

ANALYSIS OF THE EMERGENCE OF LOCAL AUTHORITY IN SOUTH NYANZA AS A TOOL FOR COLONIAL GOVERNANCE IN KENYA (1925- 1963)

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Abstract: This research paper analyzed the governance of Local Authorities in Kenya, and in particular it delved in the process of the introduction of the administrative arm in Homa Bay municipality, 1925-2011. The study was premised on the fact that Homa Bay municipality despite its strategic location in the Southern Nyanza region, development and sound service delivery have been slow. The study sought to; assess the role played by Local Native Council (LNC) in the governance of South Nyanza County Council. The research used the qualitative approach in the analysis of data and purposive sampling of population method. The research was anchored on the theory of structural functionalism in the analysis of the working of various structures in the governance of Local Authorities in Homa Bay County in Kenya. The findings of the study contend that the Municipal governance in Homa Bay would work better if people were involved and leaders listened to the views of the residents by acting as their advocates on issues of service deliveries and good governance.

Keywords: Governance, Local authority, Local Native Councils.

I. INTRODUCTION

This research paper explains the establishment of Local Native Council in South Kavirondo (South Nyanza region), which was the study area. It examined the emergence of Homa Bay as the administrative and strategic headquarters for the Southern Nyanza region. The study considered the views of respondents randomly selected with a criteria of possessing first hand information on issues under examination in Homa Bay between 1925 to 1963. The paper focused on colonial history of Homa Bay and the role of chiefs and councilors in the governance of Homa Bay. It was imperative to study these issues during colonial times in order to understand the local authority's governance in the postcolonial period.

The Local Native Council and Chiefs' factor in Southern Nyanza:

The early development of local government in Kenya reproduced the contours of settler colonialism, which allocated land, responsibilities and privileges on a differential racial basis. To support this unilateral allocation, Ogot, 1963: 249 wrote that, the Headmen (later named Chiefs) were first appointed in 1902 under the village Ordinance. In white settlement areas, local government was formalized from 1919 following the creation of town councils in Nairobi, Mombasa, and the establishment of District Advisory Committees in county areas.

Reacting to the growth of proto-nationalist associations after the First World War, the colonial administration established the Local Native Councils (LNCs) under legislation that was enacted in 1924, to give voice to African concerns. Further, from 1929 the District Advisory Committees culminated to Town Councils and Advisory committees in smaller towns advanced to urban or higher to full municipalities.

Initially, such bodies were composed solely of nominated members and were controlled by government officials. Eventually, the majority of councilors were elected, albeit on a racial franchise which saw Asians in towns vying for parity with Europeans in the 1940s. Roger, (1996) explained that whilst these administrative tools were being organized, urban Africans were administered through advisory committees comprising nominated members controlled by government officers.

All powers regarding local governance were exercised by colonial administration through the Local Native Councils. The British no doubt intended for the introduction of these local governments' bodies would give Africans a bigger voice in running their affairs and bring about better co-operation between the people and the colonial administration. The colonial government decided to set up these local government bodies for the sole purpose of entrenching their authorities in the colonies. Schilling, 1976: 220 however, elucidated that the Local Native Council was the only modern government assembly to which indigenous Kenyans, elected representatives, and an examination of the proceedings could help illuminate the ways in which members could use colonial institutions to advance their own interests as well as the very real limitations to working through them. The 1924 annual report given by the Chief Native Commissioner read in part as:

"a part from the unbounded possibilities for good in other ways, the establishment of native councils with definite powers and authority should go far towards counteracting any mischievous tendencies which might develop in native political societies"

The colonial official was imputing wrong motive on Africans by trying to accuse them of mischief and incapable of running their own affairs even before their governance structures took effect. This was subjective and prejudicial to the Africans. In any case the formation of the LNCs was imposed on the local people. The people of Homa Bay were already managing their affairs well under very able council of elders. They had their own governance systems and were least bothered with this new system of administration.

Intended purpose for Local Native Councils:

From the annals of Wanjohi, 2000: 1-2, the local native authorities were created under the colonial administrative machinery to organize the provision of some community services locally such as education, markets and trading centers, tree planting, and construction of some secondary roads; however, never was a local government operated independently of the colonial central system in such a way as would advance economic and political development of the local community"

Further, in the annual report of 1925, (PC/NZA/1/20), the District Commissioner Campbell wrote and observed as follows:

"Whereas my predecessors have made energetic attempts to interest the native in agriculture, afforestation etc, I find that there is only one plough working in the district and afforestation is practically non-existent. They have very little enthusiasm for anything under any branch of work and my own opinion is that bhang smoking is largely responsible for this. It was regrettable that the elders and chiefs appeared so apathetic though when met in *baraza* they appear intelligent enough and apparently listen to what is said to them but the effect soon wears off" (Nyanza Province Annual Report 1925, PC/NZA/1/20).

In 1924, Local Native Councils were established under the chairmanship of the DCs, who also acted as Chief executives. On 18th July 1925, R.W. Lambert, Clerk to the Executive Council, announced the establishment of a Local Native Council in South Kavirondo (Luo) District in the Province of Nyanza (Kenya Gazette 29th July 1925, 708). Two LNCs were established in South Kavirondo in 1925; one was set up for the Luo and Suba, and the second for the Gusii and the Kuria. The district was thus the only one in the colony to have two LNCs. The two LNC did not meet in 1925 because the DC, W.F.G. Campbell felt that the Gusii and the Luo were not ready to operate local government bodies of this type (Maxon: 1986, 89-90). The contradictions of local government were manifest in the struggle by Africans to resist absorption into the political economy of the colonial state through the agencies of these councils. Resistance to taxation was a constant theme in council proceedings (Stamp, 1986: 22). The first meeting of the LNC in Gusii land did not take place until 1926. In 1927 the DC reported that South Kavirondo showed slight improvements during the year under review due to continuity in the Administrative staff and the fact that the Local Native Council was firmly established and functioning. With the exception of a few petty affrays in the boundary and others, the year ended well. There were no political agitations of note except the one in North Kavirondo District (PC/NZA/1/22). This was restated in (Nyanza Annual Report 1932: 11) which noted that:

“A little effort was made to increase production of crops for cash during the early part of the year, the Luo have had ample opportunity for drinking, dancing and immorality. Complaints of thus were received from missionaries and the attention of chiefs were invited to their duties in the suppression of those delinquencies. “It is in matters of this nature that a deplorable weakness in authority is evident”. Some light improvement was noticed but the evil continued”.

In contradiction to the damaging report, Mzee Chwanya argued that “all that the colonial government was condemning like drinking of alcohol and other immoralities to them, were the Luo way of life and that they were free to indulge. These activities did not in any way affect their concentration in crop production and other economic activities such as livestock keeping”. (Walter Chwanya, O.I.24-03-2011, Arujo Village). In 1928, following a commission of enquiry, the colonial government established the post of Commissioner for Local Government (District Councils) Ordinance, forerunner to the county councils, in the areas settled by European farmers, and four more municipalities were created.

There were conscriptions in South Kavirondo in Nyanza province during the World War II period. And according to the colonial authority, the chiefs and headmen did excellent work in the years which brought a great increase in the variety and volume of their duties. A few were proved to be incapable of making the extra effort required of them and were replaced; the majority deserved credit for much hard work in connection with recruitment, military, civil, and increased production in addition to the usual routine duties (Nyanza Annual Report: 1942, 4). The Local Native Councils of Nyanza Province were described as “ticking over” during 1944, as they anxiously awaited the “Troughton inter-relations report”, and awaiting the announcement of policy for further advance. They had literally arrived at the end of the rails and were becoming restless to know their future place in the Administrative machine. Councils have also sought information on the future of the chiefs, and what possible careers might be open to them. The year however, was spent in stock taking, and no announcement could be made (Nyanza Province Annual Report, 1944, 6).

The County Councils:

In 1952 County Councils were established, with authority over district and Urban (but not Municipal) Councils. In broad terms, whilst councils in the rural areas had the particular function of looking after roads, the different bodies (albeit with continuing assistance from central government) were variably responsible for such services as public health, hospitals, schools and the provision of water, sanitation and cleaning, street lighting, and other amenities (Rodgers, 1996: 503). By 1958 the essential features of Kenyan Local Government were laid down (Kenya, 1957; Sharp and Jetha, 1970), and changes just prior to independence in 1963 completed the edifice. District commissioners held public enquiries to obtain local opinion on the form local government should take. An order-in-council of 1963 (Kenya, 1963) carrying the status of an Act of parliament, created new local government regulations, which, in amended form, are still in force.

Functions of local government:

Appointed at the District level, and composed of the District Commissioner (DC), his assistant, chiefs and African nominees acceptable to the Provincial Commissioner (PC), they were responsible for such functions as the collection of Local Native Rates and other dues, the provision and maintenance of water supplies, forests, cattle dips, roads, bridges, markets, and with the implementation of measures concerning land use, public health and education.

The Chief of Homa Bay:

The first Chief of Homa Bay area was chief Ogoma whose tenure was very controversial. He was swiftly arrested by the colonial authority and forced to Chula Oyamo alongside members of Mau Mau who were detained there for undermining cotton growing in Homa Bay. He was framed by the people that he had murdered someone. Some alleged that he had ordered them to discard cotton harvest meant for the cotton ginneries operated by the white, hence his detention. There was no proof of this but was used as a pretext by the colonial government to detain Ogoma who was never liked by them. He was replaced by Chief Samwel Odoyo who served up to 1969 and was succeeded by chief Obwana. Chief Samuel Odoyo convinced people to offer land for setting up of the town.

By incorporating Homa Bay in their governance structure through the appointments of chiefs, DOs and DCs in total disregard of the existing traditional structures that had enabled the people to live peacefully, the colonial authority were seeking to dilute the traditional authority that had served the people of Homa Bay well. During the colonial time Homa Bay was homogenous and this made the colonial government to easily integrate it into its colonial governance structure. It was therefore very important for the colonial authority to have ensured that power transformation from local native leadership was not handled haphazardly. They therefore, disrespected the will of the people to decide who governs them and how best they should be governed. “They came for the residents and forcefully recruited them in the army to fight the British war. They used Homa Bay people to construct roads.

The Mumboism resistance in Homa Bay:

During this period “Mumbo” and Jorabudi” movement took upon themselves the challenge of resisting the “Loch Nanga” [Colonial regime] and the white religion by telling people to refuse the idea of abandoning their culture for the white man’s religion”. In the words of Walter Chwanya, “Mumboism” put up a strong resistance against the colonial rule in the 1940s and 50s (Walter Chwanya Ochieng’, O.I. Arujo village, 24th, March, 2011). The sentiments expressed by Mzee Chwanya were articulated by Prof. Ndege, Peter’s paper presentation titled *The Colonial State, Capital, and Patriarchy* in which he expounded that, “Another purpose for which the colonial state and the Provincial Administration were allied was the recruitment of cheap African labor”. But this labor did not benefit the people but only the British. But just like other parts of South Kavirondo, the colonial authority exercised by the chiefs at the local level got under serious threat from “Mumboism”, which was advanced to South Kavirondo by Onyango Dunde of Central Kavirondo in the 1930s. However, Mumboism had been in existence since 1914 and 1915 through spiritual leadership of Auma Mosi from Kabondo who propagated the faith in the land of the Abagusii [Kisii people].

That, Mumbo was patently and primarily anti-colonial has not been questioned by scholars: What has become the main point of contention is the nature of Mumbo as ‘religious’ or ‘political’ outfit. Several scholars have argued that Mumbo was a purely political movement (Maxon, 1989; Ochieng’, 1977; Ogot and Ochieng’ 1972), and that whatever spiritual or religious aura may have surrounded Mumbo was consciously adopted as a cover for its political ends (Ogot and Ochieng’, 1972:167). “Placing Mumbo in the context of local ideas of patronage and of power reveals it to be not simply a challenge to colonial (and Missionary) rule but an alternative and as attractive one at that. It is here that we grasp the meaning and importance of Mumbo” (Pritchard: 1963; Fields: 1997). Even Campbel, the D.C. Nyanza contented in his report to the Chief Secretary, in which he recommended the use of ruthless methods to stump out the cult; That “Mumboism was politically dangerous and had therefore to be dealt with otherwise there is a possibility of the events which occurred in Blantyre, British Central Africa, being repeated here” (Ogot: 1963, 257). So people had solace in Mumboism, which in turn was totally against the ways of the white man.

The election of councilors, subject to approval by the PC, was allowed from 1937. LNCs were replaced by African District Councils in 1946. These councils were made corporate bodies with increased powers and responsibilities, including the right to hire and pay their own staff, and to raise revenues through a greater variety of cesses, taxes, licenses, permits and fees. The relevant ordinance also provided for the election of the majority of councilors, although because of the Emergency, the first such elections were delayed until 1958.

These preceded the general election of 1963 which saw the triumph at national level of the Kenya African National Union (KANU) led by Jomo Kenyatta (Rodgers, 1996: 504). There were councilors who resisted the colonial authority as they played important roles of defending their people. One of the prominent councilors remembered, was Otiyo Mwai who proved to be with the people who elected him as demonstrated when he bitterly opposed people being moved from Homa Bay to Lambwe in 1960s to pave way for the setting up of South Nyanza headquarters at Homa Bay. This led to criminal charges being preferred against him by the colonial authority, leading to his incarceration. The incident ended portraying him as a hero before his people (Prof Amuka, Peter O.I. Moi University, 18th April 2011).

II. MATERIALS AND METHODS

This study used interview schedules to collect data from respondents in Homa Bay municipality on issues of governance and development. The questions used involved asking the respondents about their work responsibilities. Further, the questions proceeded from the general to specifics. The structure of the interview schedules were communicated to the respondents in advance. The population of Homa Bay Municipality is approximately 32,174 people according to the 2009 population census. This research used the qualitative research methodology. The target population was selected through purposive sampling in which the people involved in the municipal governance such as the councilors and chiefs were the main targets. These groups were drawn from the six wards and four sub locations. The study drew a purposive sample of councilors, chiefs, residents and social workers in Homa Bay. The groups interviewed were considered representative of the above wards and sub locations. The researcher interviewed 22 respondents in the Municipality which in qualitative research was considered adequate for the study.

Further, key informants were purposively selected to corroborate the data obtained from other respondents interviewed. The key qualifications of the key informants were that they command respect and are held high morally and in position in the society. These included leaders in the Municipality such as the councilors and chiefs who had institutional memories. Some Municipal residents were also purposely sampled taking into account their abilities to give the required information.

III. FINDINGS

From the study it was apparent that from the colonial times, local government was never autonomous and always remained the extended arm of the central government. The conflicts between nominal participation in self-government and administrative control "from above" in the independent Kenya were never solved. Powers and authority were concentrated in Nairobi in the period of 1950s and early 1960s during the state of emergency and the clamor for independence respectively. The fact that the attention of the metropolitan Britain was in fighting insurgents in Kikuyu land meant that places such as Homa Bay were peripheral and did not deserve their immediate attention. The study found that Homa Bay fell under the jurisdiction of South Kavirondo Local Native Council that was established in 1925. Homa Bay area was administered through the Kisii based Local Native Council which was far away for the residents of Homa Bay who would wish to seeking government services.

From the study it was revealed that the establishment of the Local Native Council (LNC) was a quasi western governmental assembly for the purpose of advancing colonial interests at the local levels. Paulo Mbuya Akoko, who later became *Ker[Luo elder]* of the Luo, after succeeding *Ker Joel Omer*, who made efforts to bring the administration closer to the people of Homa bay. Paulo Mbuya's efforts bore fruit when the colonial authority, under Governor Muer Rennison, finally set up South Nyanza County Council on 20th July 1962.

IV. CONCLUSION

The formation of the Local Native Council in South Nyanza was a disadvantage to the Luo. First, the LNC headquarters was established in Kisii far from the Luo majority. Numerically, the Southern Nyanza Luo was more in terms of population than the Abagusii. Homa Bay was located strategically at the shores of Lake Victoria and could provide access through water ways to other areas. The administrative arm of the colonial government did not take into account the culture of the Luo people so as to integrate the same for smooth and acceptance of the rule. This made it difficult for acceptance and resulted in resistance to the new ways brought in by the colonial government.

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