was instrumental in creating a structured system of governance where chiefs, appointed by the colonial administration, were empowered to enforce colonial laws among their people colonial economy grew, the need for cheap labour intensified.¹²¹

For a number of more years, it was the case for all of the protectorate's police forces. However, as we will see in the next section, things improved with time. After being appointed to the position of inspector of the B.E.A. police, Harry Rayne was sent to duty on June 1, 1904. He was told by Ewart that he would show him the ropes of police work. It was a situation of the blind guiding the blind, though, with only two weeks on the job¹²². He resided at the masonic hotel owned by his brother, which was located at the railway end of Victoria Street, as there were no available quarters. Rayne was a native Kiwi who saw action in the South African War with the New Zealand Mounted Rifles. Before this, he had never worked for the police. On June 14, 1905, he was elevated to the position of assistant district superintendent and transferred to Kisumu in the middle of October of the same year. Rayne was in charge of a police column in 1905 with the Sotik penal force and another in 1905–1906 with the Nandi field force. As one second-generation police officer put it after retirement:

I am a retired police officer (Kanga) I can't remember much about the native police but I managed to recollect stories and even decorations and clothes of those that had been recruited as early as 1906, I have a short and jacket. They were directly made in England....¹²³

“Early in 1905, there occurred a severe outbreak of bubonic plague at Kisumu. Periodical epidemics of this deadly disease had been known previously at Kisumu and Mombasa but this one was by far the most severe. I had only Sergeant Instructor J.M. Milton with me at Kisumu, and the major responsibility for putting into effect strict quarantine measures rested with us. Before long, it was found necessary to co-opt the services of all the other available Europeans. We had a hectic time and were given little rest during the six weeks that followed. It was then considered safe to lift the quarantine

¹²¹ TNA. CO 544/83: Native Authority Ordinance 1902

¹²² John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 in *Canadian Journal of History*, (Vol. 41, No. 1, Spring-Summer 2006)

¹²³ John Wafula Wanyonyi, Oral Interview, Kakamega, April, 2022

ban imposed on the township¹²⁴. There were about thirty deaths a day amongst the Asian and African communities, and all the bodies had to be cremated. This nauseating task was given to the police to perform. The dead were cremated behind the prison. Those who participated in fighting this disease successfully later received a special letter of thanks from the Right Honorable A. Lyttelton, the Secretary of State for the Colonies,” according to Rayne.



Plate 2: Administration Police, early colonial era.

Source: The-National Museum of Kenya <https://museums.or.ke/>

Aspects of British Common Law and the Indian Penal Code were being enforced but contradictions between formal and informal African economies led to a conflict of value systems, norms, incompatible cultures, and laws.¹²⁵ The Village Headmen Ordinance 1902 as illustrated in Plate 2, for instance, stated *inter alia* that:

¹²⁴ John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 in *Canadian Journal of History*, (Vol. 41, No. 1, Spring-Summer 2006)

¹²⁵ Republic of Kenya, *Administration Police Strategic Plan: 2004-2009*, (Nairobi: Government Printer, 2004), pp.9-12.

"It is possible for the Sub-Commissioner, who is directed by the Commissioner for his Province, to be appointed by the H. M. Commissioner for any portion of the Protectorate to serve as the official headman (or collective head, from now on simply "headman") of any village or cluster of villages, and for the headman of one village to be subordinate to the headman of another village. An order issued against the headman in his official role shall be binding against all residents of his village or villages, as he is the representative of his community. The headman of any village or villages in a region contiguous to his own is obligated to maintain order and keep any public roads in that area in good repair at the discretion of the Commissioner or a Sub-Commissioner acting under his direction. It is within the sub-commissioner's discretion to fine a headman if an outrage happens in an area where he is responsible for maintaining order, but the headman can be exempted from fines if he can show that reasonable vigilance on his part or that of his people prevented the outrage. Under certain circumstances (including those pertaining to appeals and procedure), the Commissioner may establish regulations granting the authority to hear and decide on minor native cases to any village headman or group of villages. The Commissioner may provide for the remuneration of any headman by a rate to be levied upon the inhabitants of the headman's village or villages in such manner as the Commissioner may approve.¹²⁶

Recruits were given basic training in a limited setting, which included instruction on how to use firearms and how to make an arrest. Training was militaristic in character and intended to fortify individuals to withstand the rigors of their job. The Provincial Commissioners, the majority of whom were former soldiers, gave this order to the relevant Regional Agents. When it came to hiring, training, uniforms, and kits, every district was different. Training, which included teaching for basic recruits, promotion, and prosecution courses to serve the African Courts, was assisted by personnel from the Kenya Police and the King's African Rifles. At first, regional authorities, rather than the federal government, were responsible for setting and disbursing salaries. Payments and salaries were not the responsibility of any one entity. Someone who has been a police officer for two generations says:

My father was a native police officer, and of course, he inspired me to join the police after the Second World War. He told me that the native police had greater benefits than those other police officers. They commanded a lot of respect from the people and also from the colonial authorities. The only limitation is that they were not given time to visit their homes or even vacations...¹²⁷

¹²⁶ An Ordinance enacted by Frederick John Jackson Esquire, C.B. C.111.G. Acting Commissioner for the East Africa Protectorate. October, 23RD 1902, No. 22 OF 1002.

¹²⁷ Kamau Njoroge, 80 years old, served as AP from 1958, Oral interview, Nakuru, 2017

Almost from the time when the railhead reached Nairobi, there began a spate of African women prostitutes. By 1904, this had become a grave social menace. Periodically they were rounded up and returned to the headman of their village with instructions that they should be kept there but they would be back again in Nairobi within a few days. Their shocking lodgings at the rear of Victoria Street provided a rendezvous for bad characters and a repository for stolen goods. A search of these hovels was generally rewarded with the recovery of much property which had been reported as stolen. Often, too, it furnished a clue to, or the arrest of, the criminal types implicated in crime. Although a blot on Nairobi's social life, these women were nevertheless useful to the police in this way¹²⁸.

At the railway end of Victoria Street was a wood-and-iron bungalow occupied by a number of Japanese women from Zanzibar, but they conducted themselves in an orderly fashion and made no trouble. It was popularly known as the "Japanese legation". Officially, the police sanctioned its continued existence for as long as no complaints were received about anything untoward happening there.

¹²⁸ John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 in *Canadian Journal of History*, (Vol. 41, No. 1, Spring-Summer 2006)

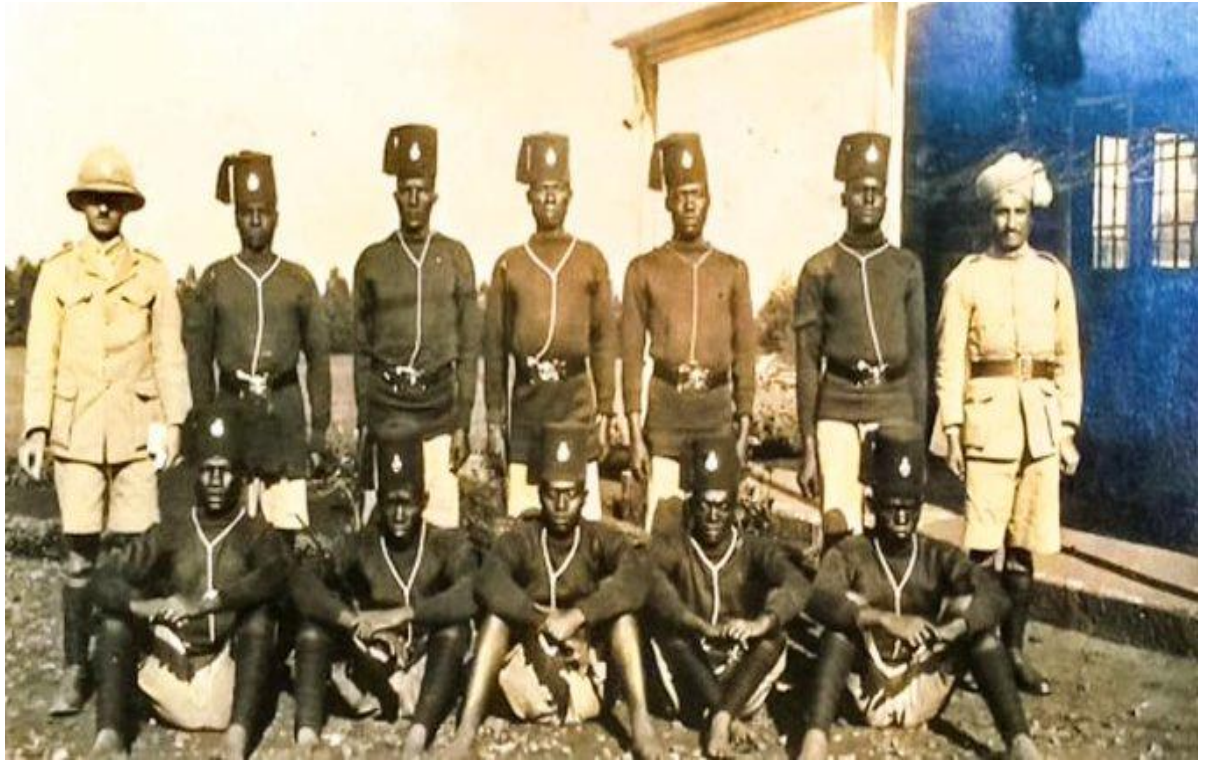


Plate 3: Administration Police Formation in Precolonial Era.

Source: <https://aps.go.ke/brief-history>

The unfortunate African police were poorly catered for and were ragged, ill-armed, and generally badly equipped. Plate 3 visually underscores the colonial state's reliance on under-resourced native police, who, as historical accounts reveal, were ragged, ill-armed, and generally badly equipped. Plate 3, depicting the early formation of the Administration Police, reflects the institutional roots of this system, tracing back to the 1902 Village Headman Ordinance and its role in embedding surveillance within native communities¹²⁹. Sergeant Instructor J.H. Milton was gradually getting them better drilled, disciplined, and more creditably turned out. Replacements for worn and disgracefully ragged uniforms were not easily procurable, as essential supplies seemed to be lacking at headquarters. Nubians predominated amongst the African rank and file, most of them having served previously with the I.B.E.A. Company, while some were ex-mutineers from Uganda¹³⁰. These old soldiers, many wearing medals, were the

¹²⁹ John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 in *Canadian Journal of History*, (Vol. 41, No. 1, Spring-Summer 2006)

¹³⁰ Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul

backbone of the small unit at Kisumu. The police lines, the usual mud-and-thatch huts, occupied the grounds at the rear of the government offices. Gradually, Luo, Nandi, and Baganda were attracted to the force and enlisted, but did not prove an unqualified success at first, although Sergeant Instructor Milton soon improved them. For duty in Indian Bazaar and to guard the railway's premises, a small detachment of a sergeant, a corporal, a lance corporal, and 20 Asian constables had been enlisted at Bombay by the agents of the government of the protectorate. They were housed in railway quarters near the shipbuilding yard.

I recal my father telling me that Jivanjee was a place where the Asian police were picked for the service. There were so many influential Asians who had British favour and they were mainly picked to protect the colonial image in the force.¹³¹

Near the year's end of 1905, the second Nandi uprising began. Captain Maples's 3rd K.A.R. unit and the Kisumu police were able to contain the epidemic for a few months. They had its headquarters at Muhoroni. After the Nandi started acting more cautiously, the force was eventually withdrawn. However, the Nandi simply took this as a sign to step up their actions. The next step was to send a formidable retaliatory force after them. That was on October 18, 1905, and the Nandi finally gave in and surrendered in July of the following year, ending the military operations¹³².

In 1906 and 1910, the government passed the Masters and Servant Ordinance with the intention of forcing Africans to work for private companies. The settlers were able to attract and retain laborers with the help of the coercive pressure it offered. Penalties for desertion and similar labor "offences" were outlined in the Ordinance¹³³. The government also ramped up its efforts to get Africans off the reservations and into public works programs. No provision of this Ordinance shall be interpreted as impacting the provisions of the Native Porter and Labor Regulations 1902, unless this Ordinance specifically repeals those regulations. Consequently, this Ordinance will not apply to any service contract entered into by a registered porter who agrees to work with or accompany a caravan as defined in those Regulations.

The provision of the Ordinance continued....

¹³¹ Jagit Sing, Oral Interview, Nairobi 2017

¹³² C.C. Trench, *Men Who Ruled Kenya: The Kenya Administration, 1892-1963*, (London, The Radcliffe Press 1993), p. 19

¹³³ Thomas Spear, 'Neo-Traditionalism and Limits of Invention of Tradition in British Colonial Africa', *Journal of African History*, 44/1 (2003); see also Carolyn Hamilton, *Terrific Majesty: The Powers of Shaka Zulu and the Limits of Historical Invention* (Cambridge, Mass.: Harvard University Press, 1998).

Nothing in this Ordinance shall prevent any employer or servant from enforcing their respective rights and remedies for any breach or non-performance of any lawful contract of service made out of the British East Africa Protectorate, but the respective rights of such parties under such contract as well as against each other as against third parties invading such rights may be enforced in the same manner as other contracts arising may be enforced as if this Ordinance had not been made; provided that whenever any such contract has been executed in conformity with this Ordinance it shall be enforced in the same manner as a contract entered into under this Ordinance.

But no written contract, the tenor and execution of which are not in conformity with this Ordinance, shall be enforced as against any party thereto who is unable to read and understand writing. Any such contract shall be deemed executed in conformity with this Ordinance which is signed by the names or marks of the contracting parties, and bears. If the contract was made in the United Kingdom or elsewhere in His Majesty's dominions the attestation may be by any Justice of the Peace or other officer authorized by law to take affidavits; if made in any foreign parts the attestation may be by any Judge or Magistrate, being authenticated by the Official Seal of the Court to which he is attached, or by any British Minister¹³⁴, the Ordinance further provided.

In 1910 and 1912, the ordinance gave statutory powers to local administrators to call out able-bodied men within the reserves for six-day quotas of unpaid “communal” labour on roads and other projects. In addition, the Kenya police could arrest and prosecute a labourer without specific complaints from an employer. Failure to comply with this Ordinance led to maximum penalties up to a fine of \$5 or imprisonment of up to six months.¹³⁵ The Native Authority Ordinance of 1912 authorized the Governor to appoint chiefs and Headmen who were empowered to arrest or order for the arrest of Africans.¹³⁶ They were also empowered to issue orders to be obeyed by the Africans within the local limits of their jurisdiction. Any act or conduct which, in the opinion of the headmen, led to riots, disturbances, or breach of peace, prevention, and evasion of any tax, would lead to arrest¹³⁷.

¹³⁴ The East Africa Protectorate: An Ordinance enacted by His Majesty's Commissioner for the East Africa Protectorate, Mombasa, Dated this 2nd day of April, 1906. Hayes Sadler, His Majesty's Commissioner. No. 8 of 1906

¹³⁵ Bruce Berman, *Control & Crisis in Colonial Kenya: The Dialectic of Domination* (London:James curry,1990), p.6

¹³⁶Native Authority Ordinance (Nairobi,1912)

¹³⁷ John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 in *Canadian Journal of History*, (Vol. 41, No. 1, Spring-Summer 2006)

The colonial government passed ordinances that were in every respect legal instruments. Those Kenyans who contradicted colonialism after a prolonged struggle submitted to the powerful colonial instruments of control and domination. Practically, in the whole of Africa, the imposition of colonial rule was resisted. Such resistance inevitably provoked military retaliation from the colonial powers. Colonial powers imposed their new mode of punishment like the prisons.¹³⁸

New crimes emerged and became evident as conflict was established between the colonizers and the colonized. The introduction of the British system of administration and its attendant colonial capital was incompatible with African culture and customs. But anyone who did not conform to the new style was treated as a criminal. This new way of life created antagonism between the Africans and the Europeans. Many fell foul of the British system and this led to the establishment of prisons. However, some indigenous instruments of control were retained but altered in order to serve the emergent colonial capitalism. These were chiefs and headmen in most of the African communities.

The colonial chiefs and headmen¹³⁹ were different in the sense that they had to implement the directives of the colonial government. There were no consultations between the Africans and these colonial agents of administration as was the practice in pre-colonial Kenya. This created divisions among the Kenyan societies. The system of the new administration was hierarchical and involved the Provincial Commissioner, District Commissioners, District Officers, Chiefs, and Headmen.¹⁴⁰ This meant that Chiefs had to take orders from the top.¹⁴¹ This prefectural system was rigid, totalitarian, and racial with Africans occupying the last two ranks. For the colonial government, the maintenance of law and order meant taking firm action to deal with any threat to the continuing system of rule imposed by the British.¹⁴²

It is important to note that from the beginning administrators sought to transform conquest into orderly control through African subordinates willing to exercise delegated powers. This system of control was supported by the chiefs and

¹³⁸ Ibid, p.21-22

¹³⁹ See the village headmen ordinance of 1902.

¹⁴⁰ It is of importance to note that the Provincial administration was part of an integrated prefectorial system which was the principal agents of imperial control. See also Waruhiu Itote General China: Mau Mau in Action (Nairobi, 1979), p.2

¹⁴¹ W.R. Ochieng' and R. Maxon, *An Economic History of Kenya*, (Nairobi, 1992), p.63

¹⁴² Killingray, *The Maintenance of Law and Order in British Colonial Africa*. 413

headmen, the court or Native Tribunals, and Local Native Councils. They were called on to act as the primary agents of mobilization of African labour and production for the colonial economy, to collect taxes, and to maintain “disciplinary control” of the reserves. Chiefs were permitted to try civil and minor criminal disputes in their own courts.¹⁴³ Colonial means of punishment was selective and meant the full control and subjugation of Africans.¹⁴⁴

In 1887, the Imperial British East Africa Company (IBEAC) sought protection for its property on Mombasa Island and began to recruit Indians who were already present on the coast for police duty. Indeed, not only were the first police personnel Indian, but the initial police-related statutes were Indian as well. The Penal Code, the Criminal Procedure Act, and the Police Act were all borrowed intact from British India. When the IBEAC was obliged to turn over its charge to construct a railway to Uganda, more police were needed. Like the indentured laborers building the railroad, these police personnel were Indian, either recruited in India or hired from among the Punjabis resident at the coast.¹⁴⁵

From the beginning of colonial rule, however, the thinly stretched authority, with its handful of officials posted in rural areas, was more anxious to co-opt local authority figures. Taking it for granted that all Africans were “tribal” and that this essential “tribal” identity itself had defined the nature of chief and headman, the only question for the colonial administration was how best to make use of these preexisting and “authentically African” entities. However, it was the enactment of the Village Headman Ordinance of 1902, when the country was under colonial governance, that the concept of the village headman was introduced. The initial purpose of the ordinance was to bring Kenyan natives into the money economy, enforce tax payment, control livestock movement, regulate agriculture and movement of people, and create various other social and economic regulations.¹⁴⁶

At that time, the village headman relied on village bullies to enforce the often unpopular policies of the colonial government and to put in place arbitration and other enforceable mechanisms.¹⁴⁷ The position of the village headman has since evolved to

¹⁴³ Berman, *Control crisis in Colonial Kenya*, p.208

¹⁴⁴ Ochieng ‘and Maxon, *An Economic History of Kenyap*.64

¹⁴⁵ 6 Great Britain, Colonial Office, Indians in Kenya. Memorandum (London, 1923), Parliament, Papers by Command, CMD. 1922 (Colonial Office, 23 July 1923)

¹⁴⁶ Administration Police, 2009; Clayton & Savage, 1974.

¹⁴⁷ Provincial Administration Strategic Plan, 2005/06-2009/10.

the modern-day Chief, but the term still remains in informal use in rural Kenya, where it refers to the Chief, Assistant Chief, or the contemporary "head person" who is appointed by the Chief to help with village governance¹⁴⁸. As such, the Administration Police can be traced back to 1902 when the Village Headman Ordinance was enacted, but the regular Kenya Police owes its roots to the British colonial rule since policing was essential to the establishment and maintenance of a colonial state. Throughout the colonial era, the British, under the aegis of the then British Imperial East Africa Company used a defense operation made up of armed guards, an operation that was to later become the first organized law enforcement machinery in the country upon the departure of the colonial rulers.¹⁴⁹

By 1896, Kenya had put in place a police force, and by 1901 it included a variety of resources and specialized personnel, including a European superintendent, several European, Indian, and Somali inspectors, and 150 lower ranked individuals.¹⁵⁰ Smaller police stations were established in a few parts of the country, and all these affiliations were merged in 1902 to form the British East Africa Police, which, in 1920, had the name officially changed to the Kenya Police. General duty officers, a General Services Unit, and the Railways and Harbors Police were included among the organizational structure of Kenya's police operations, as was the specialized units that included the Criminal Investigative Department, the Intelligence Directorate, the Police Air Wing, Anti-Stock Theft Unit, and the Dog Unit¹⁵¹.

Policing was part of the foundation of the colonial state. It extended the range of state authority and gave it a tangible presence. As an agent of the law, it turned random retribution into predictable punishment and kept the perimeters of a new civil society that justified the state's assumption of a monopoly of force within it. Without policing, the state would remain dependent on a seemingly endless expense of mere force - pacification without peace. Once the East Africa Protectorate had been established, the need for a civilian police force and a corresponding reduction in the use of the military became apparent. Police would be cheaper, less confrontational, and

¹⁴⁸ John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 in *Canadian Journal of History*, (Vol. 41, No. 1, Spring-Summer 2006)

¹⁴⁹; Kenya Police Service: *Strategic Plan, 2003-2007*.(Nairobi:Kenya police service,2003)

¹⁵⁰ World Police Encyclopedia, 2005.

¹⁵¹ Kenya Police Service: *Strategic Plan, 2003-2007*;

under local control. They would also signal a transition from conquest to the establishment of public order as the state learned to tame itself¹⁵².

But a civilian police regime was slow to emerge. Their first commandant thought his men “an ill-clothed, ill-equipped heterogeneous collection”. Badly paid and poorly disciplined, their status and local reputation as agents of a distinctly makeshift hegemony remained equivocal. It was only in 1906 that the police, then 1800 strong, were institutionalized under local ordinance, and not until two years later was serious consideration given to what role they should play and how they should be trained. By the First World War, a professional police force had begun to emerge, but it had not yet emancipated itself from its semi-military origins and it was still ill-equipped to tackle crime¹⁵³.

Officials had been right to reject a semi-military regime in which law would be given to colonial subjects at the point of a bayonet, but they underestimated the difficulties of escaping from a state of conquest. Policing, like the colonial state itself, remained deeply marked by its origins in violence and coercion. It was not until decades later that something approaching policing by acquiescence, let alone consent, became the norm, and even then, it was not so everywhere¹⁵⁴. While earlier studies of the structure and function of police forces in British Africa have laid the groundwork, examinations of the interaction between policing and its local context, especially how policing actually worked on the ground, have been slower in coming. Placing policing in context helps us to understand its purpose, its limitations, its variety, and how it represented “government” in action¹⁵⁵.

Capital punishment was rare in pre-colonial societies. However, during colonial rule, the death sentence awaited anyone who was opposed to colonial labour policies. The establishment of colonial rule in Kenya largely ignored indigenous modes of punishment. However, one colonial administration principle was using Africans as agents of administration. African chiefs and headmen were cheaper and acted as shock

¹⁵² John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 in *Canadian Journal of History*, (Vol. 41, No. 1, Spring-Summer 2006)

¹⁵³ Sara Berry, *No Condition is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa* (Madison, Wis.: University of Wisconsin Press, 1993), 8

¹⁵⁴ David Percox, *Britain, Kenya, and the Cold War: Imperial Defence, Colonial Security and Decolonisation* (London: Tauris Academic Studies, 2012)

¹⁵⁵ Percox, *Britain Kenya and the Cold War*, p. 12

absorbers.¹⁵⁶ Colonial administrative institutions led to the subjugation of Africans and thus created conflict between them and the colonizers. Any act that seemed to contradict the laid down structures of governance was treated as a crime by the colonialists.

These structures of control had absolute authority over the Africans and found expression in instruments of coercive authority such as prisons and courts which became essential in the maintenance of law and order. The use of chiefs and tribal police was considered essential for the colonial system of administration.¹⁵⁷ The colonial rule created opposition from the African and this opposition resulted in ‘crimes’, many of which were offenses against the imposed structure of colonial management. Although the colonial government did seek to curb and punish wrongful acts by one person against another, an essential feature of colonial law and policing was enforcing colonial rules and punishing those who breached them.¹⁵⁸

The maintenance of law and order meant taking firm action against any threat to the established rule of law imposed by the colonial administration. Arrest and imprisonment awaited all who infringed the colonial laws. However, the government’s main interest, besides the subjugation of Africans, was protecting European lives and property in towns and commercial centers. They provided a measure of control over the key parts of the economic infrastructure.¹⁵⁹ It is this establishment of a new way of life and alien system of administration that created a clash between Europeans and Africans and in turn created the necessity for an institution to impose conformity¹⁶⁰.

The police¹⁶¹ force was therefore created as another coercive institution of social and political control and domination to be used by the colonial government to subjugate Africans and to force them to conform to alien laws and culture. Colonial police forces were arguably ‘the most visible public symbol of colonial rule’¹⁶². They

¹⁵⁶ Kiwanuka, *From colonialism to Independence*. 76

¹⁵⁷ D. Killingray, *The Maintenance of Law and Order in British Colonial Africa*. 413

¹⁵⁸ For more information on Chiefs and headmen see B.E. Kipkorir, The Functionary in Kenya’s Colonial System in B.E. Korir (ed) *Biographical Essays on Imperialism and Collaboration in Colonial Kenya* (Nairobi, 1980), pp.3-5

¹⁵⁹ *Ibid*, p.413

¹⁶⁰ John M Mwaruvie, Kenya's "Forgotten" Engineer and Colonial Proconsul: Sir Percy Girouard and Departmental Railway Construction in Africa, 1896-1912 in *Canadian Journal of History*, (Vol. 41, No. 1, Spring-Summer 2006)

¹⁶¹ D.M. Anderson and David Killingray, Constant Coercion and a Colonial Control: Policing the Empire in D.M. Anderson and D. *Policing the Empire Government, Authority and Control 1830-1940* (London, 1968), pp.334-339

¹⁶² Anderson and Killingray, *Policing the empire*.

were used as instruments of direct colonial domination¹⁶³ and were also used as ‘agent provocateurs’¹⁶⁴. In addition to serving as ‘eyes and ears’ of the colonial state¹⁶⁵, the main responsibility of the colonial police forces was the enforcement of law and order against a hostile population.

They were agents of the colonial state meant to maintain law and order. The use of police in colonial Kenya emphasized the coercive nature of the forces of law and order and their foreignness from the ordinary people. Central government police functioned alongside local ‘tribal’ or African administration police who later became formalized as Administration Police. They strengthened the colonial position of authority by facilitating and protecting the accumulation of economic and political power and privileges by the whites. Police acted as colonial prefects for the government and used their authority to exploit oppress those under their jurisdiction.¹⁶⁶

The early police force in Kenya was composed of Nubians and Swahili Arabs. It acted as the ‘ears and eyes’ of the colonial administrators. Its other role was to maintain law and order for the colonial government. The police dealt with threats that arose against the imposed colonial rule, upheld European authority, and protected European properties. In addition to combating general crime, policemen also performed other roles meant to dominate and control Africans¹⁶⁷. They acted as agents of the colonial state by acting as tax collectors, rounding up labour and conscripts, patrolling borders, detaining goods, and firing villages, if necessary, when people refused to pay. Furthermore, they controlled immigration, formed cordons to control the movements of cattle and people in order to prevent the spread of diseases. Be that as it may, however, large areas of colonial Africa were unpoliced by the central government¹⁶⁸.

In most traditional settings, law enforcement was the responsibility of the African authority and local ‘tribal’ police forces subject to traditional rulers. But in

¹⁶³ David M. Anderson, “Policing and Colonial Control in Colonial Africa,” in *Policing the Empire: Government, Authority, and Control, 1830–1940*, ed. David M. Anderson and David Killingray (Manchester: Manchester University Press, 1994)

¹⁶⁴ Daniel E. Agbibo, “Corruption and Economic Crime in Nigeria: Social and Economic Perspectives,” *African Security Review* 22, no. 1 (2013): 47–66.

¹⁶⁵ John McCracken, *A History of Malawi, 1859–1966* (London: James Currey, 1986), 129,

¹⁶⁶ D. Killingray, *The Maintenance of Law and Order in British Colonial Africa*, 424

¹⁶⁷ K.A Chitalu Bruce, *The Challenges Related to Police reforms in Kenya: A survey of Nairobi County*. (Master’s Thesis, Kenyatta University, 2014).

¹⁶⁸ Kiruthu, F, *African Laborers in Nyeri Township*, (Master’s Thesis Kenyatta University, 1997).

British colonial Africa, chiefs and the headmen were expected to hold native courts, collect taxes, and deal with local crime. In the colonial setting also, apart from the common routine duties of a police force, another peculiar and major role was added from the 1930s. From then the police would, in cooperation with employers, be used to break up illegal strikes that became increasingly prevalent as the oppressive labour laws began to affect more and more Africans and trade union activism rose as a consequence. According to Barnard Abwire:

In the 1930s, riots persisted in Nairobi and it brought conflicts between the native police and the locals who involved themselves in various protests that were staged against colonial labour laws in Nairobi. These were also experienced in Mombasa port as well as in Kisumu and Nakuru

The structure of administration was well organized to maintain a coherent system of control and domination. This led to an extension of control on chiefs through the oversight of the police, courts, and prison.¹⁶⁹

From the foregoing exposition, it is clear that the period between 1895 and 1902 was for laying the foundation for control and political domination. There were various instruments and apparatus of control established by the colonial government during this phase. First and foremost, with the exception of Nubians and the Swahili-Arabs who were later given jobs in the colonial military and police service, there was little or no contact between Europeans and Africans.¹⁷⁰ This situation provided considerable challenges for the interaction between the colonizing power and its subjects. It formed the basis of the conflict that characterized the interaction and dogged attempts by the colonial government to establish a stable administration in Kenya¹⁷¹.

Additionally, the colonial conquest of Kenya after 1895 not only established foreign political domination, it also imposed a new strategy of capital penetration which in turn created new crimes and necessitated new modes of punishment. The introduction of this new mode of production was the point of departure for social cohesion and unity among Kenyans and also the beginning of negative ethnicity and racism¹⁷². The

¹⁶⁹ Ibid, p.226

¹⁷⁰ Jomo Kenyatta, *Facing Mount Kenya: The Tribal Life of the Gikuyu* (London: Secker and Warburg, 1938), 18.

¹⁷¹ K.A Chitalu Bruce, *The Challenges Related to Police reforms in Kenya: A survey of Nairobi County*. (Master's Thesis, Kenyatta. University, 2014)

¹⁷² K.A Chitalu Bruce, *The Challenges Related to Police reforms in Kenya: A survey of Nairobi County*. (Master's Thesis, Kenyatta. University, 2014)

colonial government did away with the pre-colonial structures of governance that maintained the peaceful coexistence of Kenyan communities by criminalizing their culture and identity and introducing alien agents of social control and order. First and foremost, the colonial conquest of Kenya not only established foreign political domination but also imposed a new strategy of capital penetration.¹⁷³ The introduction of this mode of production was a point of departure for social cohesion and unity. It paved way for negative ethnicity and racism¹⁷⁴. And since labour was a critical factor for its success, the new mode of production brought about a deeper emphasis on class differences among Africans as well as between the incoming colonial players. All these factors provided fertile ground for social conflicts that required strategies and mechanisms for their suppression, deflection, resolution, or atonement.¹⁷⁵

Having set up systems of administration over the British East Africa Protectorate, Britain was now faced with the challenge of making her newly acquired territory viable. This would ease the burden the British taxpayers had put up with at the initial stages of conquest and occupation. To make the colony fit for European settlement, the Uganda Railway was built. The British reasons for building the railway were political, but the results were mainly economic¹⁷⁶. The Kenya Uganda Railway was to consolidate imperial presence and power within the East African region¹⁷⁷. Lord Salisbury, the British Prime Minister between 1886-92 and 1895-1902, regarded the railway as a means of consolidating claims to territory that had been recognized on paper in the Anglo-German treaty of 1890. Its prime concern was to establish effective British administrative control in an area that was a five months journey on foot from the Coast.¹⁷⁸

The railway was funded by the British Treasury. It was optimistically believed that the railway would easily pay its way from exports from the Lake Victoria basin as

¹⁷³M. R. Kithinji, *A Biography of Chief Njagi Kavungura, 1922–2002* (M.A. thesis, Egerton University, 2014), 23.

¹⁷⁴ W.R. Ochieng' and R. Maxon, *An Economic History of Kenya*, p.63

¹⁷⁵ Chitalu, *The Challenges Related to Police reforms in Kenya*

¹⁷⁶ Ibid

¹⁷⁷N. Kapila, *Race Rail and Society* (Nairobi, 2009), p.4-5, see also Z. Patel *Challenge To Colonialism: The Struggle of Alibhai Mulla Jeevanjee For Equal Rights in Kenya* (Nairobi, 1997), pp.13-26

¹⁷⁸ Michael Tidy and Donald Leeming, *A History of Africa 1840-1914*, (London: Evans Bothers, 1981) p.15-16

well from the rest of the colony's fertile lands, large population, and potential for cash crop production on a large scale. According to Walter Mangechi of Malindi:

The railways not only funded by the British but a great deal of African contribution in terms of labour force. This has never been included when calculations on total cost are done. Majority of workers faced many problems including death but that again has not been subject of discussions on railways.¹⁷⁹

The railway was built by British engineers and 32,000 Indian migrant workers.¹⁸⁰ The final cost was about £ 5.5 million, far more than originally anticipated. The British parliament, which had financed what was now called "The Lunatic Express", insisted that the line be made to pay. In the first few years, the railway made operating losses. A very infamous hut tax was therefore introduced in 1902 to help offset the cost. However, the tax led to an expensive military expedition by Britain to extend its jurisdiction over African communities that were required to pay.¹⁸¹ There was no immediate cash crop revolution around Lake Victoria. Therefore, Charles Eliot, Commissioner for the East Africa Protectorate from 1900-1904, became the architect of European settlement in the country because of its altitude and temperate climate. Eliot believed that the white settlers could develop agriculture in the Highlands and the freight rates on their farm produce would make the railway pay.¹⁸²

The outbreak of the war in Europe on August 4, 1914, not unnaturally had a considerable effect upon East, Central as well as southern Africa. British East Africa, Uganda, the Belgian Congo, the Anglo-Egyptian Sudan, Nyasaland, the Rhodesia's, South Africa, and Portuguese East Africa were involved in fighting against the Germans in and around what is now Tanzania. For a time, German troops were operating within the borders of British East Africa and striving their utmost to wreck the Railway as well as to gain complete command over Lakes Victoria and Tanganyika. He has stated: "the morale of the police was high. They were kept busy at training in military exercises and digging trenches around the perimeter of the *boma*, their activities being watched by a German outpost on the nearby hills. On August 14th it was reported to me that the Germans were massing on the frontier.

¹⁷⁹ Walter Mangechi of Malindi, 2018

¹⁸⁰E.S Odhiambo et al, *A history of East Africa 1855-1914* (Nairobi:East African Publishing House ,1979), p.228

¹⁸¹C.C. Trench, *Men Who Ruled Kenya: The Kenya Administration, 1892-1963*, (London:The Radcliffe Press 1993), p. 19

¹⁸² Tidy and Leeming, *A History of Africa 1840-1914*, p.157

I paraded the police and told them this fact, and added that an attack would probably be made on the next day. In accordance with my orders, we must wait for them and then retire. Some of the police protested that we should put a fight, but I told them we had to obey orders.....”In order not to be surprised, police were sent on piquet duties to various roads along the frontier. At 03.30 hours on August 15th, police from one piquet returned to the boma and reported that the Germans had killed a constable of the Tende Tribe. Unfortunately, I have forgotten his name, but he was a gallant man. He kept on firing at the advancing Germans until a bullet killed him. In physical training previous to the attack, he had shown himself to be a fine runner and thoroughly keen policeman, so he could have escaped quite easily if he wished. I called the police together immediately, and we all stood waiting for the German attack to be launched. Fortunately for us, the ground between the boma and the German frontier was quite open and any movements of men could be easily observed.

2.4 Power, Punishment and Native Control

As already indicated, policing was part of the foundation of the colonial state. As such, the police were specifically given the duty to be in charge of the implementation of the colonial order and to spearhead the continuity of the deep traditions of power and authority and popular debates around them that limited what African political entrepreneurs and colonial officials could promote as custom.¹⁸³ Despite these limits, however, the invention of tradition gave rise to what Sara Berry calls ‘an era of intensified contestations over custom, power, and property’ within colonial courts.¹⁸⁴ One of the central debates was the appropriate level of subservience that wives, junior males, and other dependants owed to household heads. Women and men brought their conflicts before the colonial courts in attempts to gain control over their lives during a period of rapid change in which colonial conquest led to the dissolution of local polities and existing forms of authority. Many of these disputes were efforts to invoke ‘moral economies’ about the limits on exploitation and were thus efforts to reduce social vulnerabilities and enhance stability through familial and social networks. These struggles did not necessarily challenge the gendered nature of power

¹⁸³ Thomas Spear, ‘Neo-Traditionalism and Limits of Invention of Tradition in British Colonial Africa’, *Journal of African History*, 44/1 (2003); see also Carolyn Hamilton, *Terrific Majesty: The Powers of Shaka Zulu and the Limits of Historical Invention* (Cambridge, Mass.: Harvard University Press, 1998).

¹⁸⁴ Sara Berry, *No Condition is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa* (Madison, Wis.: University of Wisconsin Press, 1993), 8

in the household, however. Social stability remained grounded within patriarchal systems of belonging.¹⁸⁵

The colonial state was especially devoted to physical violence as a method of discipline and alternative to imprisonment, fines, or other forms of punishment.¹⁸⁶ Courts in most British African colonies, from native courts in Northern Nigeria and Uganda to magistrate courts in Gold Coast and Kenya, sentenced offenders to corporal punishment in varying degrees. In colonies with white settlements such as Kenya and South Africa, a cult of the cat o' nine tails was formed to humiliate disobedient African chiefs, suppress resistance, and emasculate male sexuality to salve fears of black peril. Corporal punishment was also a key instrument in establishing racial hierarchies. Moreover, the use of the *kiboko* in Kenya was a common method to coerce and discipline male African labour. Whether a method to punish criminal behaviour, display racial superiority or inculcate labour discipline, corporal punishment became an "essential pedagogical tool" of the colonial encounter, teaching through physical violence.¹⁸⁷

Colonial Office unease with corporal punishment in the empire played a role in this change. In 1897 and again in 1902, the Secretary of State for the Colonies, Joseph Chamberlain, ordered all territories to submit annual returns of corporal punishment for Parliament's perusal. Officials in the East Africa Protectorate complied, submitting detailed registers of adult and juvenile corporal punishment. When Colonial Office staff found irregularities or illegalities in the registers, they badgered magistrates to sentence offenders more carefully.¹⁸⁸ Yet, influence from London must not be overstated. Its year-end complaints had little effect on painful sentences carried out months before. Moreover, the Colonial Office had no alternative than to let protectorate officials carry on as usual. In these early years, the protectorate's prison system was in its infancy and

¹⁸⁵ Emily Burrill and Richard Roberts, 'Domestic Violence, Colonial Courts, and the End of Slavery in the French Soudan, 1905–12', in Burrill *et al.*, *Domestic Violence and the Law in Colonial and Postcolonial Africa*. (Athens: Ohio University Press, 2010)

¹⁸⁶ David Killingray, "Punishment to Fit the Crime? Penal Policy and Practice in British Colonial Africa," in Florence Bernault, ed., *A History of Prison and Confinement in Africa* (Portsmouth, NH: Heinemann, 2003), 107-108.

¹⁸⁷ Richard Waller, "Rebellious Youth in Colonial Africa," *Journal of African History* 47 (2006), 7792; and Richard Waller, "Bad Boys in the Bush? Disciplining Murrans in Colonial Maasailand," in Andrew Burton and Helene Charton-Bigot, eds., *Generations Past: Youth in East African History* (Athens: Ohio University Press, 2010), 135-74.

¹⁸⁸ KNA, ARC/MD/4/1/3, A. Creech Jones to Government of Kenya, Circular, 15 Jan. 1948.

the rattan cane had become the "ordinary corrective" to be applied to "delinquent natives." In short, magistrates had few alternatives at their disposal.

But in the 1920s, the colonial state in Kenya restricted corporal punishment yet again. The continued shift away from adult corporal punishment reflected changing ideas about the efficacy and ethics of caning¹⁸⁹. In 1923, the Native Punishments Commission reviewed the various forms of punishment at use in the colony. It recommended a reduction in the use of corporal punishment on adults. Some commission members -argued that caning had a morally deleterious effect on convicts, magistrates, and prison officials. Others questioned whether Africans could even be "flogged to a higher morality." The commission was not unanimous in its disapproval of corporal punishment¹⁹⁰. Dissenting members praised caning as an inexpensive and efficient punishment, which, they argued, Africans preferred over tedious trips to the courthouse or lengthy prison terms. While the commission debated the future of adult caning, it never questioned the necessity of the juvenile variety. All committee members believed the rattan cane was a suitable disciplinary instrument for young offenders under the age of sixteen - that the young could indeed be "flogged to a higher morality." The commission went so far as to make recommendations on the size of the cane, the number of strokes, and procedures to be followed in juvenile case¹⁹¹s.

In the years following the Native Punishments Commission, corporal punishment of adults continued to decline while that of juveniles increased. A year after the report, the number of young Africans receiving corporal punishment surpassed the number of adults for the first time. Between 1905 and 1925, the rattan cane had been relegated to the margins of the state's disciplinary repertoire for adult offenders. The violent punishment was reserved for male sex offenders and unruly prison inmates. Instead, it quickly became the centrepiece of the colonial state's effort to discipline and punish young male Africans under the age of sixteen.

¹⁸⁹ Chitalu, K.A. Bruce, *The Challenges Related to Police reforms in Kenya: A survey of Nairobi County*. (Master's Thesis Kenyatta University, 2014).

¹⁹⁰ Leigh, B., *Land, Food, Freedom Struggle For the Gendered Commons in Kenya 1870 to 2007* (Ph.D. diss, of University of Toronto 2006)

¹⁹¹ Anderson, David, M., Killingray, David, 'Consent, coercion and colonial control: policing the Empire 1830-1940' in Anderson, D. M., Killingray, D., *Policing the Empire: Government, Authority and Control, 1830-1940*, Manchester, Manchester University Press, 1991.

As we shall see in the preceding chapters, By the 1930s, 80 percent of all court-ordered canings in Kenya involved juveniles. Moreover, between 1932 and 1948, over 40 percent of all juveniles convicted by colonial courts were sentenced to corporal punishment. After the Second World War, the rate of juvenile corporal punishment nearly doubled as the state responded to rising levels of juvenile crime and criminalization as well as urban migration and rural unrest¹⁹²... Hundreds of juvenile canings became thousands in the 1950s as district commissioners in Central Province used their enhanced powers under the state of emergency to beat Kikuyu young men suspected of participating in what they believed to be an anti-colonial uprising known as Mau Mau. Over the course of colonial rule, thousands of boys and young men felt the crack of the cane. Each year, as more and more African youths were beaten by the state, corporal punishment came under greater government surveillance; sentences became standardized and medicalized, and statistics were recorded and scrutinized¹⁹³...

By 1920, the main urban centres in Kenya, the more developed areas of white settlement and some parts of the African Reserves, were within a “policed” zone, where a police presence was becoming routine, crime was increasingly being detected, if not always solved, and the rule of law was established, if not always obeyed. In these areas, crime and civil disturbance, though common enough, could be seen as aberrations to be corrected and punished, rather than permanent conditions, and criminals could be identified and removed from the community by incarceration¹⁹⁴.

Among white residents at least, assumptions about and expectations of policing had taken root and were voiced in a continuous debate about crime. Beyond this core, policing thinned out, shading into a more or less “unpoliced” area on the frontiers of colonial rule. Here, the rule of law was hard to define and harder still to enforce, not so much because it was directly contested but because it was largely irrelevant¹⁹⁵... Where communities were accustomed to defending themselves and to dealing directly with their own offenders, and where violence was itself a form of interaction between communities, external policing counted for little. This did not mean that police power was absent. The state could summon resources and strike hard if it saw the need to do

¹⁹² Chitalu, *The Challenges Related to Police reforms in Kenya*

¹⁹³ Emily Burrill and Richard Roberts, ‘Domestic Violence, Colonial Courts, and the End of Slavery in the French Soudan, 1905–12’, in Burrill *et al.*, *Domestic Violence*.

¹⁹⁴ Atieno-Odhiambo, E.S. ‘Some Reflections on African Initiatives in Early Colonial Kenya’, *East African Journal* 8(6), (1971) 30–6.

¹⁹⁵ Chitalu, *The Challenges Related to Police reforms in Kenya*

so, but it did mean that policing was mainly directed towards keeping the peace between communities and that punishment was a deterrent rather than corrective.¹⁹⁶

The officer-in-charge of Samburu in the early 1920s found it necessary to take hostages when suspects absconded before trial and to bring in witnesses under armed escort. Elsewhere, witnesses were hard to get to court and often testified more or less under duress. Police work in a conventional sense was limited. In remoter areas, the police did not expect to detect much crime, let alone identify the perpetrators and bring them successfully to court¹⁹⁷... They generally concentrated on the most serious incidents of murder, assault, and stock theft since these had the greatest repercussions at the local level. The rounding up of suspects in serious cases was partly ritual and precautionary: many would later be released for lack of evidence. Arrest offered a public demonstration of power in the absence of real control. In the policed zone, however, and particularly in urban areas, expectations were much higher. Police drew on detection techniques, unavailable or of limited usefulness elsewhere, conducted regular street patrols, and investigated minor as well as major offences.

...In Nairobi, Kenya from 1922, and Mombasa from 1934, the local authorities operated local beer hall monopoly systems as sole providers of liquor to the African population. While such monopolies and restrictions were often contested, they effectively regulated Africans' access to alcohol and protected European economic and political interest...¹⁹⁸

The consumption of wine was considered detrimental to the quality of work performed by the African labor force. The police forces had actually been the first to alert to these problems, in which way they were directly instrumental for the creation of the wine law. The hut taxes that were imposed on the Africans also served economic motives. Because Africans had to pay their taxes in cash, they were forced to take up wage labor with the European owners. Vagrancy laws, moreover, also sought to control the African labor force and were massively enforced by the police¹⁹⁹...

¹⁹⁶ See the discussions in: Stanley Cohen, *Visions of Social Control* (Cambridge: Polity Press, 1985); Mathieu Deflem, "The Invisibilities of Social Control," *Crime, Law and Social Change* 18 (1992), 177-192; Steven Spitzer, "The Rationalization of Crime Control in Capitalist Societies," *Contemporary Crises* 3 (1979), 187-206.

¹⁹⁷ Chitalu, *The Challenges Related to Police reforms in Kenya*

¹⁹⁸ 20 Justin Willis, "Alcohol in East Africa, 1850-1999" A Research Project supported by the Economic and Social Council and the British Institute in East Africa, <http://www.dur.ac.uk/History/web/cover.htm> z 2o November

¹⁹⁹ Chitalu, *The Challenges Related to Police reforms in Kenya*

2.5 Conclusion

Colonialism became a fact of life in Kenya whose effect was the transplantation of the British legal system within African traditional social systems. This led to the recognition of both systems and the gradual relegation of the indigenous system, otherwise called customary law. In its regulated and controlled state, its operation became dependent on the satisfaction of the rules of common law equity and good conscience. We have seen that colonialism had a serious effect on law and order in colonial Kenya and as such there was a need to police and enforce such laws and order. Colonial officials used the law to promote both the legibility and the stability of African societies. In practice, colonial legal systems promoted conflict by imposing rules and expectations that were not widely shared or deeply embedded in African discourses of political and social authority. The law, however, was only part of wider and intersecting processes of change. Law, order, and control statuses were all used to lay the foundation of the colonial economy and political domination. All these were accelerated to pacify and establish permanent British control of Kenya.

Policing was therefore part of the foundation of the colonial state in Kenya. It extended the range of state authority and gave it a tangible presence. As an agent of the law, it turned random retribution into predictable punishment. It kept the perimeters of a new society, justifying the state's assumption of a monopoly of force within it. Without policing, the colonial state would have remained dependent on a seemingly endless expense of mere force: pacification without peace. Once the East Africa Protectorate had been established, the need for a civilian police force and a corresponding reduction in the use of the military was apparent. Police would be cheaper, less confrontational, and under local control. They would also signal a transition from conquest to the establishment of public order, as the state learned to tame itself. As such these were the theoretical beginnings of policing in Kenya. This chapter, therefore, accounts for the ordinances that led to the beginnings of policing in general and in particular traces the developments of tribal police, the frontrunner of the administration police.

CHAPTER THREE

THE ORIGINS AND DEVELOPMENT OF ADMINISTRATION POLICE, 1929-1963

3.1 Introduction

This chapter traces the evolution and functions of the Tribal Police within the broader architecture of colonial policing in Kenya from 1929 to 1963. It examines the methods employed by both colonial and indigenous police units, including the Tribal Police, the controversial Kenya Police Reserve, the intelligence-driven Special Branch, and emerging paramilitary groups that became increasingly central to the counter-insurgency framework. Particular attention is given to the Tribal Police and their contribution to the colonial state's wider campaign during the Emergency, especially in shaping the police response to escalating insurgent violence in the early 1950s. The analysis highlights how new strategies in recruitment, interrogation, and intelligence-gathering were adopted to meet the challenges posed by Mau Mau resistance.

At the same time, the chapter interrogates the contradictions and controversies surrounding colonial policing, especially the widespread allegations of corruption, brutality, and the excessive use of coercion, which undermined the credibility and effectiveness of security operations. It considers the role of police intelligence in the so-called "war of information" against Mau Mau and the innovative, though ethically questionable, deployment of converted insurgents as members of pseudo-gangs. Beyond the counter-insurgency campaign, policing is also assessed in relation to its impact on intertribal relations, and how it was deployed as a mechanism for containing sporadic civil protests and unrest across the colony. In doing so, the chapter situates the Tribal Police within the larger debate on colonial authority, state violence, and the coercive foundations of governance in Kenya.

3.2 The British Colonial Culture and Early Policing Model

The creation of the tribal police, as we shall see in the next section, from the onset followed the principles and cultural values of the British Empire. As such, colonial policing cultures are often seen as having been particularly marked by paramilitarism, as distinct from the unarmed, civilianized policing cultures thought to be common to Britain.²⁰⁰ Paramilitarism may be understood as a blurring of the boundaries between

²⁰⁰ Robert Reiner, *The Politics of the Police*, (Oxford :Oxford University Press, 2005) p. 85

policing and army functions. A clear example of this was during the ‘scramble for Africa’ when police forces and colonial armies were officially merged to form the ‘West African Frontier Force’.²⁰¹

The adoption of such policing tactics may be understood as being integral to the overtly political function of the police in the colonies which entailed protecting the colonial powers from public order disturbances. Yet, it would be a mistake to view colonial policing as being confined to such functions, although colonial forces were also concerned with crime control, this ‘was generally secondary to the maintenance of internal security and public order’.²⁰²

The use of paramilitary methods to protect the power of the colonial state was especially clear in Ireland where the Royal Irish Constabulary was not only armed (even if the truncheon was more commonly carried than the handgun) but also adopted a military ethos characterized by regular drills and marching and was employed in protecting the interests of the British state during the War of Independence from 1919-2017. According to Sinclair, it was this policing model which was adopted throughout the empire during the long period of decolonization, lasting from the creation of the Irish Free State in 1921 until the early 1980s, in a last-ditch attempt to shore up British power.²⁰³ One informant agreed that:

The tribal police was an instrument of the state and clearly, order is necessary for managing violence as much as the threat of violence is crucial in cementing order ... On the other hand, violent conflict entails the successful contestation of existing order, and its collapse. Put otherwise, violence was employed both by those who wish to upend an existing order and by those who want to sustain it.²⁰⁴

Closely linked to paramilitary policing culture is the practice of intelligence-gathering. This became particularly widespread in the period of decolonization as local forces sought to deal with political insurgency. Many colonies established police intelligence units with links to the British Special Branch to collect information on those whose

²⁰¹ Bankole A. Cole, ‘Post-Colonial Systems’ in Mawby, R.I., *Policing Across the World: Issues for the Twenty-first Century*, London, UCL Press, 1999, p. 89

²⁰² David Anderson and David Killingray, ‘Consent, coercion and colonial control: policing the Empire 1830-1940’ in Anderson, David M. and Killingray, *Policing the Empire: Government, Authority and Control, 1830-1940*, (Manchester: Manchester University Press, 1991), p. 5.

²⁰³ Georgina Sinclair, *At the End of the Line: Colonial Policing and the Imperial Endgame 1945-80*, (Manchester: Manchester University Press, 2006) p. 16.

²⁰⁴ Ibrahim Mageno, Oral Interview, Kisumu, March 19, 2018

activities were thought to threaten the political order.²⁰⁵ The Calcutta Special Branch, for example, established by the Irish-born police commissioner, Sir Charles Tegart, was chiefly concerned with defeating Indian nationalism.²⁰⁶ Indeed, Killingray and Anderson have noted that political intelligence-gathering ‘became a central aspect of police work’²⁰⁷ at this time although there is some evidence that intelligence-gathering was already employed in nineteenth-century India to monitor local tribes involved in theft and robbery²⁰⁸. The widespread use of intelligence-gathering reveals colonial policing culture as being marked by the surveillance of local populations, something that the English police, at least in theory, had always sought to avoid, originally for fear of being compared to the French gendarmes.²⁰⁹ Paramilitary-style policing and intelligence-gathering entailed practices that may be regarded as quite brutal and disproportionate. Indeed, Mark Brown has referred to ‘penal excess’ in the colonial context, not just referring to punishment practices but also to policing practices, using the example of the police control of semi-nomadic peasant tribes in India who were considered to be a threat to the prevailing social order on account of their refusal to participate in the colonial economy based on settled agricultural labour.²¹⁰

Under the Criminal Tribes Act of 1871, whole tribes could be classified by the police as criminal if just one member was found to be guilty of a criminal offence. Once classified as such, the tribes could be ordered to stay within a certain confined area and forcibly settled. Cole has also highlighted the use of excessive policing methods to control local populations, noting the widespread use of ‘illegal raids, pillage and

²⁰⁵ Graham Ellison and Conor O'Reilly, ‘From Empire to Iraq and the "War on terror": The Transplantation and Commodification of the (Northern) Irish Policing Experience’, *Police Quarterly*, 11(4), (2008) p. 405.

²⁰⁶ The military nature and political intrusiveness of the latter was considered to be inappropriate in a land which considered itself to be politically free. See Leon Radzinowicz, *A History of English Criminal Law and Its Administration from 1750, Vol. 3*, (London, Stevens, 1956), pp. 539-74

²⁰⁷ David Killingray and David Anderson, ‘An orderly retreat? Policing the end of empire?’ in Anderson, David M. and Killingray, David, *Policing and Decolonisation: Nationalism, Politics and the Police, 1917-65*, (Manchester: Manchester University Press, 1992), p. 5.

²⁰⁸ Mark Brown, ‘The politics of penal excess and the echo of colonial penalty’, *Punishment and Society*, 4, (2002) p. 410.

²⁰⁹ David Arnold, ‘Police Power and the Demise of British Rule in India, 1930-47’, in David M. Anderson and David Killingray (eds), *Policing and Decolonisation: Politics, Nationalism, and the Police, 1917-65*, (Manchester: Manchester University Press, 1992), p. 44; David Arnold, ‘The Armed Police and Colonial Rule in South India, 1914-1947’, *Modern Asian Studies*, 11(1) (1977) 101-25.

²¹⁰ Brown, *Colonial policing in Africa*. 410.

extortion, corruption and mindless brutality’²¹¹. The use of excessive policing methods against local populations thought to pose a threat to the social and political order of dependent territories rendered colonial policing culture distinctly political in nature. As one informant revealed:

The police raided homes not because of crimes committed but because of the political reasons, they raided homes because of a targeted tribe that was anti-colonial that is why Kikuyus and Merus were victims of such arrangements.²¹²

Policing functioned to legitimize British rule in a way that the army could not, giving a ‘civilian face’ to what was essentially paramilitary rule. Colonial police forces were probably further legitimized by the process of localization—the slow and gradual replacement of Europeans by local officers.²¹³ Yet, in order to ensure that colonial forces acted in the best interests of the British state, control was often imposed from the center. A formal attempt to centralize control and standardize police practice was made with the creation of the Colonial Police Service in 1936. In India, attempts at centralization went right back to the rebellion of 1857, as the highly centralized Royal Irish Constabulary model was adopted.²¹⁴

The idea that local populations were often regarded as a threat to British power led the colonial police, as agents of the state, to regard many of these groups as ‘suspect populations.’ In many cases, colonial policing culture reflected an institutionalized ethnic bias against indigenous populations, despite efforts to make colonial police forces more representative of the populations they policed.²¹⁵ Racial discrimination existed both within police forces themselves, which prevented local peoples from rising above inspector rank, and between police forces and local populations who were subject to stricter surveillance and control than white settler communities, particularly in Kenya²¹⁶.

²¹¹ As a European settler colony, Kenya was highly segregated along racial lines. Police officers who worked there spoke of being under significant pressure from white European colonisers to maintain these racial barriers by persecuting native Africans for the most minor of offences. See Sinclair, *op. cit.*, p. 145.

²¹² Boke Igobero, Oral interview, Nakuru, 2018

²¹³ Sinclair, *At the end of the line*. pp. 70-72.

²¹⁴ Cole, *post-colonial systems*, 94

²¹⁵ For example, from the First World War onwards, as part of the policy of *Indianisation* of the Indian Civil Service, attempts were made to facilitate the direct entry of Indians into the police service. See Sinclair, *At the end of the line*, 27

²¹⁶ Ellison & O’Reilly, *From empire to Iraq*, 402.

Police battalions were organized in terms of race and ethnicity. Asians formed their own unit based in some major capitals in the country, there were fewer European askaris who were on supervisory levels and Africans soldiers roamed up in rural areas with less responsibility.²¹⁷

It would thus appear that the British colonial policing cultures shared several common characteristics with the administration police at least from the onset of the tribal police. These similarities are apparent in areas such as their paramilitarism, ‘penal excess’ as exemplified by the excessive surveillance of local populations and police brutality used against them, politicization, centralization, and ethnic bias. The following section discusses ways these policing cultures differed from the culture borne in Kenya.

3.3 The Creation of the Tribal Police Ordinance, 1929

The enactment of the Tribal Police Ordinance in 1929 provided the first legal framework that transformed Native Police to a Tribal Police Force. This localization of the force meant that each community had its own entity. Recruitment focused on morally upright male youths. Initially, salaries were determined and paid by Regional Authorities and not the central government, but no specific body was tasked with the function. A Tribal Police Reserve Component served as a backup in case of emergency.²¹⁸ Staff was generally unarmed and deployed to work within their home districts, supervised by administrative officers.²¹⁹

The origins of the Tribal Police as shown in Plate 4 can be traced back to the challenges faced by the colonial administration in maintaining order in the rapidly expanding colony. The growth of settler agriculture, urbanization, and the imposition of colonial laws led to increased tensions between the African population and the colonial government. The existing colonial police force was overstretched and often viewed with suspicion and hostility by the local population. To address these challenges, the colonial government decided to create a separate police force that would

²¹⁷ Sospeter Okeror, retired police officer, Oral interview, Mararal August, 15, 2018

²¹⁸ Kenya National Archives, “Tribal Police Ordinance, 1929: Correspondence General, 1930-1944”,

Colony and Protectorate of Kenya (Nairobi: KNA, AG/L/306/3, 1929), Folios 4A, 4B, 4C. Accessed on 08/07/2015

²¹⁹ Kenya National Archives, “The Tribal Police Ordinance, 1929: Correspondence, General”, *Colony and Protectorate of Kenya* (Nairobi: KNA, AG/16/252/1, 1930-1944), Folio 8A. Accessed on 08/07/2015.

be more acceptable to the indigenous population and better integrated into the existing tribal structures



Plate 4: Police post with Sergeant of Dubas Adano Dabasso in the foreground. Dubas were the tribal police of the NFD.

Source: KNA/DC/NN/4/5/02

The *Tribal Police Ordinance* of 1929 was a significant development in the colonial administration of Kenya, marking a crucial step in the formalization of indirect rule. This ordinance established the framework for the creation of tribal police forces, which were to operate under the authority of local chiefs and the supervision of colonial officials. The ordinance was part of a broader strategy to strengthen the control of the colonial government over the African population by delegating some aspects of law enforcement to indigenous authorities, thereby reducing the direct involvement of British officers in day-to-day policing.²²⁰ Under the ordinance, local chiefs were given the authority to recruit, train, and deploy tribal police officers within their jurisdictions. These officers were responsible for enforcing local laws, maintaining order, and collecting taxes. The tribal police were also tasked with implementing colonial policies, such as the enforcement of the pass laws and labor regulations. While the creation of the tribal police was justified as a means of empowering local leaders and promoting self-governance, it was primarily a mechanism for extending the reach of the colonial state into rural areas.²²¹

²²⁰ TNA. WO 236/20: The Role of Tribal Police in Enforcing Colonial Policies

²²¹ Ibid, p. 30

The tribal police were distinct from the colonial police in several ways. They were typically recruited from the local population and were expected to be familiar with local customs and languages. However, they were often poorly paid, inadequately trained, and subjected to the authority of the colonial administration. This often led to abuses of power and corruption, as tribal police officers used their positions to settle personal scores or extort money from the local population. The lack of accountability and oversight further exacerbated these issues, leading to widespread resentment among the African communities²²². The *Tribal Police Ordinance* of 1929 also had significant implications for the relationship between the colonial government and local chiefs. By giving chiefs the power to enforce colonial laws through the tribal police, the ordinance effectively co-opted them into the colonial administration. This strengthened the position of chiefs within the colonial hierarchy but also made them increasingly reliant on the support of the colonial government. As a result, many chiefs became unpopular with their people, who saw them as collaborators in the colonial exploitation of their communities.²²³

In the long term, the creation of the tribal police contributed to the weakening of traditional authority structures in Kenya. While the ordinance was intended to reinforce the role of chiefs, it instead undermined their legitimacy by associating them with the unpopular policies of the colonial government. The legacy of the *Tribal Police Ordinance* can be seen in the continued tensions between local communities and law enforcement agencies in Kenya, as well as in the complex relationship between the state and traditional authorities in the post-colonial period.²²⁴

In concluding his annual report (1929) the commissioner wrote:

“I submit that the Kenya police have made definite progress during the year and in spite of its abnormality, which factor undoubtedly created an increase in crime. I have no shadow of doubt that, in spite of undeniable deficiencies, the Kenya police can be described today as an efficient force. The organization is now modeled on set lines, and we can only wait for the time and money to improve our organization”.

The years 1930 and 1931 brought the force some dividends. These included further expansion and a number of changes in the ranks of the European officers. But

²²² TNA. WO 236/20: *The Role of Tribal Police in Enforcing Colonial Policies*, p. 30

²²³ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

²²⁴ *Ibid*, p. 34

there followed a period of economic depression, resulting from a financial crisis that Great Britain was facing. Drastic economies were affected in every possible direction. The strength of every police unit in the colony (except in Turkana and the Northern Frontier Province) was reduced to affect the decrease demanded. Nevertheless, the Government's desire that no police station or unit should be closed down as a result of these reductions in strength was met by the commissioner though not without much difficulty. Recruiting of African police, which in 1930 had exceeded 500 men, fell below 200. The defeat of and surrender of the Italian forces in Ethiopia in 1941 removed the scene of action from Kenyan borders, and conditions gradually improved, although not normally.²²⁵

After the Second World War, the tribal police became more prominent in most British colonial possessions. There were two main reasons for this, besides the abstract philosophical debate about alternative models. First, the war's devastating effect on British power propelled the government into reinvigorated imperialism, especially in Africa, that was intended to halt Soviet expansion and revive the Anglo-centric global economic system.²²⁶ Secondly, the colonial state's expansion into new areas of economic life disrupted societies to the extent that additional policemen were required.²²⁷ The requisite manpower largely came from men with military experience, or those transferred from the Palestine Police after 1948, a force based firmly on the paramilitary model.²²⁸ Economic strife certainly arose in Kenya, with significant strikes in Mombasa in 1947, and in Nairobi in 1949 and 1950; the latter prompting the use of police deployment in armored cars and the use of tear gas.²²⁹

Several other agencies performed policing tasks, such as the water police in Mombasa, forest guards working for the Forestry Department, grazing guards on large farms, and night watchmen patrolling retail and industrial areas.²³⁰ Ultimate

²²⁵ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

²²⁶ Peter Hyam, *Britain's Declining Empire: The Road to Decolonisation, 1918–1968* (Cambridge: Cambridge University Press, 2006), 95.

²²⁷ David Throup and Charles Hornsby, *Multi-Party Politics in Kenya: The Kenyatta and Moi States and the Triumph of the System in the 1992 Election* (Oxford: James Currey; Nairobi: EAEP; Athens, OH: Ohio University Press, 1998), 127

²²⁸ Georgina Sinclair, *At the End of the Line: Colonial Policing and the Imperial Endgame* (Manchester: Manchester University Press, 2006), 146.

²²⁹ Anthony Clayton and David Killingray, *Khaki and Blue: Military and Police in British Colonial Africa* (Athens, OH: Ohio University Center for International Studies, 1989), 115.

²³⁰ *Ibid*, p. 19

responsibility for law and order among Africans resided with the Member for African Affairs and Chief Native Commissioner, who managed the Provincial Commissioners and their subordinate District Commissioners. Two linked but distinct authorities shared responsibility for policing African areas - the tribal chiefs and the tribal police, who reported to the local District Commissioner.²³¹

The Commissioner also functioned as the magistrate. This combining of the executive and judicial functions inevitably led to the politicization of justice.²³² Tribal police - poorly trained and often seen as little better than lackeys - assisted in tax collection and patrolling.²³³ The Chiefs and their native courts dealt with most public order and petty criminal matters while the Kenya police become involved following serious crimes, such as rape and murder, or those affecting Europeans.²³⁴ The Kenya police only moved into the African reserves in 1943, and even then not with significant strength.²³⁵

In 1931 and 1932, for example, 117 and 181 killings respectively were known to the authorities. Over 200 of these were the result of large-scale raids, border incursions, or major feuds dealt with by the army. But the rest (some 90 in all) were local. In Isiolo District alone, 30 murders had led to just 12 arrests in 1931. During a Legislative Council debate over Samburu lawlessness in 1935, the Chief Native Commissioner and the Attorney-General attempted to put Samburu murders in perspective. The former was surprised that there had not been more, given the circumstances, and the latter noted that the rate had recently been reduced from one per quarter to one per year. Unsurprisingly, this failed to mollify critics, but it did show a realistic grasp of the limits of policing in the periphery.

In 1933, it was reported that:

The Kenya police is composed of African and a small percentage of Asiatic personnel under the command of European officers and non-commissioned officers. The Force is distributed mainly at police stations throughout the settled and urban areas of the Colony and Protectorate. The work of each police station is controlled by a European or Asiatic non-commissioned officer and the stations are grouped under the direction of a commissioned officer. Police detachments are stationed in the Northern Frontier District. African police are stationed in a few of the native reserves and Turkana where they operate under

²³¹ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

²³² Anderson, *Policing the colonial state*, 261.

²³³ Sinclair, *At the end of the line*, 136.

²³⁴ *Ibid*, 137.

²³⁵ Throup, *Economic and social origins of Mau Mau*, 129.

the direct control of officers of the Administration, but the enforcement of law and order in most of the reserves is the responsibility of the local tribal police. A small patrol of police continues to be employed to maintain order on the boundaries of the Kisii-Lumbwa native reserves. Patrols were also in operation for several months on the boundary of the Suk native reserve and in the settled area of Laikipia. Detachments were maintained in the gold mining areas at Kakamega, Gori River, and Logorien.²³⁶

Over time, as more manpower and resources became available, as the barriers of self-sufficiency were gradually eroded and as routines of law enforcement became more familiar, the policed zone expanded outwards. But the boundaries of policing were never entirely coterminous with those of the colony. Differences between zones also reflected particular conditions, styles, and expectations.²³⁷ The Northern Frontier administration, responsible for the arid and sparsely populated northern half of the colony, had to live with a high level of violence and insecurity, even with police complement in the inter-war years of 240 to 300 men, ‘more soldiers than policemen’, backed up by military detachments. An incident between Turkana and Samburu aptly illustrates the situation.

In May 1935, a Turkana searching for stray stock disappeared on the Mbart Plains, in an area where tension between Turkana and Samburu was high. When his body was found near a Samburu camp, his fellows came to investigate. They seized a local Samburu Moran and forced him to give them the names of the killers. Led by their headman, local Turkana then attacked the camp and took away two suspects. It was only then that the matter came to the attention of the authorities. The Turkana headman was punished, murder suspects were arrested and the Samburu camp was fined for withholding evidence. The case went nowhere, however, and violence continued, but the Samburu probably paid blood money to the deceased’s family, a locally satisfactory resolution and the main point as far as the Turkana were concerned.²³⁸

As a result of a motion in the legislative council in January 1945, concerning the crime wave in certain districts of the Colony, attention was directed to measures by

²³⁶ *Annual Report on the Social and Economic Progress of the People of the Kenya Colony and Protectorate*, Annual Colonial Reports No. 1688 (London: His Majesty’s Stationery Office, 1933)

²³⁷ Chitalu, K.A. Bruce, *The Challenges Related to Police reforms in Kenya: A survey of Nairobi County*. (Masters Thesis, Kenyatta University 2014)

²³⁸ TNA. CO 544/83: The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance.

which the efficiency of the force could be improved. One of these measures was the introduction of mounted patrols in rural areas. On instructions from the Governor, a scheme was prepared for the establishment of mounted sections in all police divisions in which horses or mules were deemed likely to improve the policing of the area. The scheme was approved when submitted to the Government. Ninety mules were purchased from Ethiopia through the military authorities and distributed to various police stations after a hundred selected African police had been trained in the care of their animals, and mounted duties. The mounted branch of the police was employed as much as possible on farms and special patrols. Mounted police patrols were found particularly effective near settled areas and native reserve boundaries of the districts where they operated. The Masai-Kikuyu Levy Force proved most efficient because it was chiefly a Mounted Force.²³⁹

The Auxiliary Police Regulation of 1944, enacted under the Compulsory National Service Ordinance of 1943, came into effect on January 1, 1945. To spearhead its establishment, Lieutenant-Colonel G. Person, D.S.O., M.B.E., M.C., was appointed as Chief Commandant, tasked with organizing and administering the Auxiliary Police Force. Supporting this structure, three Provincial Commandants, with headquarters in Nakuru, Nyeri, and Kisumu, were appointed to oversee regional operations. Additionally, the force was strengthened by the appointment of 14 District Commandants, 18 Assistant District Commandants, and 30 Senior Auxiliary Officers, ensuring a hierarchical and well-distributed command system. Leadership later shifted when Lieutenant-Colonel Cummins, who had served as staff officer, succeeded Lieutenant-Colonel Person as Chief Commandant, marking a transition in the administration of the force.²⁴⁰

All in all, the unit and methods to be deployed in response to incidents were determined by the terrain to be covered. On April 3, 1949, a party of police consisting of Inspector Finchas Mukundi, Sergeant Muinde Muisoi, and seven African constables left Narok by truck to round up three wanted Maasai. The nature of the country forced them to debus and proceed through the bush on foot. Arriving at a *manyatta* about 07.00hours, they surrounded it. ²⁴¹

²³⁹ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

²⁴⁰ TNA .CO 544/83,

²⁴¹ Ibid.

Some Masai Moran, armed with *simis* and spears, came out of the huts. A few of the police party jumped over the fence in order to close with these *Moran*, and one of the latter charged. Inspector Mukundi warded off the spear thrust with a stout stick carried in one hand. The Moran then attacked Sergeant Muisio, and the inspector gave the order for the police party to open fire in self-defense.

Before Sergeant Muisio could obey this order, the Moran stabbed him through the body with his spear, leaving it there, and then endeavored to escape. Whilst still transfixed with the spear, Sergeant Muisio took steady aim at the running *Moran* and fired three shots at him. Other police also fired. Sergeant Muisio then dropped to the ground from exhaustion.²⁴²

An improvised stretcher was fashioned and the police party carried the sergeant six miles through the bush to regain the truck. He died that night in the hospital at Narok. One informant narrated the story to me:

I recall the story of Mutiso, he was known in narok because he was very notorious in many public events, he had been given powers by the commissioner to shoot anyone committing crime without notice, by doing so he had created enmity between the police and the Maasai, he was a wanted person and when the moran got him, it is the day he met his death.²⁴³

The following morning, a police party located the Maasai murderer in a Maasai duka. He had a bullet wound in one shoulder. He was promptly arrested, as also were two other Maasai. It was found that their histories included crimes of robbery, stock theft, and escaping from custody. Sergeant Misoi's actual assailant was tried for murder and subsequently hanged. Sergeant Muisio had served for twenty-four years in the force, being promoted to that rank in 1942, and had proved a very efficient and popular African non-commissioned officer. He was awarded posthumously the colonial police medal for gallantry²⁴⁴.

In the decolonization era of the 1950s, the colonial police returned to their paramilitary roots to suppress African nationalist protests and periodic insurgencies. Upon the relatively rapid decolonization of the late 1950s and 1960s, the former colonial police forces were transformed into the national police forces of newly

²⁴² Chitalu, K.A. Bruce, *The Challenges Related to Police reforms in Kenya: A survey of Nairobi County*. (Masters Thesis, Kenyatta University 2014)

²⁴³ Mary Ongawa, Oral interview, Kisumu, 2017

²⁴⁴ Chitalu, K.A. Bruce (2014) *The Challenges Related to Police reforms in Kenya: A survey of Nairobi County*. (Master's Thesis Kenyatta University ,2014)

independent states. Although many European officers stayed on for a time to ease the transition, the command structure of these forces was quickly Africanized and efforts were made to widen recruitment beyond certain ethnicity.²⁴⁵

. The activities of the Mau Mau movement had already started around 1947, and the political intelligence division of the police, the Special Branch, had reported on its potential dangers for British rule. But initially, British authorities did not respond to these reports and dismissed the movement as a politically irrelevant religious group. Only after the Mau Mau movement had vigorously shown its revolutionary political intentions was a state of emergency declared in October 1952, and the police force was again brought to the center of political activities.²⁴⁶

The police now reacted energetically against any actions by the Mau Mau movement. Regular police work had to make way for semi-military actions in a three-legged anti-Mau Mau campaign involving the police, the colonial administration, and the army. According to David Anderson, between 1952 and 1956 when the fighting was at its worst, the Kikuyu districts of Kenya became a police state in the very fullest sense of that term. By 1954, some 78,000 prisoners were taken as a result of the campaign. Police operations were facilitated by an expanded Special Branch, the import of more British-trained policemen, a special police bureau (the Special Effort Force) set up in 1953 to deal with the Mau Mau movement, the appointment of several District Military Intelligence Officers, nearly 200 Police Signals stations for the exchange of information, vehicles with radio communications, and two aircraft.

By 1954, the expanded police force consisted of some 14,000 policemen for a population of about 5,000,000 people. The increased police efforts proved successful in the control of Mau Mau activities. Though other police operations had suffered, the Mau Mau movement was virtually eradicated by 1957.²⁴⁷ Thereafter the police could return to its normal duties, and the country was again considered peaceful. During the final years of the 1950s, legitimate African political activity was resumed, and political meetings could again be held on the condition that they had been authorized by the

²⁴⁵ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

²⁴⁶ TNA. CO 544/83

²⁴⁷ See, for example, Kushner, , 'An African Revitalization Movement' and Rosenstiel, Annette, 'An Anthropological Approach to the Mau Mau Problem', *Political Science Quarterly*, LXVIII (1953), 419–32.

British administration. To improve the relations between the police and the public, the police forces were gradually Africanized.

The problem of the emergency and spiraling violence during the emergency was fueled by the provincial administration and the methods the administration police were employing to counter the problem. In analyzing the factors that shaped the reaction of the Kenya government to African politics, it is important therefore that we focus on the Kenya Administration, the small police of generalist administrators that staffed the Secretariat in Nairobi, and the Provincial Administration in the field.²⁴⁸ Whatever the socio-economic causes of conflict and cleavage in the colony or the role played by metropolitan or settler interests, the officers of the administration as the principal agents of imperial control directly confronted and had primary responsibility for dealing with African political activities. Moreover, until the last decade and a half of colonial rule in Kenya, the administration possessed a status and power within the government generally superior to that of the various functional and technical departments. It largely dominated the policy process with regard to the African population in the non-settler districts.²⁴⁹

The structure of the Administration, the attitudes and values of its police, and its position within the distinctive socio-economic and political structures of the colony resulted in organizational processes characterized by rigidity, an inability to deal with internal or external change except through minor incremental modifications of established practice, a preoccupation with technique over the substance of policy, and absorption in the exigencies of short-run control.²⁵⁰ These patterns of administrative action, especially in the Provincial Administration in the field, began to emerge before 1914 and crystallized during the inter-war decades, the golden era of colonial administration in Kenya. Looking broadly at European experience with regard to both

²⁴⁸ The character and political role of the Kenya Administration is explored more fully in my 'Administration and Politics in Colonial Kenya' (unpublished Ph.D. dissertation, Yale University, 1974).

²⁴⁹ See, for example, Gary B. Wasserman, 'The Adaptation of a Colonial Elite to Decolonization' (unpublished Ph.D. thesis, Columbia University, 1973); and Arghiri Emmanuel, 'White Settler Colonialism and the Myth of Investment Imperialism', *New Left Review*, LXXIII (1972), 35-57- 12 Allison, 'Conceptual Models and the Cuban Missile Crisis'. 13 14

²⁵⁰ The fullest analysis of the early decades of the Kenya Administration when many of the patterns discussed here began to take shape is T. H. R. Cashmore, 'Studies in District Administration in the East African Protectorate, 1895-1918' (unpublished Ph.D. dissertation, Cambridge University, 1965).

the development of centralized states and the extension of colonial rule, prefectural administration has generally been established against a background of political instability in which there were perceived to be threats to the survival of the established regime and/or doubts about the compliance with its directives of significant sectors of the society.²⁵¹

The initial purpose and defining commitment of prefectural administration is the conservative one of maintaining the existing regime in power and ensuring compliance with central directives through the exercise of authoritarian control. Prefectural organizations have generally been staffed by an elite cadre of administrators expected to be skilled in the exercise of power and to back up their orders with force if necessary - to 'hold the line', literally, for the regime.²⁵² As a prefectural organization responsible for the maintenance of 'law, order and good government' and for the general supervision of all other government departments in the field, the Kenya Administration was from the start committed to the maintenance of a status quo in which the continuity and survival of its own power was a critical element. However, while prefectural administrations are intended to preserve centralized control of the political system, they are subject internally to powerful centripetal pressures growing out of the imperative delegation of discretion to distant and widely dispersed field agents.

In colonial Africa, this tendency was reinforced by primitive communications and by the heterogeneity of local African societies which presented a wide variety of circumstances to which policy had to be adjusted.²⁵³ Furthermore, the very breadth and diffuseness of the responsibilities of the colonial field administrator - he had to deal with almost every problem that arose within his jurisdiction - made close central supervision of his activities impossible. In the British system of colonial administration,

²⁵¹ Patrick Imhaha, retired Police, Oral interview Nyeri 12/12/19

²⁵² For a careful analysis of the level of violence during the consolidation of British control in the early years of colonial rule see Lonsdale, John, 'Western Kenya: The Politics of British Conquest, 1894-1908' (unpublished paper, Institute of Commonwealth Studies, London, 10 1973). Disparities in force levels are reflected in the official casualty figures of the Emergency which report 11, 503 'terrorists' killed as opposed to the loss of ninety-five Europeans (thirty-five civilians), twenty-nine Asians (twenty-six civilians) and 1,920 'Loyal Africans' (1,819 civilians), (Corfield, *The Origins and Growth of Mau Mau*, p. 316 Unofficial estimates of the number of Africans killed by the security forces are much higher

²⁵³ James Fesler, 'The Political Role of Field Administration', in F. Heady and S. L. Stokes, eds., *Papers in Comparative Public Administration* (Ann Arbor: Institute of Public Administration, University of Michigan, 1962), pp. 120-3, "29; Brian C. Smith, *Field Administration* (London: Routledge and Kegan Paul, 1967), pp. 56-7.

the exercise of a high degree of discretion in the formulation and implementation of policy by subordinate officials in the field was accepted as a matter of course.²⁵⁴

Each of the more than two score territorial administrations in the colonial empire exercised considerable autonomy in relation to the Colonial Office in London.²⁵⁵ A similar pattern marked the relationship between the provincial administration and the central administration in the colonial capital. While the prefectural structure embodied a formal hierarchic chain of command from the Governor to the most junior District Officer in the field, in practice the relationship between the center and the periphery was governed by the concept of 'trust the man on the spot'. Field officers were given a wide brief and expected to work out the implementation of any policy in the light of their judgment of local circumstances.²⁵⁶

The discretion of field officers in the implementation of policy gave them considerable influence over its formulation. The Provincial Administration's opportunities for modifying, delaying, and generally thwarting any policies that field officers disliked made the Governor and senior Secretariat officials seek their general agreement, particularly on issues relating to Africans: The District Commissioner or the Provincial Commissioner was perfectly entitled to object to any particular policy being adopted. His views were sought as a rule. Dissent over established central policy was not infrequent, and from the beginning, there was a 'protest voice' in the Kenya Administration, especially with regard to what was considered unfair treatment of the African or undue pandering to settler interests by the central government. Such dissent, however, 'generally stopped short of pursuing the issue beyond the boundaries of the

²⁵⁴ James Fesler, 'Approaches to the Understanding of Decentralization', *Journal of Politics*, xxvii (1965), 536-66, p. 562.

²⁵⁵ While the metropolitan authorities possessed formal powers to control a colony's internal administration, these were essentially extreme controls clearly intended for use only in exceptional circumstances. They were usually invoked only when the affairs of a colony became a source of political controversy in Britain and a potential embarrassment to the Colonial Office or the Government. The London authorities were thus in a position that 'made powers of persuasion more important than powers of command' (M. J. Lee, *Colonial Development and Good Government* (Oxford: Clarendon Press, 1967), p. 54). The result was a delicate, complex and often protracted process of bargaining in which the individual colonial governments exercised considerable influence on the vague general policy principles enunciated in London.

²⁵⁶ The ideology of traditional authority relationships is analysed in Bendix, Reinhard, *NationBuilding and Citizenship* (Garden City, N.Y.: Anchor Books, 1969), pp. 48-58.

organization (as one field officer put it, 'do be bitterly critical, though only within the charmed circle')²⁵⁷.

As a result, decision-making often took the form of a protracted process of bargaining and negotiating, with major issues sometimes circulating for years before a decision was reached.²⁵⁸ Moreover, given the wide scope of field administrators' responsibilities, there were many areas in which there were no central directives to guide them; they were left to work things out according to their own lights, subject only to *post hoc* evaluation by their superiors. According to a former provincial officer:

The wide discretion permitted to field officers generated, in addition, serious resistance to change. In bureaucratic organizations generally, the wider the discretion of subordinate officials, the more they tend to fuse their own goals and purposes with those of the organization. The methods and programs they carry out, because they have played a major role in their creation, become infused with value in and for themselves.

In Selznick's view, they become 'institutionalized' and the focus of vested interests in the organization.²⁵⁹ The result in the Kenya Administration was that decisions involving fundamental revisions of institutionalized procedures in the field could be made, if at all, only after prolonged internal bargaining or in the face of an external crisis. The Kenya Administration was an organization that could deal flexibly with problems of static adjustment but experienced great difficulty in making a dynamic transformation of its basic purposes in the light of changed circumstances.²⁶⁰

The response of the Provincial Administration to the KAU was rooted in the established stereotype of African politics and politicians, pushed to greater intensity by the Union's opposition to official 'development' programs. When resistance led by the local and national leaders of the KAU brought many of the programs in Kikuyu districts

²⁵⁷ The fullest analysis of the early decades of the Kenya Administration when many of the patterns discussed here began to take shape is Cashmore, T. H. R., 'Studies in District Administration in the East African Protectorate, 1895–1918' (unpublished Ph.D. dissertation, Cambridge University, 1965).

²⁵⁸ Weston Lokolo, Oral interview, Nyahururu 18/11/19

²⁵⁹ University of Michigan, 1962), pp. 120–3, 129, Smith, Brian C., *Field Administration* (London: Routledge and Kegan Paul, 1967), pp. 56–7.

²⁶⁰ It is important to point out that the issues involved critical decisions *within* the imperial relationship about the internal structure of the colonial political economy, i.e. whether Kenya was to be developed on the basis of European settler commercial agriculture or African peasant cash crop farming. The outcome in either case was a dependent primary-product export economy. For an analysis of the *de facto* growth of settler predominance and its effects in Kenya see Brett, E. A., *Colonialism and Underdevelopment in East Africa* (New York: NOK Publishers, 1973), especially pp. 165–212

to a virtual standstill, administrators reacted with frustrated fury. In their eyes, resistance to policies intended to benefit the Kikuyu was utterly irrational. The only possible motive the politicians could have was a simple grab for power by spreading malicious lies about government intentions: 'it was generally antigovernment stupidity' - opposition to anything so as to gain kudos from the people'.²⁶¹ The KAU leaders were out to dupe the unsophisticated rural population into supporting them, and by halting development programs they maintained conditions of poverty that could be exploited by irresponsible agitation. The fact that KAU and other African organizations collected ever-larger sums of money to finance their activities reinforced administrators' belief that African politics was essentially duplicitous - a confidence racket battenning on the ignorant fears of the rural masses.²⁶²

Moreover, the fact that Nairobi served as the organizational center for African opposition confirmed their view of the city as a source of subversion and corruption from which flowed a stream of detribalized agitators to disrupt rural tribal society. Like their predecessors between the wars, field officers reacted to KAU's spirit of opposition and independence and to the threat it presented to their established position in the reserves: 'rival paramount chiefs' was one perceptive officer's phrase.²⁶³ Politicians were blamed for almost all anti-government remarks and deeds, and the fact that the Kenya Police and the Provincial Administration couldn't uncover concrete proof of their involvement in actual subversion was seen as proof that they were adept at covering their tracks.²⁶⁴

The field officers' pursuit of violent plots and hidden conspiracies within the African opposition grew more intense. Notably, their belief in the existence of a conspiracy increased in proportion to the amount of credible evidence they possessed. Government officials grew to believe that African leaders were irrational as a result. It was futile to attempt to negotiate with them on divisive topics because they would inevitably launch another attack on the government. The administration viewed

²⁶¹ KNA/MAA8/65, PC, Central to Chief Native Commissioner, 13 September 1952. A notable example of the image of African politicians can be found in the letters of 1 September and 14 September 1951 from the PC Central Province to the CNC and Chief Secretary respectively commenting on the activities of the Central Province Branch of the KAU (KNA/MAA2/5/146).

²⁶² Walter Mangenyi, Oral Interview, Kericho, February, 8, 2019

²⁶³ KNA/DC/MKS/15/3, 'Minutes of the Provincial Commissioners' Meeting of 24–26 October 1946' and also 'Minutes of the Provincial Commissioners' Meeting of 26–28 May 1947'

²⁶⁴ KNA/MAA8/141, P. Wyn-Harris, Chief Native Commissioner to E. W. Mathu, Member of the Legislative Council, 4 June 1948. This statement was repeated verbatim in 1950.

Kenyatta's and other African leaders' attempts to resolve disputes through cooperation as examples of Kikuyu cunning, in which they pretended to cooperate while secretly plotting revolution. Politicians' actions, according to field administrators, were unrelated to economic and social issues, and "agitation is often a cause of unrest" (rather than a symptom of it).²⁶⁵

3.4 The Emergency and Police/ Military Operation

One of the primary functions of the administration police during the Mau Mau Rebellion was intelligence gathering and surveillance. The colonial administration relied heavily on the police to identify and monitor suspected Mau Mau sympathizers and insurgents. Special Branch, the intelligence wing of the police force, was particularly instrumental in this effort. It was responsible for collecting information on the Mau Mau's organizational structure, membership, and activities.²⁶⁶ The police employed various methods to gather intelligence, including the use of informants, covert surveillance, and interrogation of suspects. The information obtained was crucial for planning and executing counter-insurgency operations. However, the intelligence-gathering process was often marked by coercion and torture, leading to widespread abuses of power and violations of human rights.²⁶⁷

The Administration police were also actively involved in direct counter-insurgency operations aimed at suppressing the Mau Mau insurgency. These operations included patrols, ambushes, and raids on suspected Mau Mau hideouts. The police worked closely with the military to carry out large-scale operations, such as the infamous Operation Anvil in Nairobi in 1954, which led to the mass detention of suspected Mau Mau supporters. In addition to these large-scale operations, the police were responsible for maintaining law and order in both urban and rural areas. They established roadblocks, conducted searches, and enforced curfews to restrict the movement of insurgents and disrupt their supply lines. These measures, while aimed at

²⁶⁵ Corfield, , *The Origins and Growth of Mau Mau*, pp. 74–5

²⁶⁶ Sinclair, Georgina. *At the End of the Line: Colonial Policing and the Imperial Endgame 1945-1980*. (Manchester: University Press, 2006)

²⁶⁷ Clayton, Anthony, and David Killingray. *Khaki and Blue: Military and Police in British Colonial Africa*. (Athens :Ohio University Press, 1989)

enhancing security, often resulted in collective punishment and further alienated the local population from the colonial administration.²⁶⁸

Another critical role of the police during the Mau Mau Rebellion was the administration of detention camps. Thousands of suspected Mau Mau fighters and sympathizers were arrested and detained in these camps, where they were subjected to harsh conditions and forced labour. The police were responsible for overseeing the operations of the camps, ensuring that detainees were securely held and prevented from escaping.²⁶⁹ The conditions in the detention camps were notoriously brutal, with widespread reports of torture, starvation, and abuse. The police played a central role in the interrogation and "rehabilitation" of detainees, often using extreme measures to extract confessions and information about the Mau Mau's activities. The brutality of the detention camps became one of the most controversial aspects of the British response to the Mau Mau Rebellion and contributed to the eventual discrediting of colonial rule in Kenya.

The onset of the emergency led hundreds, and eventually thousands, of Mau Mau adherents to flee to the forests, where a decentralized leadership had already begun setting up platoons. The primary zones of Mau Mau military strength were the Aberdares and the forests around Mount Kenya, whilst a passive support wing was fostered outside these areas. Militarily, the British defeated Mau Mau in four years (1952–56) using a more expansive version of "coercion through exemplary force". In May 1953, the decision was made to send General George Erskine to oversee the restoration of order in the colony.²⁷⁰

The British had a good grasp of the Mau Mau's top brass by September 1953, and they got a huge intelligence boost the following January with the capture of General China. The persistent pressure on the Mau Mau persisted even after Erskine arrived, but his creation of more mobile units allowed him to administer what he called "special treatment" to certain areas. The territory was to be governed by loyalist forces and the police after "special treatment"—that is, after independence fighters had been expelled and killed—and the military would only be called in to carry out necessary pacification

²⁶⁸ Ibid, p.45

²⁶⁹ Anderson, David. *Histories of the Hanged: The Dirty War in Kenya and the End of Empire*. (W.W. Norton & Company, 2005).

²⁷⁰ TNA. CO 544/83: The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance.

operations afterwards. Erskine attacked the African community of Nairobi, who provided the forest fighters with food, money, and recruitment, after they were successfully contained and dispersed. This was implemented by Operation Anvil, which was launched on April 24, 1954.²⁷¹

3.5 The 'Operation Anvil' Strategy

As early as 1954, Nairobi had already established itself as the hub of Mau Mau activities. The ambitious goal of Anvil was to wipe out Mau Mau from Nairobi all at once. While Nairobi was blocked off and subjected to a purge sector by sector, 25,000 men of the British security forces, commanded by General George Erskine, were sent in. After transferring all Africans to makeshift barbed-wire enclosures, individuals who did not belong to the Kikuyu, Embu, or Meru ethnic groups were let go. Detainees from the three tribes were subjected to screening.²⁷²

While Europeans oversaw the operation, an African informant selected the majority of the Kikuyu-Embu-Meru captives who were believed to be members of the Mau Mau. While the male suspects were sent to Langata Screening Camp for further examination, the female and juvenile detainees were prepared for "repatriation" to the reserves, despite the fact that many of the deportees had never been there before. After two weeks of Anvil, the capital was free of all but the most faithful Kikuyu; 20,000 Mau Mau suspects were sent to Langata, and another 30,000 were sent to the reserves.²⁷³

Air support was the primary British tool in the struggle against the forest fighters for a long time. From June 1953 to October 1955, the Royal Air Force (RAF) played a pivotal role in the war. The army was busy with reserve security until January 1955, so the RAF was the only service that could psychologically influence the Mau Mau fighters in the jungle and cause heavy casualties.²⁷⁴ By June 1954, about 900 insurgents

²⁷¹ Carl G. Rosberg and John Nottingham, *The Myth of "Mau Mau": Nationalism in Kenya* (New York: Praeger, 1966), 331–34

²⁷² Thus, Gurr's interpretation of Mau Mau sees it as a revolt following 'the imposition of restrictions after a period of expansion of political rights' during the 1920s and 1930s when the Kenya government had been 'increasingly responsive' to African political demands! He concludes that 'the frustrations which brought it about were those affecting Westernized Kenyans with intense, modernizing political demands, and it occurred only after a generation of gradual improvement in the political status of the Kenyans most committed to modern politics and its forms' (*Why Men Rebel*, p. 116)

²⁷³ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

²⁷⁴ TNA. CO 544/83

had been killed or wounded by air attacks; this was enough to disperse forest warriors, reduce their morale, and compel their noticeable migration from the forests to the reserves, however the bombing was relatively random due to a lack of timely and reliable intelligence. It is commonly asserted that bombers from Lancaster were utilized during the Emergency, but in fact, Lincolns were.²⁷⁵

. The second group took to the air for the first time on November 18, 1953, and they didn't leave Kenya until July 28, 1955, during which time they dropped over 6 million bombs. In addition to their use for reconnaissance, these planes were also part of the propaganda war's massive leaflet drop operations. British planes, for instance, dropped pamphlets after the Lari massacre depicting terrible images of Kikuyu women and children who had been butchered to death. Though opinions vary on this point, air power was initially limited to attacking forests, and British ground forces were encouraged to be more indiscriminate in their repression and violence against the Kikuyu. In contrast, air attacks were initially allowed only in certain areas. In May 1954, Operation Mushroom allowed bombing to stretch beyond the forest bounds, and in January 1955, Churchill gave his assent for it to continue.²⁷⁶

After the Kikuyu were forcibly removed to the reserves in 1953, Baring and Erskine mandated the screening of any individuals suspected of being part of the Mau Mau. Only fifteen of the several screening camps that emerged had formal approval from the colonial authority. Compounds were established as sub-camps for larger prisons. In order to staff the screening centers, Baring selected settlers to the position of temporary district officials.²⁷⁷

. In the summer and fall of 1953, an officer named Thomas Askwith was given the responsibility of creating the British "detention and rehabilitation" program. Askwith's approach was called the Pipeline. In October 1953, Askwith presented Baring with what he called "a complete blueprint for winning the war against Mau Mau using socioeconomic and civic reform." The British government had no intention of rehabilitating Mau Mau suspects through the use of physical force or other forms of mistreatment. But what transpired was characterized as a British gulag.²⁷⁸

²⁷⁵ Ibid

²⁷⁶ John Blacker (2007), The demography of Mau Mau: fertility and mortality in Kenya in the 1950s: a demographer's viewpoint, *African Affairs* 106(423): 205-227.

²⁷⁷ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

²⁷⁸ TNA. CO 544/83

Inmates were categorized as either "whites," who were cooperative and sent back to the reserves, "greys," who were oathed but reasonably compliant, and "blacks," who were the so-called "hard core" of Mau Mau, who were sent to works camps in their local districts before release. Special prison centers were reached once they were transferred up the Pipeline. It follows that a detainee's status in Pipeline directly correlated to the degree to which the Pipeline staff valued cooperation. A prisoner's willingness to confess their Mau Mau oath was the defining characteristic of cooperation. Inmates were subjected to multiple rounds of screening in order to determine their level of intelligence and whether or not they had confessed.²⁷⁹

The time it takes a prisoner to travel between two stops along the Pipeline can easily exceed a day. There was usually very little in the way of food and water supplied, and toilet facilities were few, during travel. Even though makeshift communication was common, prisoners were not allowed to speak outside of their housing huts once in camp. Among these forms of communication were propaganda and deception campaigns, such as the Kinongo Times, aimed at keeping other inmate's hopeful and, by extension, at reducing the number of those who confessed their pledge and cooperated with camp officials. Construction projects such as the 37-mile-long South Yatta irrigation furrow utilized incarcerated people as forced labor. Anxieties over loved ones at home and other factors prompted several inmates to come clean. One of the informants had this to say:

We saw the government bring so many prisoners here and they did massive work in the Yatta irrigation project, we got to know that they came from the mau mau places and they were being punished. The police who were in charge of them lived here and they were so brutal to them.²⁸⁰

Colonial authorities failed miserably in their efforts to coerce prisoners into cooperation in the year following Operation Anvil. Overcrowding in camps and compounds, ineffective forced labor systems, disorganized screening teams, and a lack of systematic torture practices were all factors contributing to the atrocity. The large number of inmates, along with a shortage of personnel and necessary supplies, contributed to this disaster. It would be a challenge for officials to even process all of them, let alone convince them to affirm their oaths.²⁸¹ Alan Lennox-Boyd expressed

²⁷⁹ Peterson Wainaina, Mau mau Veteran, Oral Interview, Kiambu, May, 12, 2018

²⁸⁰ Jarapido Nyangau, Oral Interview, Kisii, February, 2018

²⁸¹ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

his concern that the number of detainees could continue to rise while assessing the situation in the summer of 1955. In such case, things don't seem good. Because of the African guards, black marketplaces were able to thrive throughout this time. It was conceivable for prisoners to buy goods or get out of punishment by bribing guards.²⁸²

The colonial government then turned its attention to African political representation. In 1944 Kenya became the first East African territory to include an African on its Legislative Council. The number was increased to two in 1946, four in 1948, and eight in 1951, although all were appointed by the governor from a list of names submitted by local governments.²⁸³

On the other hand, according to Mahungu Jolang,²⁸⁴ Jomo Kenyatta, who advocated a peaceful transition to African majority rule, traveled widely in Europe agitating for the African cause and returned in 1946 to become the president of the Kenya African Union (KAU; founded in 1944 as the Kenya African Study Union), which attempted to gain a mass African following. There were, however, Africans in the colony who felt that Kenyatta's tactics were not producing enough concrete results. One such group, which advocated a violent approach, became known as the Mau Mau.²⁸⁵ The actions attributed to the Mau Mau caused the colonial government to proclaim a state of emergency from October 1952 until 1960 and also resulted in a massive relocation of Africans, particularly Kikuyu. Kenyatta and other Africans were charged with directing the Mau Mau movement and sentenced in 1953 to seven years' imprisonment. Kenyatta was released from prison in 1959 but was then confined to his home.

²⁸² Anderson, D. and D. Killingray (1991) eds., *Policing the Empire: Government, Authority and Control, 1830-1940*. Manchester: Manchester University Press.

²⁸³ Ibid, p. 24

²⁸⁴ Former Colonial Officer, Oral Interview, Kisumu, May, 23, 2018

²⁸⁵ TNA. CO 544/83.

3.6 The Administration Policing During the Emergency, 1952-1960



Plate 5: The Administration Police during the emergency:

Source: KNA/120/290

During the State of Emergency in Kenya, 1952–1960, the Administration Police (AP) played a crucial role in the colonial government’s counter-insurgency strategy against the Mau Mau movement. The force, originally established to support local administration, was expanded and militarized to meet the demands of the conflict. Administration Police officers were deployed in rural areas to enforce curfews, guard detention camps, protect loyalist chiefs, and conduct patrols aimed at suppressing insurgent activities. They also collaborated with the King’s African Rifles and the regular police in intelligence gathering and the tracking of suspected Mau Mau fighters. Their proximity to local communities made them vital instruments of surveillance and coercion, although this also subjected them to accusations of brutality and collaboration with the colonial state. The Emergency period thus transformed the AP from a supplementary administrative unit into a frontline force in maintaining colonial order, a legacy that continued to shape its post-independence identity.

It should be known that the Kenyan police force was technically the lead agency for the length of the Emergency. However, the military and paramilitary forces - tribal police - were always legally employed ‘in aid of the civil power’. In practice, the police, army, local government, and the local militias (called the Home Guard) worked collaboratively through a committee structure, with a Governor’s Committee at the top

(subsequently replaced by a smaller War Council) and Provincial, District, and sometimes even Divisional Committees.²⁸⁶

. The members of the appropriate committee decided which agency would take the lead in each policy area and major operation. Plate 5, showing the Administration Police during the Emergency (1952–1960), highlights their pivotal yet often overlooked role in supporting civil authority, as paramilitary tribal units operated alongside the formal police under the legal doctrine of being ‘in aid of the civil power

The Tribal Police force had paramilitary origins, developing from units used to bring East Africa under British control and pacify any tribes which resisted the incursion. From its beginnings at the start of the twentieth century, policing in Kenya was caught in a dispute over professional identity.²⁸⁷ Should the force retain its paramilitary nature, removing a potential strategic burden from the always over-extended British Army? Or should Kenya’s policemen aspire to emulate their British counterparts, adopting the high standards expected of any other constabulary? The tension between these two models persisted throughout the Emergency, helping to determine the methods used to overcome the insurgency. It was increased by the police’s relationship with other institutions, each with its own distinct imperatives.²⁸⁸

As mentioned in chapter one, the constabulary tradition in British policing was governed by common law principles which stressed the role of the police officer as a servant of his local community. Constables acted as agents of the law itself rather than of the government and were meant to exercise their own judgment. The local constable derived his legitimacy to police both from the sovereign and the community which he served. Due to this emphasis on consent, the police normally kept a low profile, patrolling unarmed, and avoiding interference in citizens’ lives.²⁸⁹

The Colonial Office frequently pushed the territorial forces to develop along these lines, providing practical encouragement where possible. After the Second World

²⁸⁶ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

²⁸⁷ David Arnold, ‘Police Power and the Demise of British Rule in India, 1930–47’, in David M. Anderson and David Killingray (eds), *Policing and Decolonisation: Politics, Nationalism, and the Police, 1917–65*, Manchester, Manchester University Press, 1992, p. 44; David Arnold, ‘The Armed Police and Colonial Rule in South India, 1914–1947’, *Modern Asian Studies*, 1977, 11(1) :101–25.

²⁸⁸ OI, Ibid, 2019

²⁸⁹ Clayton, Anthony and David Killingray. 1989. *Khaki and Blue: Military and Police in British Colonial Africa*. Athens, OH: Ohio University Center for International Studies.

War, increasing numbers of colonial policemen attended professional training courses in Britain.²⁹⁰ In Kenya, prior to the uprising, Commissioner of Police M.S. O'Rorke devoted considerable attention to professionalizing the force. Between 1950 and 1952, O'Rorke made technical improvements to the Criminal Investigation Department (CID), instituted regular conferences of senior officers to help spread new ideas, and enhanced training for, and the promotion prospects of, Asian and African policemen.²⁹¹ Despite these reforms, the largest obstacle to fully emulating the constabulary model remained in place until decolonization - no matter how many new African and Asian officers swelled the ranks, it was an unmistakable fact of Kenyan life that the police helped enforce the rules of a racist society. In practice, non-Europeans were discriminated against on a daily basis, undermining the legitimacy that was so crucial to the constabulary ideal.²⁹²

The Tribal Police was certainly aware of the rapid changes taking place in society before the Emergency. In 1951, urban crime rates soared in reaction to unemployment and inflation.²⁹³ The next year, robberies and violence increased enough to prompt the installation of an emergency telephone response service in Nairobi.²⁹⁴ In general, it might be said that while the authorities recognized the connection between economic problems and crime, they underestimated the depth of the resulting grievances.²⁹⁵ However, what came to be termed as 'political policing' - the surveillance of nationalists and others opposed to government policy - increased in importance during the post-war years.²⁹⁶

In order to help revitalize the police force, a commission on police reform was sent to Kenya. Its report, issued in February 1954, made 83 recommendations, mostly pertaining to important (if mundane) personnel issues and minor organizational modifications. Emphasis was placed on increasing police competence through training

²⁹⁰ Georgina Sinclair, *At the End of the Line: Colonial Policing and the Imperial Endgame 1945–80* (Manchester: Manchester University Press, 2006).

²⁹¹ Troup David 'Crime, Politics and the Police in Colonial Kenya, 1939-63', in David M. Anderson and David Killingray (eds), *Policing and Decolonisation: Politics, Nationalism and the Police, 1917-65*. Manchester: Manchester University Press.

²⁹² David Anderson, *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire* (London: Weidenfeld and Nicolson, 2005).

²⁹³ Throup, *Crime, politics and the Police*, 132.

²⁹⁴ The National Archives (TNA), CO 544/77: 2. *Kenya: Reports and Correspondence on the Administration of Tribal Police Ordinance, 1930–1932*. Colonial Office Records, London

²⁹⁵ Throup, *Crime, politics and the Police*, 133.

²⁹⁶ Anderson *Punishment, Race*, 250.

and promotion instead of further large-scale expansion. However, the report recommended a huge change in policing strategy, stating that, as in Britain, ‘every police officer should be accorded the powers of a constable in common law’.

The government, with Commissioner O’Rorke’s support, opposed the proposal, arguing that Kenya was too different from Britain for the British model to be transferrable. In an attempt at compromise, the Governor proposed altering the Police Ordinance to introduce an obligation for officers to act impartially in bringing offenders to justice. Ultimately, though, the government refused to move from the status quo, under which ‘the final responsibility for good government and preservation of order clearly lies with the Provincial and District Commissioners who represent the Governor in their areas.... In all such matters, the Police Force is subordinate to Government’²⁹⁷.

Colonel O’Rorke, in his last month as Commissioner, explained why the constabulary model had its opponents within the police force, as well as in the Administration. Investigating all complaints brought by Kikuyu would waste time and undermine police morale, already in a delicate condition. Furthermore, Mau Mau could only be eradicated by destroying the belief system underlying it; in O’Rorke’s view that had to be achieved by ‘increasing the fear of the consequences of adhering to Mau Mau’.²⁹⁸ This idea was incompatible with constabulary principles.

London put O’Rorke on leave pending retirement on April 17, 1954, seconding Colonel Arthur Young, Commissioner of the City of London Police, to Kenya as his replacement. From July, Young was assisted by Richard Catling as Deputy Commissioner. Both men possessed experience in Malaya.²⁹⁹ Young quickly became disgruntled by his exclusion from the Colony’s War Council (he had been a member of the equivalent body in Malaya) and by Governor Baring’s reluctance to adopt the lessons of the Malay insurgency.³⁰⁰ Young and Catling were at least able to make some progress in re-organizing and professionalizing the force in line with many of the recommendations made by the Police Commission.³⁰¹ For example, they expanded the force into Nyeri, the Rift Valley, and Nairobi, where the Mau Mau were strongest, and

²⁹⁷ TNA. CO 1037/7. *The Role of Tribal Police in Enforcing Colonial Policies*

²⁹⁸ TNA. CO 1037/36. *Ibid*

²⁹⁹ TNA. CO 544/81: 2. *Challenges in Colonial Policing and the Rationale for Tribal Police*

³⁰⁰ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

³⁰¹ Randall W. Heather, *Counterinsurgency and Intelligence in Kenya, 1952–56* (PhD diss., University of Cambridge, 1993).

reinstated the various training schemes which had been suspended the year before.³⁰² Manpower grew to 12,649 regulars and 9,883 reservists.³⁰³

Colonel Young attempted to impose tighter control on police treatment of the Kikuyu population. He granted the CID greater independence and authorized investigations into allegations of abuse which, under O'Rorke's watch, had been written off as anti-government propaganda. The investigation concentrated on Nyeri district, creating prosecution files for 16 cases of beatings, torture, and murder committed by the police, Kenya Police Reserve (KPR), and Home Guard. In November, the CID took a case exposing systemic torture at the Ruthagati Home Guard post to court. All five defendants were convicted, and the court condemned the Administration for involvement in illegal detentions, torture, and extortion.³⁰⁴

Governor Baring's reaction was to suspend the wider CID investigations and halt all further prosecutions. Arthur Young resigned in protest on December 14.³⁰⁵ With his departure, any meaningful attempt to subordinate the COIN to the rule of law ended. The paramilitary approach dominated policing because the wider strategy for countering the Mau Mau relied on fear instead of justice. Nonetheless, within the year, incidents initiated by the insurgents had declined by half, and the Mau Mau had largely been isolated in the forests.³⁰⁶

The first operation launched under the new legal order was the long-planned Operation Jock Scott, in which the police arrested 139 persons suspected of being Mau Mau leaders.³⁰⁷ Whilst going some way to satisfy settler demands for action, these arrests failed to stem the violence.³⁰⁸ So the police widened the net - by November 15, 8,500 suspects had been arrested and a further 31,450 'screened' - operations in which combined military, police, and civil administration forces surrounded an inhabited area and questioned everyone found inside the cordon.³⁰⁹ In addition to their patrolling and

³⁰² TNA. CO 544/81: 2. *The Legacy of the Tribal Police Ordinance in Post-Colonial Kenya*

³⁰³ TNA. CO 544/81: 3, 14.

³⁰⁴ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

³⁰⁵ David Anderson, *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire* (London: Weidenfeld & Nicolson, 2005), 299–305.

³⁰⁶ TNA. CO 544/81: 9.

³⁰⁷ Randall W. Heather, "Intelligence and Counter-Insurgency in Kenya, 1952–56," *Intelligence and National Security* 5, no. 3 (July 1990): 64.

³⁰⁸ Louis S. B. Leakey, *Mau Mau and the Kikuyu* (London: Methuen, 1954), 2.

³⁰⁹ David A. Percox, "British Counterinsurgency in Kenya, 1952–56: Extension of Internal Security Policy or Prelude to Decolonisation?" *Small Wars and Insurgencies* 9, no. 3 (1998): 46–101.

arrest duties, the police tried to maintain public order; not always successfully. On November 23, 2,000 protesters attacked police at Karura. The confrontation ended with 20 dead, 30 wounded, and 350 arrested by reinforcing units.³¹⁰ According to an informant:

This was the deadliest protest I had ever seen at Karura in my life, the people were charged with anger and grouped together and carried pangas and machetes and marched towards the police, they were hundreds of them, the police shot in air but as they went closer, the police shot and killed so many of our people.³¹¹

The security forces have been criticized for pursuing a repressive campaign in these opening months. Arguably the police played a part in mass arrests, forced population transfers, and widespread beatings, bolstering recruitment to the insurgents' cause.³¹² The police were constrained though by limited manpower and poor organization. As noted above, there were far too few Special Branch officers, plus serious shortfalls in essential equipment such as radios and transportation.³¹³ Meanwhile, the force retained responsibility for law and order throughout the country, preventing them from concentrating fully on the insurgency. For example, 17 European officers and 996 African other ranks were needed to provide security in the Northern Province border area.³¹⁴

Not surprisingly, the colonial state had trouble in understanding the conflict in which it was now engaged, with the police tending to write the movement off as either a squatter labour protest, a fanatical religious sect, or a criminal gang.³¹⁵ While organizational gaps and racist attitudes certainly compounded the misunderstanding, comparative studies on civil wars suggest an early intelligence failure is common because insurgents can prevent people from supplying the state with information.³¹⁶ By the end of 1952, the police hardly possessed any presence in the Kikuyu areas, and only 630 Kikuyu, Embu, and Meru served in a (p.92) force counting 7,238 Africans.³¹⁷

³¹⁰ Throup, *Crime, Politics and the Police in Kenya*, 143

³¹¹ Karimi Mwangi, Oral Interview, Nakuru 2017

³¹² Huw Bennett, "The Other Side of the COIN: Minimum and Exemplary Force in British Army Counterinsurgency in Kenya," *Small Wars and Insurgencies* 18, no. 4 (2007): 638–64.

³¹³ Fred Majdalany, *State of Emergency: The Full Story of Mau Mau* (Boston: Houghton Mifflin, 1963).

³¹⁴ TNA. CO 544/77: 2.

³¹⁵ Throup, *Crime, Politics and the Police in Kenya*, 139.

³¹⁶ Stathis N. Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006).

³¹⁷ TNA. CO 544/77: 3–4.

Intelligence gathering proved particularly difficult under these constraints. In order to partially alleviate these shortcomings, shortly after the declaration of the Emergency MI5 sent a small detachment of officers, headed by A.M. MacDonald, whose role was to manage all intelligence activities in Kenya and, importantly, improve intelligence coordination with the police Special Branch.³¹⁸

Commissioner O'Rorke still endeavored to adapt his force to the Emergency conditions. Outposts in the South Nyeri and Fort Hall Reserves were upgraded to become full police stations, and a construction programme resulted in 27 new police stations by the year's end.³¹⁹ This greater presence naturally altered the crime statistics as previously unreported crimes came to police attention in these areas.³²⁰ Even allowing for this distortion, 1952 witnessed 1,638 more crimes against property and 15 more offences against the person than the previous year.³²¹ In November and December, the intensive security force patrols reduced recorded crime noticeably.³²²

The CID received manpower reinforcements from neighboring Tanganyika and Uganda and the KPR was enlarged to better assist the regular force expanding from 3,700 men on October 1, 1952, to 6,032 on December 31 of the same year.³²³ Commonly characterized as racist settlers in uniform, these part-time³²⁴ policemen were noted for their poor discipline and brutality towards Kikuyu, Mau Mau or not.³²⁵ The portrait is only partially correct; by the end of 1952 the KPR included 777 Asians and 1,468 Africans in its ranks, in addition to the white settlers.³²⁶ The force's reputation for brutality was more accurate, as KPR men engaged in random beatings on numerous occasions and were known as trigger-happy.³²⁷

Of course, the permanence of this shift would depend to a large degree on the ability of the security forces to protect those who opposed the insurgents. Paradoxically,

³¹⁸ Christopher Andrew, *The Defence of the Realm: The Authorized History of MI5* (London: Allen Lane, 2009), 456.

³¹⁹ The National Archives (TNA), CO 544/77: 2. Kenya: Reports and Correspondence on the Administration of Tribal Police Ordinance, 1930–1932. Colonial Office Records, London

³²⁰ TNA. CO 544/77: 10.

³²¹ *Ibid*, 9.

³²² TNA. CO 544/77: 10.

³²³ *Ibid*, 23.

³²⁴ *Ibid*, 13.

³²⁵ Anthony Clayton, *The British Empire as a Superpower, 1919–39* (London: Macmillan, 1976), 45.

³²⁶ TNA. CO 544/77: 23.

³²⁷ David Anderson, *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire* (London: Weidenfeld and Nicolson, 2005), 90.

the second event on March 26, an attack on the Naivasha police station, initially caused the police great embarrassment. But the raid was a mistake, even though the Mau Mau killed a policeman and captured much needed quantities of arms and ammunition. Its success prompted several official inquiries and made the police take their foes more seriously.³²⁸ The CID set up a dedicated team at Lari, leading to 342 prosecutions and 135 murder convictions.³²⁹ Taken together, these two events strengthened the police and army case for increased resources and generated further organizational improvements.

Beginning in March, Africans were enrolled as Special Police to serve in the new posts being built in Emergency areas.³³⁰ The KPR underwent reform as well. Its officers were brought within the regular disciplinary code, and Major-General C.C. Fowkes was appointed as its Inspector-General and specifically tasked with integrating the regulars and reservists.³³¹ Towards this end, he created combined headquarters at the colony, provincial, and divisional levels and merged the staff systems.³³² By the end of 1953, the KPR comprised 8,603 men of all ranks, up from 2,571 the year before. The regular police force recruited an extra 3,898 at all ranks, raising its strength to 10,942.³³³

A large number of Assistant Inspectors were recruited in Britain on short-term contracts.³³⁴ On arrival in Kenya, they underwent a six-week training course run by the KPR, while the pre-Emergency scheme under which officers were sent to Britain for advanced training was suspended.³³⁵ In September, the General Service Unit was formed, providing a heavily armed paramilitary presence throughout the country.³³⁶ The paramilitary approach was taken even further with the expansion of the KPR Air Wing.³³⁷ Originally concentrating on transportation, the Wing's roles grew to include tactical reconnaissance and ground attack - at first with pilots throwing hand grenades at targets they happened to spot mid-flight.³³⁸

³²⁸ Majdalany, *State of Emergency*, 146.

³²⁹ Throup, *Crime, Politics and the Police in Kenya*, 146.

³³⁰ W. R. Foran, *The Kenya Police, 1887–1960* (London: Robert Hale Limited, 1962), 191.

³³¹ TNA. CO 544/79: 3, 20. Administration police

³³² Ibid, 223

³³³ Ibid, 94

³³⁴ Foran, *The Kenya Police, 1887–1960*.

³³⁵ TNA. CO 544/79: 5.

³³⁶ Sinclair, *At the End of the Line*, 153..

³³⁷ Kangethe Mburu, Mau mau Veteran, Oral Interview, Kibigori, 12/08/16

³³⁸ Foran, *The Kenya Police, 1887–1960*, 195, 198.

By December 1953, the foundations for success had been laid. But even the police annual report admitted that, despite improved security in the Reserve areas, large Mau Mau groups moved freely in the forests and could count on widespread assistance when they moved into inhabited Kikuyu areas.³³⁹ The year saw 13,631 offences against property and 1,218 offences against persons. Murder and manslaughter figures rose by an alarming 127 cases, and robbery by 133 percent. Much remained to be done to defeat Mau Mau.³⁴⁰

The Home Guard was a key provider of policing services during the early phases of the Emergency, and their performance is important to our understanding of the eventual defeat of Mau Mau. Established in July 1952 (importantly, before the Emergency was declared) as a militia to protect communities vulnerable to growing Mau Mau violence, the Home Guard operated primarily in the Reserves of the Central Province. The loyalty and competence of the Home Guard were questioned in its early years, prompting significant reforms in 1953, notably the decision to arm the units and place them under the command of European officers. This ensured, in Daniel Branch's words, that the Home Guard was 'entrusted with a more systematic role within the overall colonial counterinsurgency campaign'³⁴¹. Along with informant protection and oath-taking disruption, the Home Guard started to take a lead in food denial operations in Mau Mau strongholds. Gradually, the Home Guard became a de facto police unit, freeing up the army and the Kenya police to aggressively undertake paramilitary operations. A veteran Mau Mau fighter supported this when he said:

I remember we were recalled and asked to do more training and aggressive attitude towards mau mau was in calculated into us. We were told to use excessive force to counter the problem. All these were taught to us in Kiambu.³⁴²

Members of the Home Guard (around 24,000 at its peak) were granted powers of arrest and the right to shoot on sight. The appointment of Colonel Philip Morcombe as the director of the Home Guard (a role he had undertaken previously in Malaya) reinforced the parallels with Home Guard development in Southeast Asia, notably the force structure.³⁴³ As Mau Mau violence increased during 1953, the Home Guard

³³⁹ TNA. CO 544/79: 10. Administration police

³⁴⁰ TNA. CO 544/79: 7–9

³⁴¹ Daniel Branch, *Defeating Mau Mau, Creating Kenya: Counterinsurgency, Civil War, and Decolonization* (Cambridge: Cambridge University Press, 2009), 70

³⁴² Nelson Mbugua, Oral Interview, Kirinyaga, 12/09/18

³⁴³ Branch, *Defeating Mau Mau, Creating Kenya*, 71.

recruitment strategy adapted accordingly. Although he at first described the Home Guard as predominantly ‘old men’ who were ‘poorly armed’, General Sir George Erskine invested in the unit.³⁴⁴ Gradually younger recruits came to dominate the ranks, contributing to what Erskine conceptualized as an indigenous ‘resistance movement’ to Mau Mau.³⁴⁵ Yet the youthful exuberance that swelled the ranks may indeed have increased the brutality with which Home Guard ‘screenings’ (interrogations) were undertaken. The Home Guard was eventually disbanded at the beginning of 1955 in partial response to rampant corruption. Some former members were brought into the Tribal police, whilst the bulk formed unarmed ‘Watch and Ward’ groups that patrolled the communities in which they lived.³⁴⁶

The government had long wanted to do something about the situation in Nairobi. As mentioned above, although the city’s crime statistics had begun to deteriorate before the Emergency began, officials conflated criminal activity there with political subversion. Police Commissioner O’Rourke summarized this viewpoint in March 1954:

The Kikuyu people is shown by statistics to be twice as criminal as any other tribe in the country and the number of ‘corner boys’, ‘smart alegs’, (p.96) thieves and thugs which they throw up is very great. The proximity of Nairobi and the laxity of individual security have encouraged the Kikuyu criminal, and, in his neighbouring densely populated native land units, which were virtually unpoliced until the middle of 1952, he had an excellent sanctuary.³⁴⁷

In April, the security forces finally took action, launching Operation Anvil by first sealing all roads, tracks, and paths into the city. Africans were prevented from passing these checkpoints for the next month, as six army battalions, 300 police, hundreds of Home Guards, and numerous KPR officers systematically searched every area. Screening teams enjoyed absolute power, interrogating all Africans. Within a month, 50,000 had been screened, out of which 24,000 people were detained indefinitely without charge³⁴⁸

Anvil proved to be a turning point in the war, fatally disrupting Mau Mau supplies, command and control, and recruitment in the city, and thus representing

³⁴⁴ Nigel Erskine, *The Mau Mau Campaign in Kenya* (London: HMSO, 1956), 15

³⁴⁵ Erskine, *The Mau Mau Campaign in Kenya*.

³⁴⁶ Daniel Branch, *Defeating Mau Mau, Creating Kenya: Counterinsurgency, Civil War, and Decolonization* (Cambridge: Cambridge University Press, 2009), 111.

³⁴⁷ TNA. CO 1037/36. *Administration police*

³⁴⁸ David Anderson, *Histories of the Hanged: Britain’s Dirty War in Kenya and the End of Empire* (London: Weidenfeld and Nicolson, 2005), 200–4

perhaps the police force's most successful operational performance during the COIN.³⁴⁹ However, Anvil's success was largely due to the fact that it was quickly followed by the rapid acceleration of another policy - villagization.³⁵⁰ The administration took the lead in forcing all Kikuyu, Embu, and Meru people to live in concentrated villages, based on the Malayan model. These villages were in conflict with the traditional way of life and, being sited close to Home Guard bases, were often subject to serious repression. They allowed the local government leaders to impose measures ranging from collective fines to food rationing, curfews, and often worse.³⁵¹

These harsh methods were reserved for the so-called 'punitive villages', where uncooperative Africans were forced to live. People who showed some loyalty towards the state were marshalled into villages with a slightly gentler regime. Villagization served to enhance the power of the Home Guards, a positive move in that it tightened population control, separating Mau Mau from the people and prompting a rise in loyalism. But these villages permitted a form of tyranny, with local Home Guards settling old scores and, as shall be shown below, operating outside the law.³⁵² Villagization also occurred at the same time as ongoing military operations which gradually decreased the Mau Mau's combat strength.³⁵³ It was against the backdrop of an improving security situation that Richard Catling took over from Arthur Young as the Commissioner of Police.³⁵⁴ In one of his first acts as Kenya's most senior police officer, Catling visited suspected Mau Mau leader Jomo Kenyatta in prison, where he was serving a seven-year sentence for inciting the insurgency. Catling believed that a face-to-face meeting with the supposed mastermind of the violence (a charge that was highly dubious, even at the time⁴) would result in important intelligence about Mau Mau's motives and potential pathways towards peace. The Police Commissioner and the alleged insurgent leader built a good rapport, as would become evident when

³⁴⁹ Anderson, *Histories of the Hanged*, 244 see also David A. Percox, "British Counterinsurgency in Kenya, 1952–56: Extension of Internal Security Policy or Prelude to Decolonisation?" *Small Wars and Insurgencies* 9, no. 3 (1998): 82.

³⁵⁰ Percox, "British Counterinsurgency in Kenya, 85.

³⁵¹ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

³⁵² Branch, *Defeating Mau Mau, Creating Kenya*, 107–10.

³⁵³ Heather, Randall W. 1993a. *Counterinsurgency and Intelligence in Kenya, 1952-56*, PhD Thesis, Cambridge: Cambridge University Press

³⁵⁴ *Ibid*, 97

Kenyatta became president of a newly independent Kenya and retained Catling as the Commissioner of Police. One informant reported that:

When Catling was appointed commissioner, things began to change and the face of police drastically became soft to Africans, we believed that Kenyatta had some agreement with this man to favour the people of Nairobi and Kiambu. Unlike Mackenzie, Cattling was more human and even recruited more Kikuyu into the police service.³⁵⁵

In 1955 Kenya Police Annual Report noted the ‘marked’ decrease in insurgent activity in Nairobi, predominantly as a result of Operation Anvil. However, it did report that ‘juvenile crime was a major problem’. This, however, was a largely self-inflicted wound, a side-effect of draconian COIN population control methods - ‘Gangs comprised of children who had been separated from their parents as a result of the Emergency roamed the city...’. The police response to this was simply to set up more camps to hold the ‘delinquent element’.³⁵⁶ In 1955, the police reported that of 28,258 crimes committed in Kenya that year, 4,096 of them were related to the insurgency - a ‘marked increase’ over previous years.³⁵⁷ Of the 7,000 insurgents estimated by the police to be at large by the beginning of 1955, around 5,000 had surrendered or been arrested or killed by the end of the year.³⁵⁸ By the end of the following year, the number of insurgents at large was estimated to be as low as 400.³⁵⁹ Successful efforts to improve the accuracy and timeliness of Special Branch intelligence capabilities were acknowledged as key to this success, but it remained a work in progress.³⁶⁰

Further improvements in the security situation in 1956 allowed the police to close 21 Emergency police posts in areas that had once been insurgent hotspots. But the true turning point was November 13, the day military operations against the remnants of Mau Mau officially ended. This meant a withdrawal of combat troops and the transfer of responsibility for the security situation to the police.³⁶¹ This was not an onerous task; the police themselves acknowledged that by 1956 ‘the back of militant

³⁵⁵ Karimi Mwangi, Oral Interview, Nakuru May, 18, 2017

³⁵⁶ TNA. CO 544/83: 5. *Administration police*

³⁵⁷ Daniel Branch, *Defeating Mau Mau, Creating Kenya: Counterinsurgency, Civil War, and Decolonization* (Cambridge: Cambridge University Press, 2009), 111.

³⁵⁸ TNA. CO 544/83: 8. *Colonial Office records, pertains to records from the Kenya Colonial Office*

³⁵⁹ TNA, CO 544/83: 8.

³⁶⁰ Heather, Randall W. 1993a. *Counterinsurgency and Intelligence in Kenya, 1952-56*, PhD Thesis, Cambridge: Cambridge University Press

³⁶¹ Ibid

Mau Mau terrorism had been broken'.³⁶² Indeed, so confident were the police of their mastery of the security situation that Kenya Police Reserve numbers were slashed again, from 9,076 to 5,854 by the end of the year. Pseudo-gangs were key to maintaining this stability.³⁶³ Composed of surrendered or captured enemy personnel, pseudo-gangs were sent back into the forest with British officers to track down their former comrades.³⁶⁴

With the official end of offensive military operations against Mau Mau, British attention soon turned to adapting the police to take control of the security situation and ensure long-term law and order. The increased recruitment of African officers to the force became a key priority in the final years of the Emergency. In 1957, steps were taken to reduce the size of the European officer corps of the Kenya police (totaling 126 Inspectors) as well as the overall number of Reservists (numbering 1,861) and increasing the contingent of African regular Police Constables (up to 473 in 1957) in order to meet post-Emergency commitments and requirements.³⁶⁵ This deliberate desire to increase the share of indigenous policemen was part of a much needed effort to improve police relations with local communities.³⁶⁶ By 1958, the European contingent of regular police officers was 885, down nearly 600 from just a year previously.³⁶⁷ Other parts of the force were also professionalized to ensure more effective police performance.

The same year in 1958, the Tribal Police Ordinance was changed to the Administration Police Act and the Force commenced centralised training at Ruring'u, Nyeri. The focus of the training was on basic recruits' instruction, promotional and prosecution courses for the Native Courts. A new CID Training School was established in 1957 to standardize detective work.³⁶⁸ Catling had previously expressed his personal pleasure at the expansion of the CID at the divisional level and the results produced by

³⁶² Ibid

³⁶³ Maina Igembe, Oral interview, Tigania 8/12/19

³⁶⁴ TNA. CO 544/90: 17. *Colonial Office records, pertains to records from the Kenya Colonial Office*

³⁶⁵ TNA. CO 544/92: 1. *Colonial Office records, pertains to records from the Kenya Colonial Office*

³⁶⁶ Daniel Branch, *Defeating Mau Mau, Creating Kenya: Counterinsurgency, Civil War, and Decolonization* (Cambridge: Cambridge University Press, 2009), 111.

³⁶⁷ The National Archives (TNA), CO 544/77: 2. *Kenya: Reports and Correspondence on the Administration of Tribal Police Ordinance, 1930–1932*. Colonial Office Records, London

³⁶⁸ TNA. CO 544/92: 1. *Administration police*

detectives tackling serious crime at the local level.³⁶⁹ In January 1958, the Kenya police was fully integrated into the Ministry of Defence, with responsibility for the police passing to the Permanent Secretary for Defence, although day-to-day civilian management of the force was left to the Civil Secretary to the Police. The Commissioner of Police remained in operational control of the force.³⁷⁰ The year 1958 also saw the ‘civilianization’ of the technical and administrative branches of the force. In addition, Nairobi gained provincial status, with its own Assistant Police Commissioner.³⁷¹

The same is noted in Archival sources³⁷² which verify that the Administration Police force was established. Githuku³⁷³ noted that in 1958, Tribal Police Ordinance was revised to Administration Police Act, during the state of emergency necessitating the expansion of the establishment. In addition, the same year, the force began its training in Ruringu in Nyeri under On Her Majesty Service.

With the imminent approach of talks on the post-colonial constitution, the police reported a rise in tensions. Riots on October 20, 1959, marked the seventh anniversary of the imposition of the Emergency.³⁷⁴ Still, the police reported that of the 36,362 crimes committed across Kenya only 44 of them were related to the insurgency.³⁷⁵ Indeed, such was the decrease in insurgent activity that the State of Emergency was officially revoked in January 1960. The consequent cessation of population control mechanisms ‘placed a steadily increasing strain upon the police’, as rural job-seekers, taking advantage of the relaxation of movement restrictions, headed to major urban areas. As a consequence, Nairobi saw crime rise by 36 percent.³⁷⁶

Constitutional arrangements for a newly independent Kenya were hammered out in a series of talks at Lancaster House in London in 1960, 1962, and 1963. In the weeks running up to formal independence in 1963, Catling ordered that all police files on Kenyan tribal leaders, Kenyan politicians, and public figures be burned in order to

³⁶⁹ TNA. CO 544/83: 14. *Administration police*

³⁷⁰ TNA. CO 544/94: 1. *Policing During the Mau Mau Emergency, 1952–60*

³⁷¹ TNA. CO 544/93: 1. *Tribal Police Ordinance 1929, Background and Objectives*

³⁷² KNA (XXXVII), *Colony and Protectorate of Kenya Ordinances during the year 1958*

³⁷³ Janes Githuku, Oral Interview, former police Officer Nyeri, 2018

³⁷⁴ TNA. CO 544/96: 1. *Issues of Corruption and Abuse within the Tribal Police Forces.*

³⁷⁵ *Ibid*, 6. *Challenges in Colonial Policing and the Rationale for Tribal Police*

³⁷⁶ TNA. CO 544/98: 1. *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*

hide the allegedly widespread police practice of discrediting potential opponents of colonial authority, insurgents or not³⁷⁷.

3.7 Conclusion

The end of the Mau Mau insurgency, being a distinct chapter in the history of British colonial policing in Kenya, marked the beginning of the clear distinction between the regular Police and Tribal Police. First, it was the colonial showcase for the importance of settling on the appropriate policing model in Kenya. The operational consequences of the bureaucratic struggle to move away from the paramilitary model to a constabulary approach reveal the link between organizational set-up and operational performance. Second, police experience highlighted the fact that an increase in the number of police officers does not trigger an automatic increase in the quality of that force. Reforms meant to increase professionalization were gradually made, with differing degrees of success, in an effort to maximize effectiveness against the insurgent group the police jokingly referred to as the ‘Mickey Maus’. The attempts to police Mau Mau reveal a disconnect not only between force size and skill but also warn contemporary policy-makers that increasing police force numbers may come at the price of compromising police quality, at least in the short term. Third, the police operated as part of a coordinated campaign alongside other security forces, most notably the British Army and the Home Guard. The police were only able to develop their professional competence because these other forces fulfilled vital roles in the campaign. For example, the Army ran most offensive operations, and the Home Guard was largely responsible for what is today termed ‘population security’. Similarly, police intelligence activities relied on systematic integration with military counterparts. Finally, it must be noted that the security forces - including the Administration police - conducted the campaign under highly repressive Emergency Regulations. These laws placed severe restrictions on civil liberties, and would probably be unthinkable in most modern democracies.

³⁷⁷ *The Guardian*. “Revealed: the Bonfire of Papers at the End of Empire.” November 29, 2013, Accessed September 4, 2024.

CHAPTER FOUR
THE GROWTH AND DEVELOPMENT OF ADMINISTRATION POLICE
DURING THE POST COLONIAL PERIOD, 1963 – 2018

4.1 Introduction

As Kenya transitioned from a colony to an independent government, part of the fundamental issues preceding the full transfer of power was the debate on leadership and the structure of police intelligence. The debate was settled, or so it appeared, when a Cabinet resolution in October 1963 stipulated that the director of intelligence would be replaced by an African before independence.³⁷⁸ However, it was Prime Minister Kenyatta's decision not to implement the Africanization of the command of police intelligence despite the Cabinet decision. Kenyatta had come to trust the existing police structure owing to the critical role played by the Special Branch during the Shifta incursions in Northern Kenya.³⁷⁹ Continuities from the colonial government into the Kenyatta government were not only reflected in the leadership but they transcended the institution of the police as a whole. Africanization of the leadership of the police would not take place until 1965 when Commissioner Catling retired. But even then no comprehensive reform of the policing system was undertaken to meet the aspirations of the majority of the African population.³⁸⁰ The independence government inherited a police force from the former colonial government comprising the same structure and composition and to a large extent the same objectives and modus operandi, namely to protect the interest of the administration. This chapter, therefore, makes an assumption that the manner in which the Kenya Government used the Provincial Administration inherited from its former colonial days to strengthen the executive in the one-party state has, on the other hand, provided a window for scholars to understand why the administration police was equally made strong in tandem with such changes.³⁸¹

³⁷⁸ David Throup, "Crime, Politics and the Police in Kenya," in *Policing and Decolonisation: Politics, Nationalism and the Police, 1917–65*, ed. David Anderson and David Killingray (Manchester: Manchester University Press, 1992), 129.

³⁷⁹ Throup, "Crime, Politics and the Police," 44

³⁸⁰ Mutuma Ruteere and Marie-Emmanuelle Pommerolle, "Democratising Security or Decentralising Repression: The Ambiguities of Community Policing in Kenya," *African Affairs* 102, no. 409 (2003): 590

³⁸¹ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

4.2 Restructuring of the Administration Police, 1963-1978

The post-independence restructuring of the Administration Police Force (AP) was shaped by the Kenyan state's efforts to consolidate authority, maintain internal order, and secure continuity with colonial governance structures. Initially retained as a paramilitary outfit linked to the Provincial Administration, the AP was tasked with suppressing dissent, controlling rural populations, and safeguarding the interests of the ruling elite. Successive regimes expanded its functions beyond the colonial remit, incorporating it into broader security strategies that often blurred the lines between community policing and political repression.

Upon independence in 1963, the new government of Jomo Kenyatta inherited the AP largely intact. The colonial structure, designed for "native administration" and low-level policing in rural areas and reserves, proved adaptable to the new state's needs. The AP's core mandate remained focused on local security in areas where the regular Kenya Police had limited presence, supporting the Provincial Administration (PCs, DCs, DOs, Chiefs) in enforcing government directives and maintaining state authority, and acting as the "eyes and ears" of the state at the local level, reporting on dissent or potential unrest.³⁸²

The immediate post-independence period saw a degree of continuity, with the AP proving crucial for consolidating state control, especially during the Shifta War in North Eastern Province (1963-1967).³⁸³ However, the force also began a slow process of "Africanization," replacing colonial officers with Kenyans, though retaining much of the colonial ethos and hierarchical structure. Its close operational link to the powerful Provincial Administration, rather than directly to Police headquarters, cemented its role as an extension of central government authority at the local level.³⁸⁴

The post-colonial administration police in Kenya therefore, inherited a structure and mandate focused on internal security and public order from the colonial era. Initially tasked with maintaining law and order in rural areas, the administration police

³⁸² David M. Anderson, *Policing, Resistance and Order in Colonial Kenya* (Oxford: James Currey, 2022), 145-148; Kenya National Archives, "Annual Report of the Administration Police, 1964," PC/GRSSA/3/1/1.

³⁸³ Bethwell A. Ogot, *Kenya: The Making of a Nation* (Nairobi: East African Educational Publishers, 2005), 312-315.

³⁸⁴ Kenya, Republic of, "Report of the Commission on the Public Service of Kenya (Ndegwa Report)" (Nairobi: Government Printer, 1971), 78-82.

continued to emphasize state control and security over community service. This led to tensions and allegations of human rights abuses, such as extrajudicial killings and corruption. The force's militarized nature, coupled with inadequate training and poor working conditions, contributed to low morale and instances of misconduct. Despite their critical role in consolidating the new government's authority, these issues have undermined public trust in the administration police.³⁸⁵

As much as the independent Kenyan state inherited the colonial legal systems including the legislature, the judiciary, and the executive, it continued to strengthen the Administration Police force, often without interfering with or reforming its authoritarian and somewhat paramilitary approach to law enforcement to correspond with its new political status. Plate 6, portraying the Police at Independence (1963–1978), visually reinforces how the newly sovereign Kenyan state retained and reinforced colonial policing structures, preserving their authoritarian and paramilitary character despite the shift in political sovereignty.³⁸⁶



Plate 6: The Police at Independence, 1963-1978.

Source: KNA, AG/L/389/1

The rise of authoritarian regimes after independence resulted in post-colonial African police forces becoming politicized and often continued their colonial

³⁸⁵ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

³⁸⁶ TNA. CO 544/83

operational mode of violently suppressing political opposition to the state. Further, the post-Cold War democratization and liberalization of the 1990s inspired in beleaguered ordinary citizens new but ultimately disappointed hopes that police forces would become depoliticized and respect human rights. At the same time, the breakdown and increase in civil strife prompted a need to recreate police forces.³⁸⁷

From 1933, the Tribal Police Ordinance was amended to increase the number of personnel serving in African Reserves considered hostile to the colonial regime. They were armed with manual firearms and duties included policing Africans. This entailed patrols, border security, conflict resolution, and arresting offenders.³⁸⁸ Other duties comprised tax collection, manning outposts, and trespass issues.³⁸⁹ They engaged in joint security operations with Kenya Police and Game Rangers against threats to internal security such as the Shifta menace and poachers.³⁹⁰

In Kinuthia Mbugua's words:

In 1964, the AP police uniform was distinct and was reorganized and modernized to reflect the police changes that were taking place in that time. Uniform was a coalescence of designs from military insignia and Kenya Police combined with respected symbols of authority from local cultures.³⁹¹

Such personnel began to be identified as "Kangas" and "Dubas" by local communities; Kanga was the name for the personnel serving in Turkana in the North Rift region while Dubas referred to officers in North Eastern region.³⁹² Sociologists John Paul and Michael Birzer argue thus:

.... Police uniform and accessories symbolize authority and reflect perceptions of worth and value ascribed to the public. They give identity and cause power inequalities while serving as instruments of social control through application

³⁸⁷ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

³⁸⁸ Kenya National Archives, "Tribal Police Ordinance, 1929: Correspondence, General", *Colony and Protectorate of Kenya* (Nairobi: KNA, AG/L/306/3, 1929), Folios 4A, 4B, 4C, 26A. Accessed on 08/07/2015

³⁸⁹ Kenya National Archives, "Matters Concerning Tribal Police", *Colony and Protectorate of Kenya* (Nairobi: KNA, bb/43/24, 1963), Folios 3, 5, 8,9,13. Accessed on 08/07/2015.

³⁹⁰ Kenya National Archives, "Security Instructions and Operations against Shifta", *Colony and Protectorate of Kenya* (Nairobi: KNA, BB. PC/EST/2/12/25, 1970-1982), Folios 16, 56, 60, 64, 66, 67, 75,82,83,90. Accessed on 08/07/2015.

³⁹¹ Republic of Kenya, *Administration Police Strategic Plan: 2004-2009*, (Nairobi: Government Printer,) pp.12-14

³⁹² Kenya National Archives, "Concerning Matters Concerning Tribal Police", *Colony and Protectorate of Kenya* (Nairobi: KNA, bb/43/24, 1963), Folios 3, 5, 8,9,13. Accessed on 08/07/2015.

of legitimate force. Uniform commands respect and possess power to seduce public into subservience, exerting symbolic violence on the masses. Uniform hence symbolizes power and identity that impose authority over citizens hence without it, police lack identity and psychological influence.³⁹³

As such, the Administration Police uniform upon independence became a symbol of authority, power, privileges, and immunity bestowed upon them by the state through the existing laws that enabled the officers to discharge their core function of public safety and security.³⁹⁴ Alongside their counterparts in the Kenya Police, Administration Police officers were the most visible arm of the state and hence when performing their duties they reflected the image of government; and consequently how they treat citizens echoes the way government treats its people. As one of the informants supported:

Police of the previous age valued having unchallenged authority and a perception that the public valued their image and performance. The regret of the police officers of that time that such is no longer the case is understandable.³⁹⁵

The end of the Second World War in 1945 had socio-economic and political ramifications for the British administration in the Kenya Colony. Among these was the African veterans returning from the war. Having shared their war-time experiences with European soldiers served to demystify the notion that Europeans were not ordinary human beings.³⁹⁶ They learned that Europeans experienced the same human weaknesses as Africans and that in intense circumstances some Africans were stronger than some Europeans and that some Africans provided better leadership than some Europeans. Among many other things, the war, therefore, was an eye-opener that provided some form of decolonization for the African troops.

After the war, the clamour for economic and political space intensified. Africans abandoned their politics of accommodation and began agitating for independence. The spirit of territorial nationalism gained impetus. In Kenya, ex-soldiers joined other socio-political groupings and championed the inclusion of armed

³⁹³ John Paul And Michael Birzer, "Images of power: An Analysis of the militarization of Police uniforms and messages of service", *Journal of Free Inquiry In Creative Sociology*, Vol.32, No.2, 2004, pp.121-122. Accessed: <http://ojs.library.okstate.edu/> on 16/10/2015.

³⁹⁴ Vera Okeyo, "I am a policeman at heart", *Daily Nation*, February 3, 2015. Accessed: www.nation.co.ke on 12/11/2015.

³⁹⁵ Joseph Odiwor, Oral interview, Homabay ,2017

³⁹⁶ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

force as one of the strategies to advance the independence agenda.³⁹⁷ Two former police officers were in agreement:

It is worth noting that policing between the 1940's and the 1960's, which is generally perceived to be a model for maintaining public order and preventing crime, was in fact a time racked by the threat of and war, by high rates of unemployment, and the police were not immune from the negative effects of these events and conditions. They were sometimes violent and often corrupt. Police attitudes toward themselves and the public attitudes toward police were rooted in prevailing concepts of masculinity and respectability and of the standards of acceptable and expected behaviour for members of the social class from which the police were mostly drawn...³⁹⁸

Around 1948, the struggle for independence intensified in Central Kenya region driven by Mau Mau freedom fighters. In a bid to neutralize the agitation, the Colonial Government embarked on a rapid expansion of the Tribal Police Force by increasing their numbers, arming them with firearms, and increasing their deployment around the boundaries of Central Province to prevent spillover of the freedom war to the rest of the country.³⁹⁹ The Tribal Police participated in and often spearheaded the brutal crackdown on Mau Mau troops and other independence movements countrywide.⁴⁰⁰ During this time there was a proposal to merge Tribal Police with Kenya Police in the Northern Province due to working conditions termed as harsh. But this was opposed by the government of the day.⁴⁰¹

4.3 Postcolonial Formative Years and Reorganisation of Provincial Administration, 1963-1970

In post-colonial Kenya, the Provincial Administration maintained direct supervisory authority over the Administration Police (AP), ensuring that the force remained a critical instrument of state control at the grassroots. Under the Office of the President, provincial commissioners, district commissioners, and chiefs exercised influence over the deployment and operations of the AP, using the force to enforce government

³⁹⁷ Bethwell Ogot and William Ochieng, *Decolonization & Independence in Kenya, 1940-93* (Nairobi: East African Educational Publishers, 1995), pp.xi-xii.

³⁹⁸ Kyalo Mutiso, Oral Interview, Machakos, 2016

³⁹⁹ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

⁴⁰⁰ Republic of Kenya, *Administration Police Strategic Plan: 2004-2009*, (Nairobi: Government Printer,

⁴⁰¹ Kenya National Archives, "Matters Concerning Tribal Police", *Colony and Protectorate of Kenya* (Nairobi: KNA, bb/43/24, 1963), Folios 3, 5, 8,9,13. Accessed on 08/07/2015.

directives, maintain law and order, and quell local dissent. The close relationship between the PA and the AP reflected the continuation of colonial governance structures, where the police were not only tasked with security functions but also with reinforcing administrative authority in rural areas. This arrangement enabled the state to consolidate power, especially in the early years after independence when political stability was a key concern.

At the same time, the provincial administrators shaped the AP's role in governance by directing its involvement in community surveillance, dispute resolution, and the protection of government property and officials. This alignment often blurred the lines between policing and political control, as AP officers were sometimes deployed to monitor opposition activities or suppress protests under the guidance of provincial administrators. Thus, while the AP evolved institutionally within the national security framework, its operations in post-colonial Kenya were deeply intertwined with the authority of the Provincial Administration, reinforcing its image as an extension of the executive's power rather than an independent policing body.

In 1963, Kenya attained independence from British rule. The Legal and Institutional Framework of Administration Police was on independence inherited from the Colonial Administration by the new African government. Its work was principally to support the Provincial Administrative officers who reported to the Office of the President, among other functions⁴⁰². Plans to abolish Administration Police together with Provincial Administration were shelved by the independence government that sought to retain institutions of central authority.⁴⁰³ According to an informant:

In British Colonial Africa throughout the post-war years notions of crime prevention became overshadowed by the need to maintain order. A broad consideration of the policing of British colonial Africa at its grassroots level provides some insight into the policing of the end of the Empire.⁴⁰⁴

At the eve of independence in 1963, President Jomo Kenyatta emphasized the need for a disciplined, professional, and people-centered police force. His call for police reforms was rooted in the desire to transform the colonial-era force—once used to

⁴⁰² Charles Hornsby, *Kenya: A History since independence* (London: I.B Tauris & Co. Ltd, 2013), p.100

⁴⁰³ Hornsby, *Kenya, 100*

⁴⁰⁴ Gluckman Joseph, Retired British police, Oral interview, Gilgil May 23, 2019

suppress African dissent—into a legitimate institution that served all Kenyans equally. Kenyatta advocated for the Africanization of senior ranks, the protection of human rights, and the establishment of laws that would ensure accountability and public trust in the police.⁴⁰⁵ While the Administration Police (AP) retained its colonial structure, Kenyatta's government chose to preserve it as a tool for maintaining central authority and supporting Provincial Administration officers, rather than dismantling it⁴⁰⁶.

Subsequent regimes each left their mark on the Administration Police. Under President Daniel Arap Moi, the AP was used to reinforce the one-party state and suppress political dissent, especially during the 1980s and 1990s. However, the 2007–2008 post-election violence triggered a national reckoning, leading to the formation of the Ransley Taskforce, which recommended sweeping reforms.⁴⁰⁷ These included the establishment of the Independent Policing Oversight Authority (IPOA), the National Police Service Commission, and the integration of AP and Kenya Police Service under a unified command structure⁴⁰⁸. President Mwai Kibaki's administration began implementing these reforms, laying the groundwork for constitutional changes in 2010 that redefined the role of the police in a democratic Kenya.

In November 1964, the opposition Kenya African Democratic Union (KADU), voluntarily dissolved itself, leaving the country without an effective opposition party. The decision of the Kenya African National Union (KANU) Government not to legalize the single-party system that resulted from the dissolution of KADU meant that Kenya remained a *de facto* one-party state, within which it was legally possible for a new party to emerge at any time.⁴⁰⁹ Influenced no doubt by this constitutional position the Government insisted that Party and State must remain separate; and that the civil service must remain an independent service, removed from the political arena. It was further decided that the provincial administration, its structure remaining very much as it had

⁴⁰⁵ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

⁴⁰⁶ Charles Hornsby, *Kenya: A History since independence* (London: I.B Tauris & Co. Ltd, 2013), p.100

⁴⁰⁷ TNA. CO 544/83

⁴⁰⁸ Charles Hornsby, *Kenya: A History since independence* (London: I.B Tauris & Co. Ltd, 2013), p.100

⁴⁰⁹ This is in fact what happened when a number of M.P.s including the former Vice-President, Mr. Oginga Odinga, resigned in March 1966 and took up the leadership of the new Kenya People's Union which was registered on 23.5.66.

been during the colonial period, should be the major agent of the executive in the country at large.⁴¹⁰

During the colonial period, Kenya's Provincial Administration had been a powerful, sophisticated, and centralized machine through which the Governor directly administered the colony. When the Republic was established in December 1964, therefore, the administrative machine was still much as it had been before May 1963, and control of Provincial Administration was transferred to the Office of the President. The Administrative Officer now became in a real sense the representative of the President. His role was further enhanced by the key position assigned to the Provincial Administration in the new development machinery proposed by the Ministry of Economic Planning and Development in a document entitled Sessional Paper Number 10 of 1965. This chapter outlines the development of the provincial administration in relation to the strengthening of the administration police.

The independence Constitution had provided that Kenya should have a single civil service appointed by the Public Service Commission.⁴¹¹ The Provincial Administration was, however, decentralized to the regional level. The Provincial Commissioner, (with the new title of Civil Secretary) became the head of the civil service within the Region, responsible to the Regional Authority for the co-ordination of the service, for the execution of regional policies, and also for Central Government decisions as they were conveyed to him through the Regional Authority.⁴¹²

. The Central Government, therefore, had, in theory, no direct authority over the Regional Administrative Officers, although the constitution provided for the establishment of coordinating machinery as it became necessary for the implementation of national policies within a Region. The regional structure of government, although being workable, was extremely nevertheless cumbersome and full of practical problems.⁴¹³

The KANU Government made no secret of its view that regionalism was a political mistake that must be rectified as soon as possible. During the first year of

⁴¹⁰ Komoni Magendo, Oral Interview, Nyahururu, June, 23, 2018

⁴¹¹ Independence Constitution, Ch. XI. This reversed the arrangements made under the Internal Self-Government Constitution, which would have set up seven separate Service Commissions, one for each Region.

⁴¹² TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

⁴¹³ TNA. CO 544/83

independence, the Cabinet, therefore, delayed the full implementation of the new Constitution, rather than setting up extensive coordinating machinery, and retained as much direct control as possible over the country. The most important decision taken in this respect was to delay the transfer of financial powers to the Regions.⁴¹⁴ The Government also achieved a substantial degree of control, however, through their manipulation of the Provincial Administration machine. Responsibility for matters connected with regional administration lay in 1964 with the Minister of Home Affairs, Mr. Oginga Odinga.⁴¹⁵

In July, 1963, the Minister gave direction that Civil Secretaries should maintain close liaison with his Ministry so that the Central Government would effectively discharge its responsibilities.⁴¹⁶ Second, shortly after independence, a second circular directed that all civil servants down to the level of District Assistants would continue to be under the Ministry's establishment and would be seconded to the Regions. The result of this directive was to restore executive control of administrative staff to the Central Government and to enable the Ministry to communicate directly with the Civil Secretaries, whom the government apparently regarded as its agents in the field and its direct link with the Regional Authorities. The Civil Secretary was in effect given a dual role that had not been provided for in the Constitution.⁴¹⁷

The Central Government thus relied heavily upon the Regional Administration to maintain a direct link with all parts of the country independent of the regional framework of government within which they were constitutionally required to work. The experience during this period presumably illustrated to the Government the value of an administrative machine that gave it a direct chain of command from the Centre down to each district, and an effective network of communication throughout the country. The existence of this administrative machine was all the more important

⁴¹⁴ By Circular 1/1963 of 31 July 1963, issued during the period of internal self-government when there was greater separation of powers between Centre and Regions, though close communication remained necessary due to the re-organisation of the governmental structure.

⁴¹⁵ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

⁴¹⁶ By Circular 1/1963 of 31.7.63. This was issued during the period of internal self-government, when there was a much greater degree of separation of powers between Centre and Regions than subsequently existed; but when the task of the re-organisation of the whole governmental machine to the new regional structure necessitated close communication between Centre and Region.

⁴¹⁷ There was considerable criticism of these developments at the time by the then KADU leaders, but none of them chose to challenge this decision in the courts.

because of the organizational problems that faced KANU, the ruling party, at the moment that it became the sole party of the state. In December 1964, KANU still lacked an efficient party machine both at the national and at district level. It had neither the staff nor the organization necessary for any national administrative machine. The party reorganization begun in May 1964 had in effect been limited to holding elections for office bearers in each district.⁴¹⁸

The dissolution of KADU had raised further problems of organization because of the need to integrate the two parties throughout the country. The evidence available at the time suggested that internal party divisions were still an obstacle to the establishment of any effective party organization that could become the formal link between Government and people throughout the country. These divisions, in turn, must have influenced the decision taken at that time not to integrate party and state but to maintain the Provincial Administration as the agency through which the executive would rule. The transfer of responsibility from the Ministry of Home Affairs to the Office of the President, therefore, followed logically.⁴¹⁹

Administrative Officers, especially Provincial Commissioners, all welcomed this transfer and valued, and derived considerable support from, the official and personal contacts with the President himself which came with it.⁴²⁰ Their extended role as the personal representatives of the President was symbolized by the new emphasis upon official dress, and on a uniformed service, and by such small things as the pennant with the lion emblem flying on the Provincial Commissioners' cars. At the beginning of 1965, responsibility for coordinating the Provincial Administration within the Office of the President lay with the Under-Secretary in charge of Administration, who was responsible to the Permanent Secretary and through him to the President.

The Permanent Secretary in the President's Office was, however, also Secretary to the Cabinet and Head of the Civil Service, so that, of necessity, the burden of responsibility fell upon the Under-Secretary who lacked the status and the authority to make many of the decisions required. This led to many delays. An additional difficulty

⁴¹⁸ See *East African Standard*, 22.8.64, for a statement by Mr. Mboya, Secretary-General of KANU, at the fifth re-organisation conference.

⁴¹⁹ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

⁴²⁰ All former titles were restored in December 1964 when regionalism was abolished, Civil Secretaries becoming Provincial Commissioners again, Regional Government Agents becoming District Commissioners, and Assistant Regional Government Agents becoming District Officers.

arose from the fact that the President, while controlling the Administration, could not himself devote as much attention to it as was desirable. Some of these problems were tackled when a further reorganization within the President's Office was made at the end of the year.⁴²¹

The post of Deputy Permanent Secretary was established and filled by the former Under-Secretary who continued to be responsible for the Administration. A Minister of State was appointed to assist with some of the President's functions. The former Assistant Minister in the President's Office who now filled this office became responsible for some civil service matters. During 1965, furthermore, Provincial Commissioners' meetings were achieved again on a quarterly basis, always ending with a meeting between the Provincial Commissioners and the President himself.⁴²²

Communications between Provincial Commissioners and the Ministries, always a controversial matter in Kenya, were tackled again on the basis of the former Chief Native Commissioner's Circular of 1960, which provided for direct communication between these two.



Plate 7: Police in the 1971.

Source: KNA DD/1/712

In the field, the Provincial Commissioner, responsible directly to the President for the good government of his province, was restored to the position of head of the administration of his province in the widest sense and recognized as the overall coordinator of governmental activities at that level. The District Commissioner exercised similar responsibilities within his district.⁴²³

⁴²¹ The National Archives (TNA), Kew, CO 822/528 – *Police in Kenya: Organization, Training, and Operations, 1952–1956.*

⁴²² TNA, CO 822/528.

⁴²³ The National Archives (TNA), Kew, CO 822/527 – *Kenya: Intelligence and Special Branch Operations during the Emergency, 1953–1955.*

Plate 7, depicting police in 1971, visually affirms the reestablishment of pre-independence administrative hierarchies, where Provincial and District Commissioners resumed overarching control and Tribal Police were reinstated as subordinate enforcers under direct administrative authority. At both levels, the apparatus and structure of the administration were restored to their pre-1963 position. The Tribal Police were restored officially to their former role, as a subordinate force under the direct authority of the Administration.⁴²⁴

And in October 1965 their title was changed to 'Administration Police'. Consequently, at the direction of the Council of ministries, the Minister for Defense set up a Working Party to consider the problems posed by one requirement of the new constitution, namely, that there was to be no other Police force established in Kenya other than the Kenya police. Logically, this implied that some Tribal Police would be absorbed into the Kenya Police and the rest into other employment under the regional authorities.⁴²⁵

A tentative list of Tribal Police duties throughout the Colony has been prepared by the Chief Commissioner's Office and is enclosed. It does not claim to be exhaustive and I would be grateful if you could add to it or revise it to cater for the particular needs of your Province.....the Tribal Police have their own armory and guard it, then on amalgamation, the Tribal Police guards would be redundant as there will in future, only be one police armory. Similarly, as in Nairobi, Tribal police posts, which have to have 'internal economy' guards, would disappear and the guards become redundant. Guarding of district treasuries, however, is not an example of overlapping duty since, on amalgamation, the police would have to take over this duty.⁴²⁶

It was observed that a Police Force is one established under an Ordinance for that purpose but:

A number of residual functions, other than straight Police duties, will remain to be performed. These may either be Achin out to departmental officers and their staff operating under specific ordinances, or be performed by messenger/enforcement officers formed from the residual T.Ps. These messenger/enforcement officers would have to be on the staff of regional agents and Chiefs and they would derive their powers mainly from the Ordinance under which the chiefs continue to function. Fundamental principle of constitutional law is that the Crown is not bound by statute, save expressly or by necessary implication, and this enables such officers as Game Scouts and Forest Guards (as Central Government officers) to carry arms without license. The

⁴²⁴ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

⁴²⁵ KNA VP/1/111, All Provincial Commissioners, Officer i/c Nairobi Extra Provincial District.

⁴²⁶ KNA VP/1/111

messenger/enforcement officers would, however, be regional employees and would not enjoy the same immunity. If therefore any special duty arose, necessitating their carrying a firearm, they would have to be licensed on an individual basis.⁴²⁷

In theory, C. Campbell stated that the police are responsible for enforcing all laws (including bylaws) but they are necessarily limited in the scope of their operations by finance and, in consequence, manpower. They, therefore, have to work to a system of priorities and that the amalgamation of the police and Tribal police, together with a policy for the residual duties, is planned as quickly as possible.⁴²⁸

By the time the duties of the tribal police had been designated as: To assist chiefs, sub-Chiefs and head men in their work; To execute lawful orders, warrants and summonses in certain areas; To arrest persons against whom they hold a warrant or when they reasonably suspect such persons of having committed an offence; To act as messengers to district commissioners district officers chiefs sub-chiefs and headmen; To act as escorts to: (a) Chiefs and Headmen (b) Prisoners at location headquarters and at chiefs' camps (c) Detainee working parties. (d) Tax and school fee collectors; To serve as guards at location and sub-location headquarters, principally of cash and arms; Crowd control at Market days and for social, political and other functions and gatherings; Law and Order work in villages and forest villages and also as supplementary forest guards.⁴²⁹

Duties in connection with settlement schemes, such as escort to settlement officers, revenue collection and pay outs; Secondment to Special Branch; Tax and rate collecting drives e.g. rounding up defaulters; Township patrols for checking duties, e.g. in respect of native liquor, illicit cultivation and bicycle licenses; Work in support of African court e.g. as process-servers court prosecutors; Assisting Kenya police where local knowledge is necessary, e.g. for stock-theft patrols; Grazing control.⁴³⁰ Rounding up cattle for fines, compensation etc.; Special boundary patrols, especially at times of inter-tribal tensions; Enforcement of African Customary Law, Local Authority bylaws and the Native Authority Ordinance; Performance of police duties in the absence of the Kenya Police, such as Traffic Control at public gatherings not covered by the Kenya

⁴²⁷ Ibid

⁴²⁸ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

⁴²⁹ TNA. CO 544/83

⁴³⁰ Ibid

police; Special duties as required by Central Government and Local Authorities, such as famine relief, fighting forest fires, rinderpest inoculation campaigns, registration of voters and elections, etc.⁴³¹

In 1971, in parliament, these changes were discussed and Mr. Marrie Seroney questioned the validity of this act:

Having said that, Mr. Deputy Speaker, I would like to support the last speaker with regard only to one of his misgivings, and that is the amendments to the tribal police act; which has now been baptized into the administration police act. Now, this institution of the administration police has had a bad history. I remember at the time of independence, when we were discussing the Madaraka constitution, the whole question of the future of the tribal police as it then was, was to have been considered in order to decide whether it was constitutional to have two police forces. However, that question was shelved and ways and means were found later to regulate this force and rename it administration police. However, this amendment raised the question of whether, in fact, we need the two police forces and it is necessary to move the administration police to any part of Kenya, why have two forces⁴³²

The system of location and sub-location chiefs was also retained, the chiefs performing essentially the same role as they did in the past, responsible for law and order and the collection of taxes at the location level. As civil servants, they are directly responsible to the Central Government, through the Administration. A significant change was, however, made in their method of appointment. Early in 1965, it became clear that the Provincial Administration, anxious to assert itself in its new role, was faced with the possibility of conflict with some of Kenya's politicians, who saw such an Administration as an anachronism in the independent one-party state.⁴³³

This conflict was carried over into the post-independence period primarily because the decision to place such an emphasis upon the role of the Administration as the agent of the executive left administrators believing that they could claim a share in the leadership of the community, as much as elected representatives. Such a claim was bound to be repudiated by the politicians. The conflict could be discerned by the most casual observer during the year of regionalism, but the complications of regionalism itself obscured the true nature of the issue. The clashes which took place during that

⁴³¹ KNA VP/1/111, All Provincial Commissioners, Officer i/c Nairobi Extra Provincial District.

⁴³² Kenya National Assembly, *Official Report: Parliamentary Debates (Hansard)*, May 4–June 23, 1971 (Nairobi: Government Printer, 1971).

⁴³³ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

year between politicians and administrators were mostly clashes between administrators in the regional tier of government.⁴³⁴



Plate 8: Administrative Police in 1976.

Source: KNA/MAA8/141

In March 1965, the Lower House Member for Butere, Mr. Martin Shikuku, moved a Private Member's motion that civil servants in any given constituency should be responsible to the elected representatives of that constituency.⁴³⁵ The debate was noisy, as members used the occasion to air their criticisms of Administrative Officers and their scheme, and the motion was passed (the Government Ministers present voting against). Plate 8, showing the Administrative Police in 1976, captures the tension between centralized administrative authority and emerging democratic accountability, as exemplified by Martin Shikuku's 1965 motion demanding civil servants answer to elected representatives—a move that sparked intense parliamentary debate and exposed growing dissatisfaction with the entrenched administrative machinery.⁴³⁶

⁴³⁴ TNA. CO 544/83

⁴³⁵ *Official Report*, House of Representatives, 5.3.65, 569-92.

⁴³⁶ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

Underneath the complaints made against the civil service, it was possible to detect the feelings of backbenchers that they were being neglected by the Cabinet. The attack upon the Administration was clearly also an attack upon the Central Government to whom those officers were responsible.⁴³⁷ According to Koigi Wamwere:

At the same time, however, the debate was more immediately significant for the deep sense of grievance that members expressed at their alleged maltreatment at the hands of the Administration, and the feeling that they were not being accorded the respect or attention due to them as elected representatives of the people.⁴³⁸

They insisted that as true nationalists they were not being treated properly by men who had been ‘colonial employees’. Not all speakers agreed with Mr. Shikuku that civil servants should be responsible to M.Ps, but they did agree that civil servants should adopt a ‘better’ attitude towards them. The debate indicated that not all the members accepted the Government’s policy of maintaining an independent civil servant administration. Some were of the view that the mechanization of the service, on the lines of the Tanzanian model, was more appropriate in a one-party state.⁴³⁹

The Cabinet did not ignore the politicians’ criticisms and arguments against the Provincial Administration. Their serious concern was made clear in a series of statements issued in 1965 by the President, the Vice-President, and Cabinet Ministers.⁴⁴⁰ Such statements reiterated the Government’s view that an independent civil service was necessary within the one-party state and insisted that there was a place for both the civil servant and the politician in the development of the country. Indeed, development of the country depended on the cooperation of these two groups, they argued. The time had passed, it was pointed out on more than one occasion, when these two groups were enemies as had been the case during the nationalist struggle. Each must cooperate with the other in order to run the country as a united team.⁴⁴¹

⁴³⁷ Although in March 1965 the Provincial Administration resumed responsibility for the collection of the Graduated Personal Tax, the ambiguous relationship between District Commissioner and County Council was not changed. The situation remained very much as in 1964 so far as the actual relationship of the two was concerned. In March 1966 the whole question of local government became the subject of a Commission of Inquiry appointed by the President. See *The Kenya Gazette*, 22.3.66.

⁴³⁸ Koigi Wamwere, Oral Interview, 2019

⁴³⁹ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

⁴⁴⁰ See, for example, *East African Standard*, 26.11.65, for one speech by Mr. Mboya on this subject and *ibid.*, 15.3.65, for a speech by the President at a meeting in Kitui.

⁴⁴¹ TNA. CO 544/83.

This approach to the problem was put clearly in June 1965 when the Head of the Civil Service issued a major policy statement defining the task of the civil servant in the state. The function of the civil servant, he pointed out, was to implement policies and programmes decided upon by the politicians. They were the agents of the executive to implement, not to make, policy. Nor was the civil service isolated from the rest of society as if living in a 'colonial' isolation. While Administrative Officers, therefore, remained outside party politics they were nonetheless committed to Government policy, and this was KANU policy as stated in the Party Manifesto and the Government's Sessional Paper No. 10 on African Socialism issued in May 1965.⁴⁴²

The key role assigned to the Provincial Administration during 1965 by the Government in their development programme explicitly recognized that the Provincial Administration had a leadership role in the community. Administrative Officers had for many years before independence played a coordinating role in economic activities at provincial and district level, particularly in their capacity as Chairmen of the Provincial and District Teams.⁴⁴³ This role was given much greater emphasis in 1965 when the Central Government placed an increased responsibility upon the Administration in its capacity as "Agent for Development" in the implementation of the Development Programme and in the creation of a popular understanding of and support for that programme.

When Kenya attained independence from British rule in 1963 the Legal and Institutional Framework of Administration Police was inherited from the Colonial Administration by the new African government to principally support the Provincial Administrative officers who reported to the Office of the President, among other functions. Plans to abolish Administration Police together with Provincial Administration were shelved by the independence government as it sought to retain institutions of central authority.⁴⁴⁴

The Ministry of Agriculture and the Department of Community Development, for example, each held a series of provincial conferences in 1965 at which

⁴⁴² See *East African Standard*, 10.6.65, for the text of his speech which was given at the Kenya Institute of Administration.

⁴⁴³ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

⁴⁴⁴ Charles Hornsby, *Kenya: A History since independence* (London: I.B Tauris & Co. Ltd, 2013), p.100

Administrative Officers, Technical Officers, and Ministry officials discussed the implications of development plans for their particular area.⁴⁴⁵ A more significant development was the organization of two development seminars by the Office of the President in conjunction with the Ministry of Economic Planning and Development, for all Provincial Commissioners and Provincial Departmental Heads, at which development plans and the proposed implementation machinery were all discussed.⁴⁴⁶ Such discussions were *inter alia* centered around the law enforcement or an *ex deo 123 achine* for the provincial administration and as such the AP was speedily reconstituted.

In Churie's words, 1967 training for Administration Police was relocated from Nyeri to Embakasi Training School at the current grounds of Jomo Kenyatta International Airport and in 1972 moved to present-day Administration Police Training College, a strategy to augment centralization of training and command.⁴⁴⁷ This transformed the Force from a localized entity to a national security machinery.⁴⁴⁸ At first, it was deployed to combat Shifta menace in North Eastern Kenya, poaching, and other illegal activities in North Rift and other parts of the country.⁴⁴⁹ One informant stated on the significance of the college:

.. cadets or police officers after a period of time working on the streets were brought back into the training college at Embakasi for refresher training on basic skills on use of firearms, etc. Also, then they were given advance training in a specialty. They were asked to choose criminal investigation or traffic control or whatever. Then they were given more advanced courses in those so they improved their skills over time.⁴⁵⁰

Another informant would be in agreement when he stated:

Then there was a vision, which is the most important thing in many respects about what we were trying to create. What we were trying to create was a professional community-oriented police service that would serve citizens, much the same way police operate in Kenya and beyond. This then coloured all aspects of the training.⁴⁵¹

⁴⁴⁵ See *East African Standard*, 29.6, 14.9, and 26.10.65 for reports of some of these conferences

⁴⁴⁶ These were held at the Kenya Institute of Administration in August and September 1965

⁴⁴⁷ Churie, Comandant Embakasi Training School, Oral interview, Nairobi, January, 26, 2017

⁴⁴⁸ Oral Interview with Benson Wasike, Senior Superintendent of Police, Kitui County Commander, Administration Police Service on 3/07/2015.

⁴⁴⁹ Kenya National Archives, "Security instructions and operations against Shifta" *Colony and Protectorate of Kenya*, (Nairobi: KNA, BB. PC/EST/2/12/25, 1970-1982), Folios 16-90.

⁴⁵⁰ Kasivo Katana, Oral interview, Voi 2018

⁴⁵¹ Jarapido Nyangau, Oral interview, Kisii 2018

The period of peaceful and civil-oriented policing, however, was very short. In the early 1960s, the country was again very restless as it faced high unemployment, economic stagnation, and ethnic disturbances. Inevitably, the way had to be made free for African majority rule.⁴⁵²

When independence was in sight, the Africanization of the police force was rapidly increased, and the tribal composition of the force was adjusted to the ethnic composition in the country. Finally, elections were held in 1961, and Kenya received independence in 1963. Regular police duties were resumed in the newly created state, and, remarkably, though not altogether surprising in light of its colonial past, the police also took up political intelligence work in support of the new African rulers.⁴⁵³

However, as much of the colonial legal systems were inherited by the independent states, African police forces often continued their authoritarian and somewhat paramilitary approach to law enforcement. The rise of different types of dictatorships and authoritarian regimes meant that postcolonial African police forces became politicized and often continued their role of violently suppressing political opposition to the state. The post–Cold War democratization and liberalization of the 1990s inspired new but ultimately disappointed hopes that African police forces would become depoliticized and respect human rights. At the same time, the breakdown of some states and the increase in civil war prompted a need to recreate police forces in post-conflict societies.⁴⁵⁴

In 1967 training was relocated from Nyeri to Embakasi Training School at the current grounds of Jomo Kenyatta International Airport and in 1972 moved to present-day Administration Police Training College, a strategy to augment centralization of training and command. This transformed the Force from a localized entity to national security machinery.⁴⁵⁵ It was deployed to combat Shifta menace in North Eastern Kenya, poaching, and other illegal activities in North Rift and other parts of the country.⁴⁵⁶

⁴⁵² TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

⁴⁵³ TNA. CO 544/83

⁴⁵⁴ Ibid

⁴⁵⁵ Oral Interview with Benson Wasike, Senior Superintendent of Police, Kitui County Commander, Administration Police Service on 3/07/2015.

⁴⁵⁶ Kenya National Archives, “Security instructions and operations against Shifta” *Colony and Protectorate of Kenya*, (Nairobi: KNA, BB. PC/EST/2/12/25, 1970-1982), Folios 16-90.

According to Mark Leleruk⁴⁵⁷, in the early years, the chain of command dictated that the highest-ranking officer was the Commandant of Training College followed by an Adjutant, both British. Africans held other ranks, the highest being Senior Sergeant Major.⁴⁵⁸ The rank of Inspector was introduced in the late 1970s. Initial batches of Administration Police personnel were trained at Kenya Police Training College at Kiganjo in Nyeri. Later, courses for members of the inspectorate were moved to Administration Police Training College at Embakasi, Nairobi, and the Outward Bound School in Loitokitok. As such administration Police officers were also deployed along the border to deal with cross-border issues.⁴⁵⁹

In sum, Kenyatta's police reforms at independence were symbolic and personnel-focused, not systemic. His call for "Africanization" succeeded in replacing European officers but preserved the colonial force's repressive character, lack of accountability, and political instrumentality. This approach ensured short-term stability but entrenched institutional pathologies that plagued Kenya's security sector for decades—including the AP's controversial role in suppressing dissent, the KP's reputation for brutality, and the absence of civilian oversight until the 2010 Constitution. As historian David Anderson notes, "Kenyatta inherited a colonial police force and, with minor adjustments, bequeathed it to his successors."⁴⁶⁰

4.4 The Moi Regime and Administration police, 1979-2002

The presidency of Daniel Arap Moi, which spanned from 1978 to 2002, was a period marked by significant political and social changes in Kenya. One of the notable aspects of Moi's regime was his use of the administration police to maintain control and enforce his authority. This essay explores the role of the administration police during the Moi regime, examining their involvement in political repression, their impact on civil liberties, and the broader implications for Kenyan governance and society. From the outset of his presidency, Moi sought to consolidate power and eliminate opposition.

⁴⁵⁷ Mark Leleruk, Senior Superintendent of Police, Oral interview, Nakuru, May, 26, 2020

⁴⁵⁸ Republic of Kenya, *Administration Police Strategic Plan: 2004-2009*, (Nairobi: Government Printer, 2004), p.10.

⁴⁵⁹ Kenya National Archives, "Confidential matters concerning Tribal Police", *Colony and Protectorate of Kenya* (Nairobi: KNA, POL.19/5/3/VII/181, BB/43/24, 1963), Folio 3. Accessed on 08/07/2015.

⁴⁶⁰ David M. Anderson, *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire* (London: Weidenfeld & Nicolson, 2005), 312.

The administration police were a critical tool in this effort. They were frequently deployed to suppress dissent, intimidate political opponents, and manage public order during periods of political unrest. Under Moi's directive, the administration police expanded their activities beyond their traditional role of rural policing to include significant involvement in national security matters.⁴⁶¹

.The administration police played a key role in implementing Moi's authoritarian policies, including the enforcement of a de facto one-party state following the introduction of the 1982 constitutional amendment that made Kenya a one-party state under the Kenya African National Union (KANU). This move was met with widespread resistance, culminating in the failed 1982 coup attempt. In the aftermath, the administration police were instrumental in cracking down on perceived dissidents, conducting mass arrests, and employing surveillance to monitor political activities.



Plate 9: The Moi Regime and Administration police, 1979-2002.

Source: East African standard Archive

Kenya's second leadership transition occurred in 1978 when then Vice-President Moi took power upon the death of Jomo Kenyatta, leader since the country's

⁴⁶¹ TNA. CO 544/83.

independence from the British in 1963. Once in office, Moi immediately clamped down on dissent. In the 1980s and early 1990s. PLATE 9, illustrating the Moi regime's Administration Police from 1979–2002, reflects the intensification of state surveillance and suppression of dissent during Kenya's second leadership era, particularly throughout the politically repressive 1980s and 1990s.⁴⁶²

Many courageous lawyers and activists who were critical of the government were harassed and jailed or fled into exile, and the press was tightly controlled. A coup attempt by the Kenya Air Force in August 1982 was aborted. When Moi took over, he changed the administrative structures of the Administration Police and replaced the top leadership with those that he considered loyal to him.⁴⁶³

In 1982, the constitution was amended to make KANU the only legal political party. In 1987, it was amended again to give Moi the power to fire senior judges and civil servants. Both amendments were repealed in the 1990s, but the executive branch continued to wield considerable control over the judicial and legislative branches of government through a system of patronage and threats. Throughout his tenure as president, Moi rewarded certain individuals with government posts, jobs in government-owned companies known as parastatals, tracts of land, and other resources. This patronage undermined the economy and the rule of law.⁴⁶⁴ By 1991, pressure from domestic groups and foreign donors led to the legalization of multiple political parties and the restoration of voting by secret ballot. In addition, the president's tenure was limited to two terms, meaning that even if Moi had won the next two elections, he would be compelled by the law to step down in 2002.⁴⁶⁵

Shortly before the 1992 election, numerous opposition parties had emerged, the largest being the Forum for the Restoration of Democracy (FORD). However, the leaders of FORD could not agree on a single presidential candidate, and the party split into three: FORD-Kenya, FORD-Asili, and FORD-People. The Democratic Party of Mwai Kibaki was also registered and competed in the election. In the first multiparty

⁴⁶² CO 822/1252–Kenya: *Reports on police conduct, discipline, and allegations of brutality, 1954–1956.*

⁴⁶³ CO 822/1252–Kenya: *Reports on police conduct, discipline, and allegations of brutality, 1954–1956.*

⁴⁶⁴ FCO 141/5960–Kenya: *Coordination between army, police, and intelligence in Mau Mau suppression, 1953–1956*

⁴⁶⁵ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance.*

election since independence in 1992, Moi won easily against a divided opposition. Before and after the election, there was widespread politically motivated ethnic violence, especially in the contested Rift Valley province. Hundreds of people were killed and hundreds of thousands of potential opposition voters were effectively disenfranchised when they had to flee from their homes. To date, tens of thousands of people remain displaced from their Rift Valley farms.⁴⁶⁶

The clashes are believed to have been instigated by powerful individuals within KANU, who took advantage of a long history of land disputes in the region to stoke tribal hostilities. The politicians promised members of the Kalenjin, Maasai, and other pro-KANU tribes that they would install a policy of “majimboism,” which roughly translated as federalism, but which turned out to be a form of ethnic cleansing. In 1992 and 1993, gangs of Kalenjin and Maasai youths attacked members of other tribes, targeting, in particular, the Kikuyu, the Luhya, and the Kamba, who were suspected of being sympathetic to opposition parties. The youths looted their property, set their houses on fire, and killed several hundred people.⁴⁶⁷ According to an informant:

.....the role of administration police made the matter worse and in fact violence surrounding the elections did not prevent the many civil society groups that emerged in the 1990s from using mass demonstrations and legal challenges to force the government to implement many important reforms. The number of political detentions fell, small presses began publishing critical views of the government, and members of Parliament began to speak and vote more freely.⁴⁶⁸

In the second multiparty elections of 1997, Moi again won easily against a fragmented opposition. Again, KANU politicians manipulated ethnic tensions to intimidate and disperse ethnic groups perceived to support the opposition. At the coast near Mombasa, KANU politicians engineered and organized “cleansing” before the election to evict Kikuyu and Luo residents. Armed gangs killed hundreds of people in

⁴⁶⁶ Human Rights Watch/Africa, *Divide and Rule: State Sponsored Ethnic Violence in Kenya* (New York: Human Rights Watch, 1993); Human Rights Watch/Africa, *Failing the Internally Displaced: The UNDP Displaced Persons Program in Kenya* (New York: Human Rights Watch, 1997).

⁴⁶⁷ David Throup and Charles Honsby, *Multiparty Politics in Kenya*, (Athens, OH: Ohio University Press, 1997); Jacqueline Klopp, *Electoral Despotism in Kenya: Land Patronage and Resistance in the Multiparty Context*, unpublished dissertation thesis, Department of Political Science, McGill University, Montreal, 2001; Human Rights Watch, *Playing with Fire: Weapons Proliferation, Political Violence and Human Rights in Kenya* (New York: Human Rights Watch, 2001); and *Report of the Judicial Commission appointed to inquire into tribal clashes in Kenya*. The Honorable Mr. Justice A.M. Akiwumi. Government of Kenya. Submitted August 1999. Released October 2002

⁴⁶⁸ Magaigwa Onticho, Retired Administration Police, Oral Interview, Nairobi January 12, 2018

politically instigated attacks on homes and businesses. Similar clashes recurred in Rift Valley province.⁴⁶⁹

Responding to public anger, KANU and the opposition came together to begin talks on reforming Kenya's constitution, which still contained a number of repressive colonial laws and which had been amended by both Kenyatta and Moi to buttress their authoritarian regimes. Parliament reached a compromise known as the Inter-Parties Parliamentary Group (IPPG) reforms. These reforms included the repeal of the laws against sedition that had been used to intimidate the press, the creation of an Electoral Commission that included opposition representation, and the replacement of laws requiring permits for public rallies.⁴⁷⁰ In addition, in a similar arrangement, the twelve nominated MPs would be appointed not by the president alone, but by each political party according to its share of the popular vote. The parties also eventually agreed to undertake a comprehensive constitutional review following the election.

Around 1980 the government introduced a remuneration package pegged on education level; the lowest being Standard 7, Form 4 (Division IV), Form 6, and the highest being a university degree. In 1986 the 8-4-4 system of education was introduced. From then, the remuneration policy was based on rank, although the ranking continued to be based on academic qualifications. This applied to police personnel as well.

In 1983 there was public outcry on misuse of firearms where officers were accused of being trigger happy leading to unwarranted loss of lives. Consequently, officers were required to undergo refresher courses.⁴⁷¹ Token reforms were undertaken which, however, did not seem to be aimed at depoliticizing the police.

In 1981, the first female officer was enlisted through Departmental Transfer of Services from Kenya Police Force to Administration. She was a Chief Inspector and Registered Nurse in Public Health and Midwifery at the time attached to the Forces Memorial Hospital, Nairobi; and was posted to the Medical Unit of Training College,

⁴⁶⁹ Republic of Kenya, *Report of the Parliamentary Anti-Corruption Select Committee*, May 2000.

⁴⁷⁰ Jacqueline M. Klopp, "Electoral Despotism in Kenya: Land, Patronage and Resistance in the Multi-Party Context," *African Studies* 61, no. 2 (2002): 271

⁴⁷¹ Oral Interview with Jediel Mutunga, Administration Police Sergeant based at Katulani Sub-County, Kitui County on May, 12, 2016.

Embakasi.⁴⁷² In 1987 another batch of female officers was enlisted having been absorbed from the KANU Band choir.⁴⁷³ Thereafter, in 2001, the Force started regular recruitment of women alongside men.⁴⁷⁴ However, the number of women recruited was much lower than that of men and this situation persists few. Therefore, the agency is male-dominated and the gender gap has consistently remained wide.

Since Kibaki took over and in regard to gender issues, the AP has seen entry of more women into the service that in some instances are considered to be a threat career wise by the male counterparts. The AP was also incorporated into the Kenya Police Service to enhance efficiency and cooperation with the Kenya Police. However, the merger was seen as ineffective with some Kenya police officers still despising the unit under scrutiny.⁴⁷⁵

During the same year, there was a proposal that the Administration Police personnel be disarmed but this proved difficult because officers were engaged in security operations that transcended the border. Furthermore, personnel for guard duties of Very Important Persons, and vital strategic installations were drawn from the Administration Police.⁴⁷⁶ In the late 1980s, the government introduced the District Focus for Rural Development programme which placed enormous responsibilities on the District Commissioners, a scenario that compromised their supervisory role on Administration Police officers serving under them. To counter this state of affairs, the senior inspectors were promoted to Superintendents.⁴⁷⁷

In 1987, Ugandan president Idi Amin declared war on Kenya ostensibly to reclaim former Ugandan territory transferred to Kenya in 1902 and extending up to Naivasha, almost half of the Kenyan territory. In response, President Moi deployed Administration Police personnel before the situation could develop into a full military-level confrontation. The officers engaged with Amin's soldiers at the border and repelled them.

⁴⁷² Oral Interview with Margaret Chege, Kakamega, retired Superintendent of Police and health worker on June, 2015.

⁴⁷³ Oral Interview with Lenah Ndinda, Senior Superintendent of Police, Kisasi Sub-County Commander, Kitui County on June, 22, 2015.

⁴⁷⁴ Republic of Kenya, *Administration Police Strategic Plan: 2004-2009*, (Nairobi: Government Printer, 2004), p.16.

Oral Interview with Inspector Stephen Karimi based at the Border Patrol School on July, 7, 2017.

⁴⁷⁵ Andrew Omambia, regional commander, Oral interview 2018

⁴⁷⁶ Oral Interview with Jediel Mutunga, Administration Police Sergeant based at Katulani Sub-County, Kitui County on October, 17, 2016.

⁴⁷⁷ Republic of Kenya, *Administration Police Strategic Plan: 2004-2009*, (Nairobi: Government Printer, 2004), p.10.

During the Mlolongo (queuing) electoral system in 1988 AP officers as a supportive arm of the Provincial Administration assisted District Commissioners who presided over elections as Returning Officers. They served as bodyguards and also provided security coverage during the national events.⁴⁷⁸ The administrators, who were directly answerable to the Office of the President, ensured the candidates preferred by the regime carried the day.⁴⁷⁹ Therefore Aps participated in the management of elections and influenced the results.

In 2001, a group of officers in the rank of Senior Superintendent of Police were moved to Kenya Police Force in a departmental Transfer of Services and were taken through a conversion course at the Kenya Police Training College at Kiganjo. Officers have also been deployed on guard duties in government institutions such as Parliament, public universities as well as other Central and County Government installations.⁴⁸⁰ They also provide security in private institutions such as banks.

4.5 The Kibaki Regime and the Changes in Administration Police reforms, 2002–2013

The Kibaki regime ushered in a critical phase in the history of the Administration Police (AP), marked by gradual reforms aimed at redefining its mandate within the wider security sector. Following decades of criticism over inefficiency, politicization, and human rights abuses, the regime sought to modernize the AP through improved training, better equipment, and the professionalization of its command structures. These efforts gained momentum after the 2007–2008 post-election violence, which exposed deep weaknesses in Kenya’s policing institutions and fuelled demands for reform. Under the new constitutional dispensation of 2010, the AP was integrated into the National Police Service alongside the Kenya Police, signalling a shift toward depoliticization, accountability, and community-oriented policing. While challenges such as corruption and excessive use of force persisted, the Kibaki era laid the

⁴⁷⁸ Oral Interview with Inspector Stephen Karimi based at the Border Patrol School on 07/04/2017.

⁴⁷⁹ Korwa Adar and Isaac Munyae, “Human Rights Abuse in Kenya Under Daniel Arap Moi”, *African Studies Quarterly*, Vol.5, Issue 1, 2001. p.4. accessed: <http://asq.africa.ufl.edu/files/Adar-Munyae-Vol-5Issue-1.pdf> on 13/12/2017

⁴⁸⁰ Oral Interview with Mr. Samuel Ndanyi, Senior Superintendent of Police, Director of Studies at the Administration Police Training College-Embakasi-Nairobi; on 29/11/2015.

institutional and legislative groundwork for the restructuring of the Administration Police into a service with a more defined focus on protective and border security duties

The presidency of Mwai Kibaki, from 2002 to 2013, marked a significant period of political and social transformation in Kenya. Following the repressive and autocratic rule of Daniel Arap Moi, Kibaki's administration sought to implement broad reforms aimed at promoting democratic governance, economic growth, and social justice. One of the critical areas of focus was the reform of the administration police. This essay explores the nature of these reforms, their implementation, and their impact on the administration police and broader Kenyan society.⁴⁸¹

When Mwai Kibaki took office in 2002, Kenya was in dire need of political, economic, and social reforms. The administration police, which had been instrumental in maintaining Moi's repressive regime, were widely distrusted by the public due to their history of human rights abuses, corruption, and inefficiency. Recognizing the need for change, Kibaki's government prioritized reforming the police force to restore public confidence and enhance security and governance in the country.

One of the first steps taken by the Kibaki administration was to address the issue of police accountability. The establishment of the Kenya National Commission on Human Rights (KNCHR) in 2002 was a pivotal move to monitor human rights abuses and provide a platform for addressing grievances against the police. This initiative was part of a broader strategy to promote transparency and accountability within the police force.⁴⁸²

Additionally, the Kibaki regime emphasized the need for community policing as a way to bridge the gap between the police and the communities they served. Community policing aimed to foster collaboration between the police and local residents, encouraging mutual trust and cooperation. This approach sought to move away from the militarized and confrontational methods that had characterized the administration police under Moi. Released in September 2002, Kenya's new draft constitution was intended to remedy many of the ills of the system by creating more accountability and a balance of power. It was clear that the biggest obstacle to good governance in Kenya then was too much power being concentrated in the presidency.

⁴⁸¹ Mutuma Ruteere and Marie Emeka, *Policing a Plural Society: The Reforms of the Kenyan Police, 2002–2012* (Nairobi: CHRIPS, 2013)

⁴⁸² Republic of Kenya. *The National Police Service Act, 2011*. Nairobi: Government Printer.

The nation's public institutions were all answerable to the president, rather than to the Kenyan people.⁴⁸³

The constitution had been amended several times to give the president even wider-ranging powers, including, the power to appoint and dismiss ministers and the vice-president. There was no separation of powers between the three arms of government, the executive, the legislature, and the judiciary with the president having the sole prerogative of hiring and firing judges including the Chief Justice. The president could also dissolve parliament without recourse to any other institution and could even instigate the firing of members of parliament through trumped-up charges in the courts that were also subservient to him.⁴⁸⁴

Many other laws had been passed since independence that increased the president's administrative power, particularly his control of provincial administration so that the president appointed all administrative officials down to the level of a village chief. Only local councils were to be elected, but they had very small budgets and were relatively little power to counter-balance the power and authority of the presidency.⁴⁸⁵

Such awesome power resulted in public resentment and rebellion. It, therefore, required force, more often than not brutal, to enforce it. The Kenya Police and Administration Police, both domiciled in the Office of President, came in handy. During the Kenyatta and Moi regimes, the two police formations came to be distinguished more for their brutality than for protecting the public. Extra-judicial killings, brutal arrests, torture, lengthy detentions without trial in police stations, brutal suppression of rights of expression and association, among other excesses committed to prop up unpopular despots, were rampant in the country.⁴⁸⁶ However, several important limitations on executive power were passed in the early 1990s, including a constitutional amendment restricting the president to two five-year terms in office, the legalization of political parties, and the repeal of the amendment permitting the president to fire judges. Even so, the president could still manipulate justice in every corner of the country.

Under President Mwai Kibaki, Kenya enacted a new constitution in 2010 which, among other fundamental changes, trimmed presidential powers by giving Parliament

⁴⁸³ Ibid

⁴⁸⁴ *Making Informed Choices: A Handbook for Civic Education*, Nairobi, 2001.

⁴⁸⁵ Peter Kagwanja, "Power to Uhuru: Youth Identity and Generational Politics in Kenya's 2002 Elections," *African Affairs* 105, no. 418 (2006): 52

⁴⁸⁶ Kiai, Maina. *Report of the Kenya National Commission on Human Rights on Post-Election Violence (2007/2008)*. Nairobi: KNCHR, 2008

more authority including the ability to impeach the president. It also devolved power and resources to locally elected legislatures and executives in 47 county governments. It required the reconstitution and reformation of the previously powerful provincial administration. It also distributed legislative power by creating a second chamber of Parliament and denied the presidency the prerogative of dissolving parliament. The president's power, which had previously depended on a system of patronage, violence, and corruption, was now curbed by the establishment of various new commissions to oversee different organs of government, including a Police Service Commission, and a Judicial Service Commission both charged with the responsibility of hiring and firing police officers and judges and magistrates. Others included an Ethics and Integrity Commission, to uphold the integrity of state officers, a Parliamentary Service Commission to oversee parliamentary employees and MPs, especially their welfare, and a Human Rights Commission. These commissions went a long way in diverting power from the presidency and consequently reducing the incidence of abuse of police authority.

On December 27, 2002, more than five million Kenyans went to the polls to elect Mwai Kibaki as their country's third president, Kenya's first electoral change of government since independence. The election marked the end of the 24-year presidency of Daniel Arap Moi and an opportunity for Kenya to return to its once-vaunted record of political stability and economic growth. Kenyans were elated, their expectations high. Ten months later, President George W. Bush welcomed President Kibaki to Washington for a state visit, the first African head of government he had honored in this way. Kenya has attracted worldwide attention not just because of its regional importance but because of its bold strides toward democracy and its expected role in the international war against terrorism.⁴⁸⁷

These reforms were far reaching as one informant stated:

Also, part of the vetting process is making it possible for people to retire. What we found is it is very difficult for people who have been in the police before to adapt and to serve under new conditions, particularly in police forces that were used to protect the state and oppress the citizenry. So, it is very important to make it possible for these people to retire honourably, to leave, to go off to do other things.⁴⁸⁸

⁴⁸⁷ Joel D. Barkan, "Kenya after Moi" in *Foreign Affairs*, Vol. 83, No. 1 (Jan. - Feb., 2004), pp. 87-100

⁴⁸⁸ Mary Ongawa, Oral interview, Kisumu 2016

4.6 Administration Police and Constitutional Reforms, 2003-2018

Between 2003 and 2018, the Administration Police (AP) underwent significant transformation as a result of Kenya's broader wave of constitutional and security sector reforms. Under President Mwai Kibaki's administration, the push for democratic renewal and professionalization of the security services set the stage for redefining the AP's mandate, which had historically been tied to the Provincial Administration and political control. The 2003 sectoral reforms emphasized modernization, improved training, and the expansion of the AP's functions to include specialized units such as the Rapid Deployment Unit (RDU), Rural Border Patrol Unit (RBPU), and later, counterterrorism operations. These changes gradually shifted the AP from being a largely rural-based auxiliary force into a professionalized security agency with national relevance.

The 2010 Constitution marked a turning point, introducing new principles of policing under Articles 238–247, which emphasized national security, accountability, and human rights. The AP, along with the Kenya Police Service, was brought under the newly established National Police Service (NPS), overseen by the Inspector General, thereby curtailing the dominance of the Office of the President and the Provincial Administration in police matters. Reforms introduced mechanisms of civilian oversight, particularly through the Independent Policing Oversight Authority (IPOA), while also mandating service delivery, professionalism, and respect for the Bill of Rights.

Recognizing the importance of security to growth, the government launched the Governance, Justice, Law and Order Sector (GJLOS) Reform Programme in 2003 to improve justice and security. A police task force on reforms was established in 2004, but its findings were kept secret. The 2007–2008 post-election violence (PEV) and the subsequent revelations by the Commission of Inquiry into Post-Election Violence (CIPEV) regarding the cops' extensive and grave human rights breaches, however, provided the most compelling argument for police reforms.

This led the state to construct many reform task teams for the police, each with its own unique set of responsibilities. John P. Mutonyi presided over the first, the Task Force on Police Reforms, which met from 2002 to 2005. For the then-Kenya Police Force and the Administration Police Force, it was the catalyst for sweeping operational and administrative changes. Then, from 2006 to 2009, the program for changes in

Governance, Justice, Law and Order was initiated and put into action.⁴⁸⁹ Through the integration of both soft and hard reforms, this program infused the criminal justice system with synergy, speeding up reforms in the police force's administrative, operational readiness, and logistical capabilities. Secondly, in March 2009, there was the formation of the Technical Steering Committee on Police Reforms. This committee oversaw the execution of the prior task forces' recommendations and also sought to fill reform gaps in the institutional, legislative, and regulatory frameworks that had previously established the Police⁴⁹⁰.

The United Nations Special Rapporteur on Human Rights Philip Alston traveled to Kenya in February 2009 to study the nature and scope of extrajudicial executions, determine if perpetrators face punishment, and suggest solutions to the problem of impunity and its manifestations. Murders in the post-election period, unrest in the Mt. Elgon District, and police killings were the primary points of discussion.

In five of Kenya's eight administrative provinces or districts, as well as with UN agency officials and members of the diplomatic community, victims, witnesses, and representatives of civil society were interviewed. We interviewed over a hundred people who could serve as witnesses. Prior to the mission, the Special Rapporteur thoroughly examined reports from both government and civil society organizations. Throughout the mission, there was a concerted effort to listen to different viewpoints and take into account contradictory data in order to reach a well-rounded comprehension of the issues.

According to the Special Rapporteur, there is a culture of impunity and police in Kenya routinely carry out executions. Most disturbing was the claim that high-ranking police officers ordered the deployment of "death squads" to kill off suspected criminal organization leaders and members.⁴⁹¹ The threat posed by these gangs was so great that Kenyans felt they needed strict enforcement measures to protect them. However, this type of crime was not eradicated by the police's *carte blanche* killings.

⁴⁸⁹ Osse, Anneke. *Police Reform in Kenya: A Process of "Muddling Through"*. The Hague: CLEEN Foundation/Netherlands Embassy, 2014

⁴⁹⁰ Kiai, *KNCHR Report on Post-Election Violence*, 12.

⁴⁹¹ Hornsby, Charles. *Kenya: A History Since Independence*. London: I.B. Tauris, 2012. (Covers the Kibaki era in depth, with sections on police reforms and post-election violence.)

The perception that cops were competent killers but inept law enforcers was instead reinforced. Respect for the human rights of all parties involved, including victims and suspects, is essential for policing to effectively generate security, according to the research. Due to insufficient internal and external procedures for investigation and oversight, police officers were not held responsible for homicides.⁴⁹²

According to the report, the villagers of Mt. Elgon were subjected to extensive cruelty, including torture and unlawful deaths, at the hands of both the Sabaot Land Defence Force (SLDF) militia and the government's security forces. The general elections in December 2007 were followed by widespread violence. The 1,113 homicides that took place during that time were investigated in depth by a national committee of investigation headed by Justice Waki. While it was critical to take action to address the root causes of the violence and hold those responsible for abuses to account, the Waki Commission's recommendations were not effectively executed.

Nearly eighteen months after the election, the perpetrators of the post-event bloodshed—including the police officers who carried out extrajudicial killings and the politicians who orchestrated or encouraged the bloodshed—were still not brought to justice. Many victims' loved ones were too afraid to speak out after witnessing the murders. Security personnel and other government officials intimidated and threatened human rights defenders who testified before the Special Rapporteur during his mission. Two activists, who had been reporting extensively on police death squads, were killed barely two weeks after the expedition concluded. Criticism of Kenya's security forces was systematically tried to muzzle. The formation of the Ransley commission was mandated by this report.

Justice Phillip Ransley presided over the third Police Reform Task Force, which the government formed in May 2009. The purpose of this Task Force was to investigate the current state of the police force in terms of its policies, procedures, systems, and tactics, as well as their legal, administrative, and operational frameworks, and to propose extensive changes to improve the force's effectiveness and efficiency while also establishing a culture of professionalism and accountability.

⁴⁹² Human Rights Watch, *Kenya: Police Impunity Raises Election Risk*, August 2, 2022, identifying how weak oversight—compounded by political interference—allows police officers to escape accountability for killings, undermining both justice and security

Justice Phillip Ransley's 2009 report on Kenyan police reforms delivered a radical blueprint to transform the Administration Police (AP), a force historically rooted in colonial control and politicized under post-independence regimes. The AP's direct subordination to the Provincial Administration had entrenched it as a tool of political repression, human rights abuses, and institutional rivalry with the Kenya Police. Ransley's core recommendations demanded its abolition as a separate entity, proposing instead its integration into a unified National Police Service (NPS) under a single Inspector-General. Crucially, he called for severing the AP's command ties to political administrators (PCs/DCs) to end decades of politicization. To ensure accountability, the report advocated for independent oversight via the National Police Service Commission (NPSC) and the Independent Policing Oversight Authority (IPOA), alongside rigorous vetting of officers and retraining centered on human rights and community policing. These measures aimed to dismantle the AP's legacy of impunity and refocus it on professional, impartial law enforcement.⁴⁹³

While Ransley's vision catalyzed landmark constitutional reforms in 2010—enshrining the unified NPS, NPSC, and IPOA—its full implementation remains incomplete. The AP was structurally integrated into the NPS, and oversight bodies were established, yet deep-seated challenges persist. Cultural resistance within the force, inadequate funding, and ongoing political interference have hindered the depoliticization process and the eradication of paramilitary mindsets. Vetting was partial, and accountability for historical abuses remains elusive. Consequently, while Ransley's recommendations laid the groundwork for democratic policing in Kenya, the transformation of the former AP into a fully accountable, community-oriented service is still a work in progress, highlighting the enduring tension between reformist ideals and institutional inertia.

The Cabinet gave the go-ahead for the Task Force's findings to be implemented by December 2009, and the report was submitted in October 2009. The Government then formed the Police Reforms Implementation Committee, the fourth task force, from 2010 to 2012. The execution of reforms to the police force was to be overseen, coordinated, and assisted technically by this entity. The Committee's summative report detailing the status and development of all the reform programs it had launched was

⁴⁹³ Republic of Kenya. *The Police Reforms Implementation Committee Reports*. Nairobi: Government Printer, 2010–2012.

published in June 2012. Police reforms were the focus of the 2010 formation of the Development Partners Working Group. The British government presided over it. Development partners from the United Kingdom, the United States, Sweden, and the Netherlands gathered at this meeting to network, interact with the Kenyan government, and assist police reforms strategically.

The Development Partners appointed UNODC to oversee a police reform fund that they had set up as a basket arrangement. Besides Safer World and UN Women, other multilateral partners were UNODC. In carrying out their numerous reform objectives, they have persisted in providing support to the police services and other reform institutions. The Police Reforms Steering Committee (PRSC) was formed in 2013 by the Ministry of Interior and Coordination of National Government. Its purpose was to provide the groundwork for the National Police Service's continuing reforms and to make sure those reforms would last.⁴⁹⁴

The National Police Service, comprised of the Kenya Police Service and the Administration Police, was established in article 243 of the 2010 Constitution of Kenya. Importantly, the organization rebranded itself as a Police Service rather than a Police Force in an effort to foster a culture of service among officers and citizens. It was believed that the shift from hostile confrontation to cooperative behavior between police and the public would lead to more amicable interactions between the two groups. It is the responsibility of the Independent Policing Oversight Authority to look into public complaints against the police, ensure that all police officers adhere to the same rules of conduct, and document the results of any internal investigations. Under the direct supervision of the Inspector General of the National Police Service, this section served the whole National Police Service. In addition, the National Police Service Act of 2011 established the distinct roles of the Administration Police Service, which include assisting government agencies with the lawful execution of administrative functions, providing border patrol and security, safeguarding government property and major installations and strategic locations, managing conflicts and fostering peace.

The National Police Service strives for the greatest levels of professionalism and discipline, promotes and practices accountability, and strives to eliminate corruption. The aims of the service were clarified by the Act. The National Police

⁴⁹⁴ TNA. CO 544/83: *The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance*.

Service Inspector General is entrusted with the responsibility of leading the National Police Service independently. At the head of both the Kenya Police Service and the Administration Police Service is a Deputy Inspector General.⁴⁹⁵

Also, according to section 85 of the 2014 Security Laws Amendment Act, the Inspector General is to choose the County Coordinating Commander among the county service commanders according to seniority in rank. Article 245(3) of the Constitution of Kenya, 2010 establishes a hierarchical command structure, and it is the responsibility of the County Coordinating Commander (CCC) to implement this system while consulting with the two Deputy Inspectors General and adhering to it. The statute that establishes the Kenya Police Service (KPS) was passed in 2011. In both the 2010 new constitution and the 2008 power-sharing agreement, the police reform agenda played a significant role. The former ended the ethnically-driven post-election violence of 2007–2008, which had been sparked by a tight presidential election and accusations of fraud; it had killed more than 1,100 people and displaced 600,000 more. Despite justifiable concerns about the sluggishness and lack of progress in police reforms since 2008, the Kenyan police displayed apolitical and professionally conducted themselves during the March 2013 election, which helped to defuse tensions following the close vote.⁴⁹⁶



⁴⁹⁵ TNA. CO 544/83: The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance.

⁴⁹⁶ TNA. CO 544/83: The Impact of the Tribal Police Ordinance on Chiefdoms and Local Governance.

Plate 10: Administrative Police Graduation Ceremony Administration Police Training College-Embakasi-Nairobi; on 29/11/2015.

Source: EastAfrican Standard Archive Online

In addition to the shared responsibilities of the two branches, the Kenya Police Service is also responsible for the following distinct functions: criminal investigation, intelligence gathering, crime prevention, detection, and enforcement. Establishing the Directorate of Criminal Investigations under the leadership, supervision, and control of the Inspector General is mandated by Section 28 of the National Police Service Act 2011, which was passed in 2011. Plate 10, capturing the 2015 Administrative Police graduation at Embakasi, symbolizes the evolving professionalism and expanded mandate of Kenya's police services, particularly following the 2011 National Police Service Act that formalized roles like criminal investigation and intelligence gathering under the Inspector General's oversight. Among its many responsibilities, it coordinates county Interpol affairs, conducts investigations into major crimes, collects and delivers criminal intelligence, and does forensic analyses. The creation of an Internal Affairs Unit for the NPS is highlighted when one examines section 87 of the National Police Service Act 2011 in greater detail. It is the responsibility of the unit, which reports to the Director in the rank of AIG, to receive and investigate citizen complaints regarding police officers.⁴⁹⁷

The NPSC was established in Article 246 of the National Police Service Commission Act 2011 and the Constitution of Kenya 2010 with the mandate to recruit officers for the National Police Service, confirm appointments, decide on promotions and transfers, and handle disciplinary matters within the force. The National Police Service's human capital management was the Commission's primary mandate. The National Police Service has made accountability and transparency central goals. With this goal in mind, the government passed the Independent Policing Oversight Authority (IPOA) Act 2011 to create the organization. The IPOA is responsible for conducting investigations into allegations of misconduct or criminal wrongdoing by any National

⁴⁹⁷ See for example, Kagwanja, Peter. "Power to Uhuru: Youth Identity and Generational Politics in Kenya's 2002 Elections." *African Affairs* 105, no. 418 (2006): 51–75. Ruteere, Mutuma. "Dilemmas of Crime, Human Rights and the Politics of Muddling Through: The Case of Reforming the Police in Kenya." In *Crime and Justice in Kenya*, ed. E. O. Aseka, Nairobi: Heinrich Böll Foundation, 2005

Police Service officer. Whether the investigation is initiated by the agency itself or in response to a formal complaint, it must advise the appropriate authorities on the best course of action, which may include recommending criminal prosecution, monetary compensation, internal disciplinary measures, or other suitable remedies. The results of these recommendations must be made public. It also addresses grievances raised by police against their fellow cops.⁴⁹⁸

In 2005, the first group of college grads, both men and women, were enlisted as AP Cadets to strengthen the Human Capital. Graduate inspectors at the mid-level management were promoted after completing a 9-month basic recruitment course and a 6-month field attachment. Over the years, we have recruited more graduates. The AP organization entered a new era with the promulgation of the 2010 Constitution. The new constitutional entity, the National Police Service Commission, assumed the function of employer in 2011 and transferred control of human capital to it. In coordination with other appropriate state agencies, it manages police-related issues such as hiring, orientation, transition, compensation, advancement, disciplinary actions, and retirement.⁴⁹⁹

The Administration Police entity has adapted to the development thrust of a contemporary Kenyan state during the post-independence period by shedding certain traditional tasks. Plate 11, featuring Interior CS Kithure Kindiki inspecting a guard of honour at APTC in 2022, symbolizes the Administration Police's evolving role in a modern Kenyan state—marked by a shift away from traditional duties toward a more professionalized, policy-driven approach to internal security and public service delivery

Aspects such as need-based deployment of personnel reflect the entity's distinctive approach to policing, which prioritizes public engagement. This approach is founded on the fact that the entity, grassroots leadership, and community organizations have determined the necessity for police presence. Thanks to this method, the National and Administration Police formations have been able to work

⁴⁹⁸ Ruteere, Mutuma. "Dilemmas of Crime, Human Rights and the Politics of Muddling Through: The Case of Reforming the Police in Kenya."

⁴⁹⁹ Republic of Kenya, "The National Police Service Commission Act, 2011", *Kenya Law Reports* (Nairobi: National Council for Law Reporting, 2011), Section 10. Accessed: www.kenyalaw.org on 07/07/2024.

together on security issues and establish mutually beneficial collaborations at different community levels.



Plate 11: Interior CS Kithure Kindiki inspects a guard of honour at Administration Police Training College (APTTC), Embakasi, on November 25, 2022.

4.7 Conclusion

In this chapter, we focused on the changes that have been witnessed in the AP during the postcolonial era. It was noted that the AP moved from being viewed as a native security unit placed under the chief and considered less important. Under the new Constitution, their roles were more outlined to include community policing, guarding administrators, keeping law and order among others. It was also pointed out that there has been an emphasis on formal education as an entry pass into AP. This has been a departure from the past where physical attributes were vital. On matters to do with training, the government has made steps towards better training of Administration Police personnel through colleges such as the state-of-art Embakasi Training College under the supervision of different experts as stipulated in the 2010 Constitution. Further, better salaries and housing have been incorporated into the AP welfare system. The chapter concludes that from 2002, there were changes witnessed in the police service and the AP was not an exception. This has seen the AP move upwards in terms

of service delivery to the people and job satisfaction. This has attracted younger and better educated Kenyans to join the AP.

In conclusion, the development of Kenya's Administration Police from 1963 to 2018 is a story of institutional continuity punctuated by significant shifts driven by political context and constitutional change. Inherited as a tool of local control, it was rapidly expanded and politicized during the Moi era, becoming synonymous with regime security and human rights abuses. The post-2002 period saw attempts at reform largely stymied by structural inertia and political expediency, culminating in the AP's controversial role in the 2007-2008 violence. The 2010 Constitution offered a transformative vision, integrating the APS into a unified National Police Service under a single command and establishing robust oversight mechanisms. By 2018, the foundations for this transformation were laid, but the process was far from complete. The APS remained a large, influential force grappling with the legacy of politicization, the challenges of deep integration with the regular police, the need for a clearly defined and relevant mandate in the devolved era, and the ongoing struggle for genuine accountability and public trust. Its evolution since independence underscores the difficulty of reforming security institutions deeply embedded in the political fabric of the state, reflecting the broader tensions in Kenya's journey towards democratic policing and the rule of law. The APS stood at a crossroads in 2018, its future effectiveness and legitimacy hinging on the successful implementation of the constitutional reforms and a decisive break from its contentious past.

CHAPTER FIVE

GENERAL SUMMARY AND CONCLUSION

5.1 Conclusion

This study has dedicated a great portion in paying special attention to the changing nature of policing from the time the Kenya colony was formed to the time the country gained independence and after. This eventually leads to establishing some of the broader principles and patterns that shaped modern policing in Kenya. This study set out to examine the origins and development of the Administration Police (AP) in Kenya, guided by four specific objectives. The first objective—to provide a historical background of the AP from 1902 to 1928—revealed that the force evolved from rudimentary colonial instruments of control into a complex national security institution. The enactment of the Village Headman Ordinance in 1902 and the Tribal Police Ordinance in 1929 laid the groundwork for a policing system that was deeply embedded in colonial governance. The modernization theory, particularly W.W. Rostow's stages of development, helped frame this transformation as a linear progression from traditional to modern state institutions. However, the Kenyan experience also demonstrated that modernization was not merely technical—it was deeply political, shaped by colonial interests and resistance from indigenous communities.

The second objective—to trace the origin of the Administration Police between 1929 and 1963—highlighted the AP's role as a coercive arm of the colonial state. Bruce Berman's dialectic of domination was instrumental in unpacking this dynamic. The AP operated within a dual structure of control: direct enforcement through armed patrols and indirect rule via local chiefs. This dialectic was inherently unstable, marked by constant negotiation, resistance, and adaptation. The AP was not simply a tool of repression; it was also a site of contestation, where colonial authority was both asserted and challenged. Theories of state power from Marxist and Weberian traditions further illuminated how legitimacy was manufactured through bureaucratic routines and symbolic violence.

The third objective—to illustrate the development of the AP in post-colonial Kenya up to 2018—showed that independence did not dismantle colonial policing structures but rather reconfigured them. Successive regimes retained the AP as a mechanism of central control, often deploying it to suppress dissent and manage rural populations. The modernization theory proved limited in explaining this continuity, as

it overlooked the persistence of authoritarian practices. Instead, Berman's dialectic of domination remained relevant, as the post-colonial state continued to oscillate between coercion and consent. The integration of AP into the National Police Service in 2010 marked a significant institutional shift, yet challenges of accountability, professionalism, and community trust persisted.

Finally, the fourth objective—to deepen the analysis using theoretical frameworks—affirmed the utility of combining modernization theory with Berman's dialectic and complementary Marxist-Weberian insights. While modernization theory provided a scaffold for understanding institutional evolution, it failed to account for the complexities of colonial legacies and power asymmetries. Berman's dialectic offered a more nuanced lens, revealing how policing in Kenya has always been a contested terrain—shaped by historical forces, ideological struggles, and the lived realities of those policed. Together, these theories enriched the study's argument and underscored the need for a historically grounded, critically engaged approach to understanding security institutions in Kenya.

Additionally, the study shows that comprehending the effects of political and economic colonialism on the native African people under European authority can be better accomplished by studying colonial policing. Examining the origins and evolution of colonial police forces is important for understanding modern policing practices in Africa and other parts of the continent. This is because these forces had a significant impact on the development of modern law enforcement in Africa. Indeed, an understanding of colonial policing policies and strategies can go a long way in better illuminating the colonial policy in Africa as it forms part of the administrative, judicial, economic, and social relations within a colony. Furthermore, it sheds light on the responses of colonial governments to the agitation for freedom by colonial subjects. Looking at the history of the Administration Police force (AP), it can be concluded that its creation (as a body distinct from the army and the regular police) was most of all a symbol of domination and control.

The colonial rulers of Kenya had the country set up as a colony for permanent residents. It was necessary to establish a non-military organ to conduct policing duties due to the fact that the expanding colony could not be supervised by the military, as it was Imperial Britain's practice to reserve soldiers for use in times of rioting or other emergencies. This analysis may as well explain the export of policing cultures *found in* Britain to its colonies such as Kenya. It would be incorrect to assume that the English

police have made any concerted effort to export colonial policing practices around the globe in light of Cole's thesis. Kenya has probably just relied on authoritarian policing models imported from the colonies and England to deal with its own unique social and political problems throughout history. The capitalist state's inability to uphold the post-war social order via the typical consent mechanisms was exacerbated in the 1970s by industrial and political conflict, economic crisis, and the adoption of policing practices typical of colonial policing cultures.

Consensual policing is threatened because the post-war welfare state issue has not been adequately addressed, which in turn undermines the social integration of the formerly marginalized groups that are disproportionately affected by police power. To be sure, Reiner considers societal pacification a necessary prerequisite for consent policing. The police have taken authoritarian tactics once reserved for the colonies to enforce order in an increasingly divided society, acting as a border guard between the excluded classes and the remainder. In fact, police cultures have strengthened the capitalist-imperialist state's power in times of crisis in both settings by catering to its unique demands. It is possible to view the proliferation of authoritarian colonial police practices in Kenya as a last resort in the face of the greater universal dilemma that is modern capitalism. The adoption of British legal principles was one consequence of colonialism, which we stated in chapter two, which became an ingrained reality in Kenya. In turn, this caused the indigenous system, also known as customary law, to be marginalized as the British system and the indigenous system to be recognized simultaneously. As a result of governmental oversight and regulation, its functioning is now predicated on adhering to the principles of common law equity and morality.

Conversely, we contend that the establishment of the colonial state in Kenya was predicated in part on the role of the police. It gave the state more power and made it more visible. Being a law enforcement agency, it transformed punishment from an unpredictable form into a predictable whole. In doing so, it upheld the bounds of a new society and provided legal cover for the state to use its monopoly on force inside it. The colonial state would have continued to spend money on pacification without peace—the use of force—had policing not been instituted. After the East Africa Protectorate was formed, it became clear that a civilian police force and a reduction in military intervention were necessary. The police force would be more democratic, less expensive, and less likely to resort to violence. Additionally, they would mark a shift from conquering to establishing public order, as the state mastered its own power. So,

this was the conceptual groundwork for Kenyan police. As a result, this chapter details the laws that established the first police forces and, more specifically, how tribal police, the administrative police force's forerunner, came to be. In chapter three, we argued that the creation of the Tribal Police from the onset followed the principles and cultural values of the British Empire. Consequently, paramilitarism is typically considered as having been more prevalent in colonialism policing cultures than in the civilianized, unarmed enforcement cultures generally associated with Britain. We also established that the Mau Mau insurgency showcased the importance of settling on the appropriate policing model. The operational consequences of the bureaucratic struggle to move away from the paramilitary model to a constabulary approach reveal the link between organizational set-up and operational performance. We also saw that attempts to police Mau Mau reveal a disconnect not only between force size and skill but also warn contemporary policy-makers that increasing police force numbers may come at the price of compromising police quality, at least in the short term. Third, the police operated as part of a coordinated campaign alongside other security forces, most notably the British Army and the Home Guard. The police were only able to develop their professional competence because these other forces fulfilled vital roles in the campaign. For example, the Army ran most offensive operations, and the Home Guard was largely responsible for what is today termed 'population security'.

Similarly, police intelligence activities relied on systematic integration with military counterparts. Finally, it must be noted that the security forces – including the police – conducted the campaign under highly repressive Emergency Regulations. These laws placed severe restrictions on civil liberties, and would probably be inconceivable in most modern democracies. Chapter 4 concludes by arguing that, in economically undeveloped rural areas, the central police dealt with infractions of criminal codes imposed by the British, while the tribal police were primarily responsible for enforcing customary laws. The revelation that Kenyatta trusted the current police structure after the Special Branch's pivotal role in the shifta incursions in Northern Kenya led him to reject the Cabinet's decision to Africanize the command of police intelligence. Those in charge of the leadership of the police force, as well as the force itself, bore the marks of the continuity between the colonial and Kenyatta administrations.

It wasn't until 1965, when Commissioner Catling retired, that the police leadership began to be more African American. But even back then, the majority of

Africans still wanted the police force to change, and no one did anything to make that happen. What we have contended is that the government formally acknowledged the Provincial Administration's leadership position in the community in 1965. In their roles as Chairmen of the Provincial and District Teams, Administrative Officers had long been involved in coordinating economic activity at the provincial and district levels prior to independence. The emphasis on this role was heightened in 1965, though, when the federal government designated the administration as the "Agent for Development" with more responsibility for developing and implementing development programs and for raising public awareness and support for these initiatives.

Finally, the GJLOS Reform Programme was launched in 2003 by the government to improve security and justice across the board. This was in response to the realization that security was crucial to economic success. A police task force on reforms was established in 2004, but its findings were kept secret. After the sad events of 2007–2008 post-election violence and the conclusions of the Commission of Inquiry into Post-Election Violence (CIPEV) revealed that the police had perpetrated extensive and grave human rights violations, it implemented reforms to the police force. Finally, we have shown that the 2010 Constitution totally redefined the administration police. In terms of recommendations, historians always tend to pose questions rather than give answers, in this case, there is need for future academics and scholars of Kenya to further investigate the secrets behind training of non-Africans and especially during the mau mau. Further, there is need for understanding the relationship between policing and the colonial philosophy of control and domination as unit of analysis.

5.2 Recommendations

Based on the conclusions drawn from the study and given the insights into the evolution of policing in Kenya, policymakers should consider adopting reforms that align with the broader principles and patterns identified in your study. These reforms could enhance law enforcement practices, community engagement, and accountability. Policymakers should invest in training programs for law enforcement officers, emphasizing historical context and cultural sensitivity. Understanding the colonial legacy can inform better policing strategies. Explore the impact of colonial policing on local communities. How did it shape community trust, perceptions of authority, and social cohesion? Investigate both positive and negative effects. Investigate the role of gender in colonial policing and its implications for modern law enforcement. How were

women involved in policing during colonial times, and how has this evolved? Examine strategies for decolonizing policing institutions. This includes reevaluating organizational structures, terminology, and practices to ensure they reflect local contexts and values. Acknowledge that the creation of the Administration Police (AP) was symbolic of colonial domination and control. Policymakers should critically assess the legacy of such symbols in modern policing and investigate how colonial policing practices influenced other regions beyond Kenya.

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APPENDICES

Appendix I: Lists of Informants

NAME	GENDER	DATE	PLACE OF INTERVIEW	AGE
Mary Ongawa	F	20/11/2016	Kisumu	73
Jarapido Nyangau	F	11/2/2018	Kisii	68
Maina Igembe	M	10/02/2018	Tigania	78
Karimi Mwangi	M	19/02/2017	Nakuru	87
Joseph Odiwor	M	17/08/2017	Homabay	72
Kyalo Mutiso	M	10/10/2016	Machakos	76
Kasivo Katana	F	08/11/2018	Voi	65
John Wafula Wanyonyi,	M	01/02/2018	Kakamega,	87
Peterson Wainaina	M	07;09/2019	Kirinyanga	71
Magaigwa Onticho	M	09/09/2018	Nairobi,	65
Stephen Karimi	M	12/12/2017	Nairobi	78
Kangethe Mburu	M	12/12/2017	Nyandarua	82
Komoni Magendo,	M	15/12/2018	Nyahururu,	67
Hasan Churie,	M	18/09/2017	Nairobi,	78
Benson Wasike, Senior Superintendent of Police,	M	3/07/2015	Kitui County	83
Mark Leleruk, Senior Supretendant of Police,	M	02/03/2019	Nakuru,	54
Magaigwa Onticho, Retired Adminitration Police,	M	01/02/2018	Nairobi	85
Githu Wainaina	M	06/15/2015	Nakuru	70
Weston Lokolo	M	05/04/2018	Nyahururu	69
Jediel Mutunga, Administration Police Sergeant	F	10/01/2016.	Katulani Sub-County, Kitui	56
Margaret Chege,	F	26/06/2015.	Nyeri	65
Samwel Ndanyi	M	20/12/2019	Machakos	67

Kinuthiam Mbugua	M	21/12/2021	Nakuru	67
Lenah Ndinda,	F	13/4/2017	Kisasi Sub-County	78
Mukaro Josephine	F	14/7/2016	Makindu	56
Zebadiah Muritu	M	19/8/2016	Karen	80
Wamai Njuki	F	18/4/2017	Karatina	79
Sospeter Okeror	M	2/12/2018	Turkana	70
Gathege Kinyua	M	5/5/2017	Nyahururu	78
Muya Kwatrimbo	M	5/1/2017	Karatina	90
Kioko Nzuve	M	7/8/2016	Embakasi	83
Njogu Wangombe	M	10/8/2016	Kiganjo	90

Appendix II: Sample Questions

Name Age.....

Sex.....Date of interview.....

Working station.....

To trace the colonial background of the Administration Police, 1890-1928

1. What factors that brought about the idea of policing from the onset of colonial rule?
2. What role did the police play in the colonial administration?
3. How did the settlers and colonial workplace induce the government to use the police?
4. What role did the police play during the First World War?
5. How did the war impact the nature of policing in Kenya?
6. How did the social life of the police change during the war

To examine the origin of Tribal Police, 1929-1963

1. How did the tribal police differ from the common police
2. What role did the role of tribal police play in public administration
3. In what areas or places were the tribal police placed around the country and why?
4. How did the great depression affect the organization and development of the tribal police?
5. What relationship did the tribal police have with the regular police and the military police?
6. What was the impact of the second world war on policing
7. What effect did the end of the war have on the tribal police?

To examine the development of Administration Police in the post-colonial period, 1963- 2018

1. What changes did independence bring to the administration police?
2. Specifically, how did Kenyatta restructure the police administration?
3. How did the changes in public administration of newly independent states affect the police?
4. What relationship did Kenyatta have with the administration police?
5. How did the Moi regime alter the structure of administration police?


6. How did the 1982 *coup de etat* affect the operations of the administration police?
7. What changes did the post-election violence bring to the police?
8. How did the new changes in the constitution of 2010 affect the structure of the administration police?
9. How did Uhuru regime affect the operations of the administration police?

Appendix III: NACOSTI Permit

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