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Introduction to the microfilm collection

by

Henry F. Morris

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Government Publications relating to Kenya, 1897-1963

Introduction

The Sultanate of Zanzibar formed the springboard from which British influence in the latter part of the 19th century, culminating in the establishment of protectorates, was to extend into the interior of East Africa. As early as 1877, the Sultan had offered William Mackinnon, the Chairman of the India Steam Navigation Company, a lease of his mainland territories. The offer was not at the time taken up, but in 1887 Mackinnon's Imperial British East Africa Company, which was incorporated as a royal charter company in the following year, was granted a lease of these territories, now defined by international agreement as extending to a depth of ten miles from the coast, and from this base the Company extended its activities into the interior. Under its charter, the Company was empowered to undertake the duties of general administration, the imposition and collection of taxes and the administration of justice in the areas under its control. In 1890, the Company's representative concluded a treaty with Mwanga, the Kabaka of Buganda, whereby the latter placed his kingdom under the Company's protection. The area lying beyond the coastal strip, which was later to form the Colony of Kenya, was of primary importance as a link between Uganda and the coast and in the few succeeding years of the Company's existence several stations were here set up, but no formal system of administration of this area was attempted. In fact, the Company was not in a viable position financially to undertake full scale administration, or even effectively to control the areas under its formal jurisdiction. When the Company found itself compelled for financial reasons to withdraw from Uganda, the British Government, though with considerable reluctance, took over the Company's responsibilities there and a British Protectorate was formally declared in 1894. In the following year, the Company also handed over to the Government its territory between Naivasha and the coast, and the Protectorate of British East Africa came into existence on 1st July, 1895. In 1920 the Protectorate, apart from the coastal strip, was annexed as the Colony of Kenya; the coastal strip was renamed the Protectorate of Kenya and the two areas continued to be administered as one territory. On 12th December, 1963, the Colony and Protectorate of Kenya attained independence.

It is with the period during which the British Government was responsible for this territory, that is to say from 1895 to 1963, that the series of publications on this microfilm is concerned. The officer in charge of the administration of the East Africa Protectorate and of its successor, the Colony and Protectorate of Kenya,[1] was, like his counterpart in other British dependencies, responsible for presenting annually to the Secretary of State a "Blue Book" and an Annual Report. Nineteenth century colonial regulations required the submission of an "Annual Blue Book containing accounts of the Civil Establishment, of the Colonial Revenue and Expenditure and of various statistical particulars etc.", which had to be accompanied by a Report "exhibiting generally the past and present state of the Colony and its prospects under the several heads specified in the [Blue] Book. That Report shall be laid before both Houses of Parliament. It should be, as much as may be, complete within itself."[2] The Blue Book, with its formidable array of statistics, was for official use only, but the Annual Report, which, making use of, and interpreting, this statistical material, presented in a narrative and readable form a review of the territory's progress during the preceding year, was intended, not merely for the information of members of Parliament, but also as a publication available to the public. After the 1917 Annual Report this publication ceased to be a Command Paper. The publication of Blue Books ceased after the Second World War, and when the Annual Reports reappeared in 1947, after an intermission during the war years, they took a rather different form. Greatly expanded in size, interspersed with photographs, they reflect changed attitudes towards colonial administration and the realisation by the Imperial Government of the need to publicise its colonial policies and achievements. Included in this microfilm collection are the Annual Reports published for the East Africa Protectorate and Kenya from 1897 to independence and the Blue Books compiled for the territory from 1901 to 1946 when compilation ceased.

The third series in the collection is the Official Gazette for the territory, with its supplements, from 1899 to independence. The publication of an Official Gazette, normally fortnightly, was a common feature of colonial administrations and fulfilled various functions. It was the means whereby the Government could make announcements to members of the public and, where it was thought necessary or desirable, keep them informed of its decisions and policy and, in particular, it was the means whereby legislation was published. In the early years, these Gazettes also played the part of an official newspaper in which information of a more general nature, often including international news, could be imparted to the English-reading public. During the first few years of its existence, the East Africa Protectorate (and Uganda) relied upon a Zanzibar publication, "The Gazette for Zanzibar and East Africa", but in 1899 a separate "Official Gazette for the East Africa and

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[1] He had the title of Commissioner until 1906 when this was changed to Governor.

[2] "Revised Edition of Rules and Regulations for H.M.'s Colonial Service", 1843, p.59. For a fuller account of the background of these compilations, see H.F. Morris, Introduction to "Government Publications relating to Uganda", pp.14-16.

Uganda Protectorates" was published in Nairobi, and this in turn was succeeded by separate Gazettes for the two protectorates in 1908.

These three series of official publications provide a fund of varied material basic to any study of colonial rule in the East Africa Protectorate and Kenya, whether historical, political, legal or economic. To obtain a full picture of Government's policy in the territory, its successes and failures, the scholar must pursue his research through the archival material in the Public Record Office in London and in the National Archives in Nairobi, but the Annual Reports (and Blue Books) provide an outline of such policy, as it was understood by those responsible for implementing it, together with a wealth of facts and figures, valuable both in themselves and as a guide to further research. The Gazette (with its supplements) provides material of perhaps even wider interest, for not only is the bulk of the material far greater, but its content is more varied. As has been indicated, the Gazette had in its early years something of the character of an official newspaper, and items of local news often provide useful information available from no other source. Moreover, there are, *inter alta,* periodic trade returns, the proceedings of the Legislative Council for certain periods, registers of voters and lists of assessors and jurors and other miscellaneous items of factual and statistical information which provide valuable raw material for the historian of Kenya's colonial period. Furthermore, the advertisements, which throughout occupied a large part of the Gazette, throw valuable light on the commercial community of the territory. The bulk of the Gazette material comprises the legislation, both the Ordinances and the subsidiary legislation enacted under them. Although a bound volume of the laws for a particular year was usually published at the end of that year, very few United Kingdom libraries possess a complete set of these annual volumes. No proper understanding of the development of legal policy, itself so integral a part of colonial policy as a whole, is possible without access to the legislation in the actual form in which it was enacted; complete sets of the existing laws at a particular date were published periodically (usually at ten year intervals) but these are no real substitute, since they do not contain repealed legislation or the portions of surviving legislation which had earlier been amended. Then there are the legislative Bills, which, unlike the legislation itself, were not subsequently produced in annual volumes and copies of which are as rare as those of the Gazette itself. These Bills often contain considerable differences from the Ordinances which followed them, as a result of amendments made before enactment by, for example, the Kenya Legislative Council or the Secretary of State for the Colonies, and for the legal and political historian they have a particular interest in that they contain statements of "Objects and Reasons" from which the policy behind the enactments may be deduced.

Few libraries in the United Kingdom possess a complete set of the Annual Reports, which, prior to that for 1904/5 will only be found in sets of Parliamentary Reports. As far as the Blue Books and the Gazettes themselves are concerned, the problem of location has been an even more serious one for scholars working in this field. As far as I am aware, no library in the United Kingdom has a complete set of the Gazette (with supplements) or of the Blue Book for the East Africa Protectorate and Kenya, both of which will only be found in the Public Record Office, though the Royal Commonwealth Society, Northumberland Avenue, London, has virtually a complete run of the Gazette from 1901.

The collection also includes publications relating to the East Africa High Commission and its successor, the East African Common Services Organisation, although, of course, these bodies, which had their headquarters in Nairobi, were the concern not only of Kenya but also of the two other member territories, Uganda and Tanganyika. The history of the formation of this inter-territorial organisation – still in existence as the East African Community – was a long and tortuous one. Proposals for the establishment of some form of closer union between the three British dependencies of East Africa was under almost continuous consideration from the end of the First World War until the High Commission was finally set up in 1948. Seldom can such a matter of colonial policy have received such protracted consideration and have been the subject of so many official reports and varying recommendations as did this perplexed question of whether the goal of colonial policy in East Africa should be federation, some form of association short of federation or neither, a question which aroused locally the bitterest antagonisms. The last part of this section comprises a series of official documents on the subject published during this lengthy period of debate. This is preceded by the series of Annual Reports and the Official Gazette of the High Commission and the East African Common Services Organisation, including the legislation which these bodies enacted, from 1948 to 1963, the year in which Kenya attained independence, in fact the last of the three member territories to do so.

Various sources have been used in bringing together this microfilm collection, which is as a result virtually complete in respect of all four series. That this has been possible has been due to the generous co-operation of the holders of the volumes used which lie in the following centres: the Royal Commonwealth Society, the Public Record Office, the British Library, the Institute of Advanced Legal Studies (University of London), the School of Oriental and African Studies (University of London), the University of London Library, the Foreign and Commonwealth Office and the Institute of Commonwealth Studies (University of London).

The Annual Reports and Blue Books

The first of the series of annual reports for the East Africa Protectorate is that published in 1897 as C.8683, in which the Commissioner, Arthur Harding, reviews the progress of the new Protectorate from its establishment on 1st July, 1895. As Harding explains, the Protectorate was constitutionally something of an anomaly, as it consisted of three distinct entities. First there was the mile deep coastal strip running from the Umba at the southern end to the Ozi at the northern (together with the offshore islands and a radius of one mile round Kismayu) which was on lease from the Sultan of Zanzibar. Secondly, north of the Ozi lay the Sultanate of Witu, which had previously been a German Protectorate and which, in fact, was soon to lose its separate identity and be absorbed into the neighbouring territory.[3] Thirdly, there was the rest of the territory, which comprised the bulk of the Protectorate, not all of which was yet administered, for about 160,000 square miles in the north were not as yet included in the four provinces of Ukamba, Tanaland, Jubaland and Seyyidieh; and this area was virtually unknown to the administration.

It had not been an easy time for the administration of the new Protectorate, for the Mazrui revolt, which broke out in 1895 (a brief account of which is given by Harding) had devastated the most prosperous province. Nor did Harding feel that much encouragement was to be derived from missionary endeavour. The missionaries had, he admitted, done useful work in exploring the country and in accumulating information on languages and customs, but they had made little impression on the local people who had shown none of that "keen desire for knowledge and eager assimilation of the new ideas set before them by their instructors which is so encouraging a symptom in Uganda". Yet Harding was able to give some encouragement to the home government on a matter to which the latter was most sensitive: when the territory would be able to pay its way. Responsibility for the East African protectorates had been undertaken by the United Kingdom with some trepidation and in the face of considerable opposition, and the underlying and recurrent theme running through the annual reports until well into the 20th century was how and when the Protectorates could stand on their own feet financially and show some return upon the capital expended on them. Harding was largely dependent for local revenue upon customs duties, for there was as yet no direct taxation. Here the situation was complicated by the fact that in the coastal area the Commissioner was restricted by international treaties entered into in respect of Zanzibar which drastically limited the taxation which could be imposed on foreigners and which for a number of years were a source of irritation to the Protectorate Administration. Despite this limited source of revenue, Harding was able to forecast that within ten years' time the Protectorate would be able to pay its way, a forecast which, in fact, proved to be unduly optimistic.

By the turn of the century, the Protectorate Administration appeared to be doing little more than hold its own. 1900-1901[4] had been a year of prosperity with abundant crops, but this had not benefited the Administration, since the result was merely that the Africans were less inclined to part with their ivory or to work at rubber collection, and consequently exports and revenue had suffered, for there was still no form of direct taxation (which was first introduced in the form of a hut tax later in 1901). In 1902 the Eastern Province of Uganda was transferred to the East Africa Protectorate and White settlement on a large scale now became a practical proposition, the success of such settlement appearing to the Administration to be the only hope, short of the discovery of rich mineral deposits, if the Protectorate were to become financially self-supporting.[5] The Report for 1902-1903 records that there were only a hundred European settlers in the country, but that with the Uganda railway now operating, with "new and more liberal" land laws enacted and with the price of 2 Rupees an acre for freehold, or 15 Rupees for a 99 years' lease of one hundred acres, it was hoped that settlers would soon be attracted; and in the following year it was stated that there had been an influx of settlers largely from South Africa. The Report for 1905-1906 gives a terse account of the suppression of the Nandi rebellion, adding that, apart from this and another incident involving the Sotik, relations "with the various tribes have been characterised by the utmost friendliness".[6] Nevertheless, the military budget formed the largest item of expenditure, accounting in this year for £104,980 out of a total expenditure of £418,839.[7]

In 1905 responsibility for the East Africa Protectorate was transferred from the Foreign Office to the Colonial Office, and the annual reports now form part of the Colonial Office series. The influence of the settlers, who had

[3] That the anomalous constitutional position of Witu still presented problems in 1907 is clear from the Proclamation of that year designed to overcome doubts as to whether laws made by the East Africa Protectorate were operative in the Sultanate; see Gazette No. 194 of 1 Dec., 1907.

[4] Until 1921, Annual Reports followed the financial year running from 1st April to 31st March.

[5] See Annual Report for 1903-4.

[6] See Annual Report for 1905-06, p.50

[7] The next largest item of expenditure in 1905-6 was on Public Works and Survey, £100,0,2.

formed a Colonists' Association, was now such that in 1906 a Legislative Council was set up on which non-officials had nominated seats.[8] In the year 1912-1913 the Administration's goal of financial self-sufficiency for the Protectorate was at last achieved and the grant in aid from the United Kingdom Treasury dispensed with: revenue at £952,525 now almost equalled expenditure at £961,178, as compared with revenue and expenditure at £474,759 and £691,676 respectively in 1906-1907, and £108,856 and £256,000 respectively in 1903-1904.

With the successful termination of the 1914-1918 war and the conversion of what had been German East Africa into the British mandated Territory of Tanganyika, a new sense of responsibility for the advancement of the indigenous population – associated with the concept of trusteeship – was introduced into colonial policy in the East African, as in other, colonies. Complementary to this underlying philosophy of administration, was the doctrine of indirect rule, which in its East African form was so eloquently and elaborately formulated by Cameron and his senior officials in the Dar es Salaam Secretariat. But, whereas in Tanganyika and Uganda the administrations could unreservedly pursue policies which they believed, rightly or wrongly, to be in the ultimate interests of the African population, in Kenya the government had to try to reconcile its responsibilities to the African population with those which it felt it had to the settler community, vociferous, aggressive and in a dominating position economically. There is, as a result, an underlying ambivalence in the Kenya Government's policies, and, although the paramountcy of African interests was propounded as an article of government policy in the Devonshire White Paper of 1923,[9] it was hoped that such policy could be pursued without serious detriment to settler interests. Nor was the fashionable doctrine of indirect rule, on the Cameron model, as the means whereby African interests were to be forwarded, pursued with the same enthusiasm, or in the same form, as in the other two territories, even though the familiar official language might be used – as, for example, "the administrative policy of the Government has consistently been to guide native affairs through the hands of their own chiefs and tribal organisations and gradually to teach them the art of government".[10] This, however, arose not only from the existence of white settlement, but also from the fact that, in general, tribal societies in Kenya lacked the chiefly organisation which was the basis of Cameron's concept of rule through traditional authorities. Kenya did, however, make its own contribution during the 1920s to native administration according to the indirect rule philosophy with the creation of district councils, even if the position of the district commissioners as chairmen of the councils would, no doubt, have horrified Cameron. Under the Native Authority (Amendment) Ordinance of 1924, "a considerable measure of local self-government" was bestowed "upon the Native Councils in regard to the social welfare of the tribes and the management of communal matters such as land, forests and veterinary services. The local concerns of health, education, agriculture, trade and labour recruitment" were also brought "within the scope of their consideration".[11] Successive annual reports speak enthusiastically of the progress which the administration were convinced these councils were making.

The 1920s were difficult years for the Kenya Administration, political controversy centring around the demands from the immigrant communities for constitutional concessions. The decade had opened with the annexation of the Protectorate (apart from the coastal strip).[12] Although the reasons for the change in the territory's constitutional status had been primarily to overcome certain legal problems to which the existence of a protectorate, as opposed to a colony, gave rise, and although the change was not intended either to be a concession to settler opinion or, in itself, to be a prelude to other constitutional changes,[13] the settler community, who had long clamoured for such a change in the country's status, saw it as a step towards self-government under settler control. The Indian community demanded equality of treatment with the Europeans with representation on the Legislative Council through a common electoral roll and with a right to settle in the Highlands, demands which the settlers strongly resisted. The White Paper of 1923, referred to above, was acceptable to neither of these communities, for, not only did it pronounce upon the paramountcy of African interests, but it ruled out the prospect of responsible self-government "within any period of time which need now be taken into consideration". At the same time, it proposed that the Indian members of Legislative Council should be elected on a communal basis and that settlement in the Highlands should be reserved for Europeans. As a result, the Indians refused to sit on the Legislative Council until 1926.

The vexed question of closer union between the East African territories, which arose at about this time

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[8] Established by the Kenya Order in Council, 1906; the Council first met in August 1907.

[9] Cmd. 1922, a resume of which is given in Annual Report, 1923, pp.5-6.

[10] Annual Report, 1923, p.6.

[11] Annual Report, 1924. p.4.

[12] By the Kenya (Annexation) Order in Council, 1920.

[13] See H.F. Morris and James S. Read. Indirect Rule and the Search for Justice, 1972, pp.60-70.

produced a sense of uncertainty as to the direction of government policy. Then there were the economic problems which recurred at intervals during the inter-war period. 1921 was a year of depression, difficult conditions being accentuated by the conversion of the rupee to the florin, and in the following year the Bowring Committee recommended the abolition of export duties, the imposition of protective tariffs, the encouragement of the growing of low price produce, such as maize, the abolition of income tax and cuts in government expenditure.[14] Although there followed a number of prosperous years, 1927 and 1929 were years of drought and consequent shortage, a situation which in 1929 was aggravated by an invasion of locusts. The following year was one of economic disaster and the Annual Report is one of unrelieved gloom. World commodity prices were tumbling and "by the middle of the year the Colony, in common with almost every other country in the world, was faced with a situation of considerable gravity…". Nor was there any prospect of improvement in the immediate future". More government assistance had to be given to agriculture in the form of the maize subsidy and reduced freight charges for cereals, and "vigorous action" had to be taken to reduce government expenditure.[15] Although there was slow but fairly steady improvement in the economic situation from 1934 to the outbreak of the Second World War, the effects of the slump remained an inhibiting factor in plans for the Colony's development.

Such were the main problems which occupied Government's attention in the inter-war period, but another, and potentially a far more powerful, threat to the existing order lay in the formation of associations through which the political grievances of the African population could be expressed – grievances which stemmed largely from the land settlement, labour requirements and the restrictions on the growing of coffee by Africans. The first of these associations, the Kikuyu Association, founded in 1920, was a moderate body which presented no threat to the government, but in 1921 the young Kikuyu Association seceded under Harry Thuku and this, together with the Young Kavirondo Association, was so troublesome to the administration that Thuku was in 1922 deported to Kismayu, the Annual Report for that year adding that this was "welcomed by the responsible native authorities to whom Thuku's ascendancy had afforded grave concern". Reconstituted as the Kikuyu Central Association in 1925, Thuku's society continued its opposition to government, the female circumcision controversy being the dominant issue of the closing years of the decade. To the Kikuyu, who, with the Luo of the Kavirondo area, were the most politically active tribal group in the Colony, the most pressing political "grievances centred around land issues and the Kenya Government were aware of the need to try to assure the African population that at least the land they now held was secure. The Native Lands Trust Ordinance of 1930 declared that all reserves were set aside for the benefit of the African people concerned in perpetuity and a Native Lands Trust Board was set up. In 1933 a Commission was appointed under the chairmanship of Sir William Morris Carter to look into African land requirements and, as a result of its recommendations, further areas were added to the native reserves. The Annual Report for 1935 makes a brief reference to the Commission: "The Kenya Land Commission, which submitted its report in 1934, made recommendations for additions to native reserves. When these proposals have been carried out the total area of native reserves will be approximately 51,221 square miles." The Commission also recommended that squatters on European farms should, if they so wished, receive alternative land in the reserves.

The Annual Report for 1938 was the last one to be issued until after the war. The next report, that for 1946, included a general survey of the intervening period, year by year.

The decade which followed the end of the war was one which economically was highly favourable to East Africa, with soaring commodity prices on the world markets. It was against such a background that the Development Committee reported in 1946, proposing the allocation over a ten-year period of a sum for development amounting to £15% million, £5 million of which was to come from the sums available under the United Kingdom Development and Welfare Act, 1940.[16] Unlike her neighbours, Kenya was, however, during this period to be beset by political unrest, culminating in the Mau Mau uprising, to the defeat of which the Government had to divert its energies and resources. The Annual Report for 1950 tells of the activities of the Dim ya Msambwa sect and the Lolloa incident and goes on to refer to the existence of "another more purely anti-European secret society, the Mau Mau".[17] The Report for 1952 speaks of "increasing lawlessness" and then states that "the activities of the proscribed Mau Mau Society increased to such an extent that on the 21st October the Governor was compelled to proclaim a State of Emergency."[18] The military action taken during the

[14] Annual Report, 1922, p.9.

[15] Annual Report, 1930, pp.6-8, 13-14.

[16] Annual Report, 1946, pp.16-17.

[17] Annual Report, 1946, p.2

[18] Annual Report, 1946, p.2

following years is briefly recorded in the Annual Reports and by 1955 the Government was able to state with satisfaction that "it can, therefore, be said that 1955 was the year in which the Mau Mau threat to law and order and to progress was defeated. The Emergency continues and involves great expenditure, hardship and inconveniences, particularly to the African populations of the affected areas, but the main energy of the Government and of the people of all races in the Colony is now devoted to social and economic progress and to the urgent constructive tasks ahead."[19] In fact the Emergency was not brought to an end until 1960.

The Annual Reports of this period also tell of the constitutional changes which were to gather momentum in the following years and to culminate in the attainment of independence in 1963. The first African had entered Legislative Council as a nominated member in 1944.[20] After the war the composition of the Legislative Council was considerably modified and in 1948 the Council, which then consisted of 16 official members, 11 elected European members, five Indian elected members, one Arab elected, and one Arab nominated, member and four African nominated members, had an unofficial majority.[21] Then in 1954, unofficials were brought into the government as Ministers.[22] In 1957 the African members, now increased to eight, were elected instead of being nominated and further important changes took place in the following year with the creation of a Council of State, and twelve specially elected seats and an increase in African representation.[23] The Lancaster House Conference followed in 1960, which "re-affirmed that the ultimate objective for Kenya was Independence and that Africans would have a predominant voice in the government, but that all those who had made their homes in Kenya were entitled to play a part in public life". Elections to Legislative Council were to be on a common roll, but certain seats were reserved for racial minorities.[24] The elections in 1961 gave KANU 19 seats against KADU's 11.[25] Further constitutional changes were agreed on in 1962, the last year for which a Colonial Annual Report appeared. Independence following on 12th December, 1963.

As has been mentioned above, the Colonial Annual Report was intended to be an exposition, in readable form, of the statistics provided in the Blue Book. The first Blue Book to appear for the East Africa Protectorate was that for 1901-1902, and annual volumes were published thereafter up to that for 1915-1916. A gap then occurs until a volume is published for 1926. The principal reason for this appears to have been congestion of work in the Government Press in Nairobi, which was also causing delays in the publication of the Annual Reports. In December 1925, however, the Kenya Government informed the Colonial Office that a Blue Book for 1923 was in the hands of the printers. The Colonial Office had hitherto accepted the situation without demur, but in March 1926 there appeared in the British South African Export Gazette a protest against "belated annual reports". The Governor was, accordingly, told in April that the delays had "been strongly commented on in the press" and that it was hoped that he would hasten the Annual Report for 1925.[26] He was also asked what the position was regarding the Blue Books for 1923 and 1924. The Governor's reply in November that there was serious congestion in the press owing to inadequate machinery provoked Strachey[27] to minute as follows:

> "The plain fact is that Kenya has produced no Blue Book for ten years, and we were told in December 1925 that one for 1923 was in the hands of the printers and that there seems little prospect of our getting it. Also when we wrote on 30th April simply asking the position as regards the 1923 (& '24) books, we got no answer till 8th November. It is typical of the way things are done in Kenya and they no doubt know that they will not be asked to produce the arrears if they delay long enough."[28]

The Governor was told that it was left to his discretion whether or not to proceed with the 1923 Blue Book, but that as regards those for 1924 and 1925, unless some real progress had been made on them, they should be abandoned and that "efforts should be concentrated on producing as soon as possible after the close of the year to which they relate the Blue Books and other reports for 1926".[29] The outcome was that no Blue Book

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[19] Annual Report, 1955, p.3

[20] Annual Report, 1946, p.10

[21] Annual Reports, 1948 and 1949, pp.93 and 102 respectively.

[22] Annual Report, 1954, p.162.

[23] Annual Report, 1958, pp.122-3.

[24] Annual Report, 1960, p.1.

[25] Annual Report, 1961, p.2.

[26] Public Record Office. CO 533/334

[27] Sir Charles Strachey K.C.M.G., Assistant Under-Secretary of State 1924-27.

[28] CO. 533/687/8130.

[29] Ibid, despatch of 4th Feb., 1926.

appeared until that for 1926. There was then regular annual publication up to the appearance of the 1938 volume. None was published for 1939-1944, though there are in the Public Record Office a copy for 1938 which has been partially amended in ink for 1939 and typescript copies for 1940-1944.[30] The Blue Book was published again for 1945 and in the following year it appeared for the last time.

The Official Gazette

The forerunner of the Gazette for the East Africa and Uganda Protectorates was the Gazette for Zanzibar and East Africa which was first published in Zanzibar in 1892 by Forward Bros. and Co., as a commercial venture, and then by the Zanzibar Government.[31] This publication was intended to cover the interior of the continent then under the control of the Imperial British East Africa Company, as well as Zanzibar, although, inevitably, it was the affairs of the latter which predominated, and there is much of very considerable interest to be found in its pages concerning the area which became the British Protectorate of East Africa, as well as areas further afield. In 1899, however, a separate official publication was started in Nairobi for the two mainland protectorates, known as "The Official Gazette for the East Africa and Uganda Protectorates", and it is with its first issue on 15th November that this microfilm series starts. But, just as Zanzibar was the dominant component in the Gazette's predecessor, so the East Africa Protectorate was the dominant component in this publication and, with difficulties of communication, Uganda found that delays in publishing material concerning that territory made it impracticable to operate a joint Gazette, and in 1908 Uganda, therefore, set up its own Gazette.[32] The Nairobi publication, accordingly, changed its name to "The Official Gazette for the East Africa Protectorate" as from 15th April, 1908.

Although it cannot be claimed that the content of the early issues of the Nairobi Gazettes has as great an interest for the social historian as that of their Zanzibar predecessors with its wealth of miscellaneous and varied local information, nevertheless, it has much information (apart from formal government announcements, legislation etc.) to give, some of it of historical value, some of it of beguiling interest. As has been mentioned, Gazettes at this time fulfilled the function of an official newspaper. From the start, foreign news was catered for by a copy in each issue of the Gazette of Renter's telegrams telling of the progress of the Boer War and other international events.[33] Apart from this, formal government announcements were intermingled with snippets of local news; some of considerable import: some of the most trivial nature, such as the programme for the Nairobi races, the results of cricket matches and even the result of the Handicap Chess Tournament.[34] Under the heading of "Notes"[35] a varied assortment of information is given. In September, 1901, the Notes give an account of the Commissioner's tour of the Ukamba Province, though, in fact, little is revealed as a result beyond the fact that Fort Hall "is delightfully situated amidst the most picturesque surroundings and will doubtless prove one of the pleasantest of the Protectorate stations" and that in much of the country covered the grass had been burnt and it consequently "presented rather a brown appearance"![36] We are also here informed that in July Lieut. Muscroft had been mauled by a lioness and had lost a forefinger. In the following October the Notes tell us that Baron Bronsart von Sheblendorff had been very successful in capturing and training zebras near Kilamanjaro and that their strength and immunity from tsetse would doubtless make them a valuable acquisition in the labour market. The Baron, it is added, could break in zebras within nine months at a price of R. 200-600.[37] A Mr. George Mackay, Headmaster of the Victoria School in the Seychelles – a Government Non-denominational School for Boys – showed sufficient enterprise to advertise in the Gazette,[38] offering from "a competent staff of English and French speaking masters an unique opportunity... of a bilingual training" for boarders "on very moderate terms".

The subject of the agricultural and forestry prospects in the two Protectorates is a recurring theme in these early years. Notes in January, 1902, refer to the importation of potatoes into Cape Colony and suggest that this was a subject which should be investigated by the Agricultural Society in Nairobi "with a view to a possible market

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[30] Included in this microfilm collection.

[31] This Gazette, 1892-1909 has been published in microfilm (editor A.T. Matson) by Microform Academic Microform.

[32] See H.F. Morris, Introduction to Government Publications relating to Uganda, 1900-1962, Microform Academic Publishers, pp.1-2.

[33] These continued to be included with the Gazette until the end of 1905.

[34] Gazette No. 39, 1901.

[35] This particular heading appears for the last time on 15th Aug. 1902, with an account of "Coronation Day in Mombasa".

[36] Gazette No. 44, 1901.

[37] Gazette No. 47, 1901.

[38] Gazette No. 152, 1906 and subsequent issues.

being found for European Kikuyu grown potatoes".[39] There are interesting reports by experts from such bodies as the Imperial Institute and Kew Gardens, particularly on the subject of rubber cultivation in Uganda. The Director of the Imperial Institute was satisfied from samples from indigenous trees that "these rubbers... are of good quality and if well prepared will realise a very satisfactory price on the market",[40] and a Report on Rubber from the Botanic Gardens, Kew, considered the respective merits of Para and Funtumia as the better type of rubber to be grown in the Protectorate, recommending that a start should be made with the latter, which was indigenous to the country.[41]

One of the recurrent causes of friction between the settlers and the Government was that the settlers believed that they had a right to expect the Government to ensure that they had an adequate supply of African labour, whilst Government policy was opposed to forced labour. A Notice in the Gazette of 1st December, 1907,[42] contains a statement of where the Government stood on the matter. This states:

> "Notice is hereby given that the officers of the administration and Native Affairs will do their best to supply labour for settlers, planters, contractors and others on the following terms."

There follows a list of requirements regarding terms of service, including the rate of rations to be provided, to which the employers had to conform. It was, in fact, an announcement which did nothing to placate the settlers and which was to give its author, the Governor Hayes Sadler, considerable trouble in the succeeding months.[43]

The use of the Gazette as, to some extent, a government newspaper in these early years is illustrated by the practice of publishing from time to time despatches received by the Governor from the Secretary of State, which it was thought it would be instructive for the public to read. Examples of these are the despatches dated 18th June and 4th July, 1907.[44] The first of these concerns a cause cel'ebre in which a group of settlers were convicted of flogging in front of the Nairobi Court House certain Africans who, they maintained, had insulted European women. Their conviction had caused a storm of protest from the settler community and the demand for an inquiry. The Secretary of State in his despatch strongly supports the action taken by the authorities, rejects the demand for an inquiry and concludes with a scarcely veiled threat to the settlers:

> "It is the duty of the Government to restrain and punish those who commit such acts and you [the Governor] will be able, if necessary, to make use of the provisions of the East Africa Order in Council, 1902, which authorises the deportation of any person who conducts himself so as to be dangerous to peace and good order, in the East Africa Protectorate."

In the other despatch, the Secretary of State reviews the progress of the territory during the two years which have elapsed since the Colonial Office took over responsibility for it from the Foreign Office. The generally optimistic, and perhaps somewhat self-congratulatory, review ends on a sombre note: revenue had increased, but expenditure had increased more so. This was:

> "no doubt the inevitable result of the growth of area of the Protectorate administered, and of the cost of providing the numerous services now expected from the Government by the European community. I can only express the hope that the industry and enterprise of the white settlers will, in a short time, so increase the taxable capacity of the Protectorate as to relieve the taxpayers of the United Kingdom of the heavy charge now imposed on them for carrying on the administration."

By the end of the first decade of the century, however, the Gazette had lost virtually all the aspects of a newspaper and had assumed the more formal, and somewhat austere, appearance which it has retained to the present day.

As has been mentioned, one of the functions of the Gazette was to publish legislation enacted in the territory, and the vast bulk of the material which was published either in, or as supplements to, the Gazette is of a legal nature. It may, therefore, be useful to say something of the background to the enactment of statute law in the territory. The legal basis for Britain's exercise of jurisdiction in a protectorate (which, of course, remained foreign soil) lay in the Foreign Jurisdiction Acts, 1843-1890, and the Africa Order in Council of 1889, made under these

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[39] Gazette No. 53, 1901.

[40] Gazette No. 158, 1906.

[41] Gazette No. 159, 1906.

[42] Gazette No. 194, 1907.

[43] See, Vincent Harlow E.M. Chilver, Alison Smith (eds.), History of East Africa, vol. II, 1965. pp.279-280.

[44] Gazette Nos. 186 and 187, 1907.

Acts, provided for the setting up of local jurisdictions in East Africa. Once this had been done, the Consul had the power under the Order in Council to make Queen's Regulations for "the peace, order and good government of British subjects" who (by definition contained in the Order) included persons enjoying her Majesty's protection. Such Regulations were subject to the Secretary of. State's approval and had to be published as he directed; when they had fulfilled these requirements, they had "effect as if contained in this [the 1889] Order". The East Africa Order in Council of 1897, which replaced the 1889 Order in the East Africa Protectorate, gave the Commissioner similar law making powers, and under the East Africa Order in Council of 1902 the Commissioner was empowered to make Ordinances for the administration of justice, the raising of revenue and generally for the peace, order and good government of all persons in the Protectorate. Like the Queen's regulations, these Ordinances were subject to the Secretary of State's power of disallowance – a power, in fact, rarely exercised, principally because It was normal for proposals for intended legislation to be submitted to the Colonial Office for advance approval so that they could at this stage be amended or withdrawn if unacceptable to the Colonial Office in their original form. The Order in Council also required that these Ordinances should respect existing native laws and customs, unless these were contrary to justice or morality. Furthermore, the Order required that "all Ordinances, Proclamations, Regulations, Rules or other public notifications shall be published in the Gazette".

At first the Commissioner was the sole law making body, but in 1906 a Legislative Council was established and from then on Ordinances were enacted by the Governor "with the advice and consent of the Legislative Council". In fact, of course, since until 1948 the Government had an official majority in the Legislative Council, any measure which the local and home governments were determined to have enacted could not fail to be brought into law. In 1957 the form of the enacting words was changed to "enacted by the Legislature of the Colony and Protectorate of Kenya".

In the early years of the century Ordinances enacted by the Governor to meet specific local needs constituted only a small fraction of the corpus of law operative in the territory. The general law[45] consisted of imported law from India and the United Kingdom, applied to the Protectorate by the Orders in Council referred to above. The 1902 Order,[46] after providing for the establishment of a High Court with full jurisdiction over all persons and matters, went on to state that such jurisdiction was to be exercised in accordance with certain scheduled Indian enactments and that, in so far as these did not extend or apply, jurisdiction was to be exercised in conformity with the common law, doctrines of equity and statutes of general application in force in England on 12th August, 1897. This body of law applied throughout the Protectorate and was administered in the High Court and magistrates' courts to persons of all races.[47] The bulk of the litigation so far as Africans were concerned was, however, disposed of in the native courts, which administered the local customary law. The High Court and magistrates courts, furthermore, were required when applying the general law in cases to which Africans were parties to "be guided by native law and custom".

The legal system which the Orders in Council had introduced was closely associated with that of India,[48] and indeed appeal lay to the High Court of Bombay until 1897. The list of applied Indian Acts included a number of Codes of the first importance, such as the Indian Penal Code, the Criminal Procedure Code, the Civil Procedure Code, the Evidence Act and the Contract Act, which were the products of the great Victorian jurists who, taking English law as the basis, attempted to reproduce it in a simplified, concise and rationalised form for the administration of justice in the Indian Empire. In the early years of the century it was, therefore, Indian law (supplemented to a small extent by the received English law), and not locally enacted law, which predominated in the administration of justice in the High Court and magistrates' courts. As the century progressed the situation steadily and radically changed. Early on the policy was adopted of replacing Indian Acts with local Ordinances, usually in virtually identical terms, though making changes where necessary to suit local circumstances; for example, the Indian Criminal Procedure Code was replaced by an Ordinance closely modelled on it in 1914. Then in the 1920s the Colonial Office, at the insistence of Grattan Bushe, Assistant to the Secretary of State's Legal Adviser,[49] determined upon a radical change in the legal systems of the East African territories, involving the replacement of the Indian criminal law by a body of law more closely in accord with the criminal law of England. The decision was highly unpopular with the administration, the judiciary and the advocates of the East African territories, who were well satisfied with the existing Indian Codes, which they felt were, in any case,

[45] As distinct from the local customary law, referred to below.

[46] As amplified in 1911.

[47] Except that, by virtue of the Application to Natives of Indian Acts Ordinance certain Indian enactments did not apply to Africans.

[48] See Morris and Read, op. cit., ch. 4.

[49] Bushe was Legal Adviser 1931-1941 and then Governor of Barbados.

more suited to their needs. But Bushe was adamant and protests were in vain.[50] A penal Code, modelled on that of Nigeria, the principal ancestor of which was the Queensland Criminal Code, and more remotely the Code prepared by the Criminal Code Bill Commission in 1878 for, but never enacted in, the United Kingdom. This, together with a new Criminal Procedure Code, the Governors of the East African territories were instructed to enact, and the Kenya Codes became law in 1930. With the administration of the criminal law now on an English, rather than an Indian, basis, the Indian legal legacy in Kenya, as in the other East African territories, came to count for less and less, until by independence only six Indian Acts were still in force in the country.

It was not, however, merely the replacement of the body of applied Indian law by Ordinances that produced the ever-growing body of locally enacted law. As the government progressively expanded its activities, which at the close of the 19th century had been confined largely to the maintenance of law and order and the collection of revenue, but which by the closing decades of colonial rule embraced most social and economic aspects of life, so the volume of legislation to meet these activities increased. By the end of the Second World War, the law from all other sources had been eclipsed by the local statute law; Indian law in East Africa was in decline and the residual applicability of the English common law, doctrines of equity and statutes of general application was progressively counting for less and less.

Furthermore, the comparative paucity of local case law in East Africa has emphasised the importance of statute law. The unwritten customary has, it is true, continued in force, but its applicability too has steadily decreased and it is now virtually confined to the fields of family law and land law.[51] During the years immediately before independence much of the legislation was concerned with effecting constitutional changes necessary to bring the colonial period to a close – the last enactment in this respect being the Independence Order in Council, which was contained in a supplement to the Gazette of 10th December, IQGS[52] and which has as schedule the Constitution of Kenya which remained in force for a year, the country then becoming a Republic in December, 1964.

The Gazettes with their supplements, accordingly, provide the whole body of the statute law enacted between 1899 and independence. In the early Gazettes both Ordinances themselves and the subsidiary legislation enacted under them[53] were contained in the body of the Gazette itself. By 1931, however, the bulk of the legislation had so increased as to make this impracticable and, instead, separate loose leaf supplements were published with the Gazette. These supplements constituted two series, one consisting of Ordinances and the other of subsidiary legislation, in the form of Proclamations, Rules and Regulations.[54] From 1956 the Bills, previously contained in the body of the Gazette, constitute a third series.

The East Africa High Commission and East African Common Services Organisation

The history of attempts to bring about federation, or some looser form of association between the East African territories is a long and troubled one. Sir Harry Johnston, Uganda's Special Commissioner from 1899 to 1901, had been convinced that the two Protectorates of Uganda and East Africa, if not also the Protectorates of Zanzibar and Somaliland, should be brought under one administration,[55] and in his despatch of 9th August, 1901 he specifically recommended that Uganda and the East Africa Protectorate should be placed under one administration, in charge of a High Commissioner, established on the Mau Plateau; "there would be absolute union in finance and a single budget would be made up for the two Protectorates".[56] The Foreign Office showed little enthusiasm for Johnston's scheme, but the matter came up again for consideration in 1909. A Colonial Office minute of 30th November. 1910, states as follows:

> "When he was appointed Governor of the East Africa Protectorate, Sir Percy Girouard was anxious to be allowed to look into the question of amalgamating the two Protectorates. As there was at the time no Governor in Uganda, he was permitted to go there for this purpose... In November, 1909, he submitted an interim report in which he advocated amalgamation of a kind but without any

[50] For the background to this somewhat arbitrary action on the part of the Colonial Office and the reasons for Bushe's insistence in the matter, see Morris and Read, op. cit., pp.119-26.

[51] Though even in these two fields statute law has, of recent years, made considerable inroads into the scope of customary law.

[52] L.N. 718. The Order (Statutory Instrument 1963 No. 1968) was not, of course, a local enactment.

[53] This was, in fact, delegated legislation where rule or regulation making power had been conferred by Ordinance upon some government authority in the territory.

[54] Until 1956 these were classed as Proclamations and Government Notices and numbered as such; thereafter all subsidiary legislation was classified as Legal Notices.

[55] Sir Harry Johnston, The Uganda Protectorate, 1902, ch. 8.

[56] Enclosure to despatch of 9th Aug., 1901, P.O. 2/463.

marked enthusiasm. His proposal was in effect that there should be a High Commissioner responsible for both Protectorates; that there should be a large number of services common to both Protectorates and that for Uganda there should be, under the High Commissioner, a Resident Commissioner with certain separate Uganda departments under him. In the reply which was sent to this report. Sir Percy Girouard was informed that the Secretary of State had found it necessary to designate a new Governor of Uganda for a period of not more than two years, that full amalgamation therefore was not practicable at present; but that the Secretary of State was much impressed by his arguments in favour of amalgamation of some kind and would not cease to consider the question more closely during the period of office of the new Governor of Uganda. In the meantime Mr. Tomkins, the Acting Governor of Uganda has sent privately a memorandum strongly deprecating amalgamation and giving weighty reasons for his views. One of Mr. Tomkins's strongest reasons is the doubt whether amalgamation is legally possible in view of the formal agreement existing with the Chiefs of Uganda."[57]

With the acquisition of German East Africa at the close of the First World War, amalgamation, federation or some other form of association between the East African territories became again a topical issue resulting in a long succession of commissions and reports.[58] Following a meeting in 1923 of the East African Committee under Lord Southborough, the East Africa Commission was set up under the chairmanship of Ormsby-Gore to consider and report on measures to be taken to accelerate the general economic development of British East Africa and on means of securing closer co-ordination of policy over transport, cotton growing and medical and agricultural matters. The Commission was also to investigate the steps to be taken to improve the social conditions of the African population and their relations with non-Africans. The Commission recommended in its report[59] the institution of Governors Conferences to discuss and propose projects for closer co-operation in fields where such was desirable, and the first of these Conferences met in 1926, attended not only by the Governors of Kenya, Uganda and Tanganyika, but also by the Resident of Zanzibar and the Governors of Nyasaland and Northern Rhodesia. Another notable result was the periodic conferences of Attornies-General of these territories which met in an attempt to secure uniformity of legislation within the area. A White Paper, "Future Policy in regard to Eastern Africa", resulting from discussions between the East African Governors and the Secretary of State, was then published in 1927,[60] which spoke of the importance of political evolution leading to African participation in government and stated that "the ultimate possibility of federation" should be borne in mind. Another Commission of Enquiry followed in the same year under the chairmanship of Sir Edward Hilton Young and its report[61] recommended progress by stages towards a form of union under a Governor-General with a High Commissioner having executive powers. In order to clarify aspects of this Report, the Secretary of State sent his Permanent Under Secretary, Sir Samuel Wilson, to East Africa in 1929 and he submitted a further report.[62]

These inconclusive deliberations which had already extended over so many years had been conducted against a background of mounting hostility in East Africa from many diverse quarters. Cameron, the Governor of Tanganyika, saw schemes for closer union as a threat to his policies for the development of traditional African institutions and to the responsibilities which he believed he had under the Mandate; commercial interests in Uganda and Tanganyika feared that they would suffer from what they expected to mean Kenya's predominance in any form of union; and the Kenya settlers were suspicious of any arrangement which would mean handing over some of their power to an East African authority. But most important was the bitter opposition of articulate African opinion in Uganda and Tanganyika which feared the influence which white Kenya settlers might be able to exert in any form of union upon policies affecting the other two territories. This opposition was most strongly and effectively expressed in Buganda, where there was the additional fear that, whereas in Uganda the kingdom enjoyed a special and dominating position as what was virtually a "native state" protected by the terms of the 1900 Agreement, within an East Africa-wide organisation her voice would be negligible.

Before any action was taken on Wilson's Report, the Conservative Government fell, and the incoming Labour Government decided that the whole question of closer union should be examined by a Joint Committee of both Houses of Parliament. First a White Paper, "Statement of the Conclusion of His Majesty's Government in the

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[57] CO 533/74.

[58] See H.F. Morris and James S. Read, Uganda: The Development of its Laws and Constitution, 1966, ch. 9.

[59] Cmd. 2387, included in this microfilm collection.

[60] Cmd. 2904, also included.

[61] Cmd. 3234, also included.

[62] Cmd. 3379, also included.

United Kingdom as regards Closer Union in East Africa",[63] was issued which was to be considered by the Joint Committee. In the White Paper it was proposed that "for the purpose of the social and economic development of the Colony and Protectorate of Kenya, the Protectorate of Uganda, and the Mandated Territory of Tanganyika, there shall be established a High Commissioner whose duties shall be of a two-fold character". In the first place, he would be "Chief Adviser on native and other policy to the Secretary of State"; in the second place, he would administer and legislate upon certain "transferred services", namely railways, ports and harbours, customs, defence, posts and telegraphs, extradition, central research, the Eastern African Dependencies Trade and Information Office in London, and any other matters specified in subsequent Orders in Council. In respect of the second aspect of his functions, he would be assisted by a Council of which he would be chairman and which would consist of three officers of his staff and seven members from each of the three territories. In 1931 the Joint Parliamentary Committee's three volume Report was published.[64] The Committee, aware of the hostility which the proposals for closer union had aroused, was cautious in its recommendations. There should be a measure of co-operation and control in economic and scientific services, but without political association or the creation of a new superstructure, and this should be achieved through the machinery of the Governor's Conference which already existed and which should theoretically be in permanent session, with its own secretariat.

The Second World War provided a fresh stimulus to inter-territorial co-operation. In 1940, an East African Economic and Supply Council was set up and common use of various inter-territorial services was organised through new bodies, such as the manpower Conference, the Industrial Council, the Refugee Administration and the Anti-Locust Directorate which operated under the Governors' Conference. But that the provision of inter-territorial undertakings should be dependent upon the Governors' Conference, a body which had been established merely by administrative direction and which had no juridical or constitutional basis, was hardly satisfactory. In 1945, a United Kingdom Government Statement of Policy,[65] having pointed out the deficiencies in the existing system, made fresh proposals, echoing earlier recommendations of before the war, which, as amended in 1947,[66] envisaged the creation of a High Commission, consisting of the Governors of Kenya, Uganda and Tanganyika, with a Central Legislative Assembly and an executive organisation supported by inter-territorial advisory and consultative bodies.

Such proposals aroused once more the old fear of domination by Kenya, and in Uganda they were interpreted as a sinister attempt to hand over the Eastern Province of the Protectorate to Kenya for white settlement, as Uganda's old Eastern Province had been handed over in 1902. Despite the expression of such fears, the proposals were implemented by the East Africa (High Commission) Order in Council, 1947. This set up the High Commission as proposed, with the power to legislate, with the advice and consent of a Central Legislative Assembly, on matters concerning the common services to be administered, such legislation having effect throughout the three territories. The common services were railways and harbours, posts and telecommunications, air transport and civil aviation, income tax and customs and excise collection (though not rate or tariff fixing), statistics, research and meteorology. The Legislative Assembly consisted of ten officials and thirteen non-officials.[67] The individual territories retained concurrent powers of legislating in respect of the common services, but normally they would not exercise them and High Commission legislation prevailed over inconsistent local legislation in any territory. The Railways and Harbours, Administration and the Posts and Telecommunications Administration were self-financing; the others were financed by contributions from the three territories and from the United Kingdom, Zanzibar paying a share of the cost of those services which it enjoyed.[68]

Latent hostility towards, and suspicion of, inter-territorial co-operation continued in African political circles, coming to the surface in 1953 when a speech by the Secretary of State, containing the words "nor should we exclude from our minds the evolution as time goes on of still wider measures of unification and possibly still larger measures of federation of the whole of the East African territories", initiated the crisis which culminated in the deportation of the Kabaka of Buganda. Once, however, it had become clear that the independence of the three East African territories was imminent and that consequently the fear of a settler dominated Kenya was no

[63] Cmd. 3574, included in this microfilm colledtion.

[64] Cmd. 4141, also included.

[65] "Inter-territorial Organisation in East Africa", 1945, Col. Paper 191; also included.

[66] "Inter-territorial Organisation in East Africa", 1947, Revised, Col. Paper 210; also included.

[67] One European. African and Indian from each territory, one Arab and one member of each of the territorial legislatures.

[68] This system was replaced in 1961 by the institution of a Distributable Pool of revenue, administered by the High Commission, and accruing from part of certain income collections and a proportion of customs and excise revenue.

longer a realistic one, political attitudes towards inter-territorial co-operation diametrically and rapidly changed. Before independence, the Tanganyika Government indicated its desire to continue participating in the common services provided by the High Commission, and in 1961 it was agreed that whatever constitutional changes took place, the common services should continue on an East African basis through an "East African Common Services Organisation". The setting up in this year of the Organisation in place of the High Commission was effected in the following way. An agreement was entered into between the Governments of Kenya, Uganda and Tanganyika for its establishment, and legal force to this Agreement (an Annexure to which contained the Constitution of the new Organisation) was given by an enactment in each of the three territories. At the same time the United Kingdom Government by the East Africa (High Commission) (Revocation) Order in Council, 1961, revoked the earlier provisions setting up the High Commission and transferred all its rights and liabilities to the new Authority. The agreement came into force on 11th December, 1961, and was to be of indefinite duration, although any one of the governments might terminate it on giving one year's notice to the other two. The three governments undertook to make the necessary financial contributions to the Organisation to enable it to discharge its functions and to meet its financial obligations. he functions of the Organisation, performed on behalf of the governments were to be the administration of the services provided for in the agreement, the provision of machinery to co-ordinate government activities on matters of common interest to the three countries and to pass laws with respect to matters listed in the Agreement. To these a fourth function was added in 1962: that of providing a common court of appeal for the three countries.[69] The executive authority of the Organisation was vested in the East African Common Services Authority and four Ministerial Committees. The former. which had responsibility for, and the general direction and control of, the performance of the Organisation's executive functions, consisted originally of the principal elected Minister of Tanganyika, of Uganda and of Kenya, and its decisions had to be unanimous. There were four Ministerial Committees, the Communications Committee, the Finance Committee, the Commercial and Industrial Co-ordination Committee and the Social and Research Services Committee.[70] Each committee consisted of one Minister from each country, and if any member of a committee were to object to any proposal before it such proposal would have to be referred to the Authority for its decision. The Central Legislative Assembly consisted of a Speaker, two ex-officio members, the members of the Ministerial Committees and twenty-seven elected members, nine from each country elected by the three respective legislative chambers after each general election in the country concerned.

Such was the Common Services Organisation set up at the end of 1961 against a somewhat anomalous constitutional background, in that, of its three member states, only one, Tanganyika, was independent. In October, 1962, Uganda attained independence, as did Kenya in the December of the following year. The early years of the Organisation's life seemed full of promise. Independence gave a new stimulus to inter-African co-operation, with Pan-African nationalism now the current political doctrine, and the leaders of the three East African states declared that East African federation was their objective. In practical terms, 1963 saw the establishment by Acts of the Organisation of the East African Airways Corporation and the University of East Africa. With the independence of Kenya on 12th December, 1963, the colonial period covered by this series comes to an end and the later history of the Organisation, and of its successor, the East African Community, which replaced it in December, 1967, lies outside its scope. Suffice it to say that the early promise of increasing inter-state co-operation, leading to ultimate federation in some form, has not been fulfilled. By the 1960s the area of interstate co-operation had begun to diminish rather than increase; for example, the common currency arrangements were brought to an end and the newly formed University of East Africa split into its three national component parts; nor have the political developments of more recent years made the prospects in this respect any brighter.

The East African High Commission from its establishment in 1948, and its successor, the East African Common Services Organisation, like the territorial governments, produced an Official Gazette, published fortnightly, with legislation as supplements. An Annual Report was also published from 1948. Both these series are included in this microfilm collection.

[69] This meant the establishment of a Court of Appeal for Eastern Africa as a successor court to the existing H.M. Court of Appeal for Eastern Africa.

[70] A fifth, the Labour Committee, was added in 1963.

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Reel 130 Official Gazette & Supplements, 1958-1959

Reel 131 Official Gazette & Supplements, 1960-1961

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