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Anglo-Kenyan Relations (1920-2024)

Conflict, Alliance and a Redemptive Arc

Inaya KHAN



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Executive summary

This article provides an evidentiary basis for postcolonial policy in its analysis of Anglo-Kenyan relations in a decolonization era. It traces the political trajectory of the interaction between the two countries from the foundation of Kenya as a Crown Colony in 1920 to the present day. The article argues that Anglo-Kenyan cooperation today is represented by a redemptive arc from a violently contentious colonial past to a stable alliance, which has remained unaffected by civilian calls for the restitution of land expropriated during the colonial era (1920-1963); and financial reparations for war crimes committed by the counterinsurgency during the Mau Mau Emergency (1952-1960).

Résumé

Cet article propose une analyse des relations diplomatiques à l'ère postcoloniale entre le Royaume-Uni et l'une de ses anciennes colonies de peuplement, le Kenya. Il retrace la trajectoire politique de ces deux pays et de leurs interactions depuis la création du Kenya en tant que colonie de la Couronne en 1920 jusqu'à nos jours. L'argument principal de l'article est que la coopération anglo-kenyane fonctionne sur la base d'un arc rédempteur, où un passé colonial conflictuel et violent coexiste avec une alliance stable, restée intacte malgré les appels de la société civile pour la restitution des terres expropriées pendant la période coloniale (1920-1963) et les demandes de réparations financières pour les crimes de guerre commis pendant la période de l'état d'urgence (1952-1960).

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Introduction

This article provides an evidentiary basis for postcolonial policy in its analysis of Anglo-Kenyan relations in a decolonization era. It traces the political trajectory of the interaction between the two countries from the foundation of Kenya as a Crown Colony in 1920 to the present day. The article argues that Anglo-Kenyan cooperation today is represented by a redemptive arc —from a violently contentious colonial past to a stable alliance which has remained unperturbed by civilian calls for the restitution of land expropriated during the colonial era (1920-1963) and financial reparations for war crimes committed by the counterinsurgency during the Mau Mau Emergency (1952-1960). The article demonstrates that the peace that was made at independence between the outgoing colonial power and African political and administrative elites who were the “victors” of the decolonization bargain was an enduring one.¹

Kenya became independent in 1963 and was one of the first African countries to cut the Gordian knot of the white supremacist colonial state by prioritising the redressal of the inequalities of land ownership towards a more equitable distribution of land between 1964-1969 —such issues were faced by the Zimbabwean, Namibian and South African governments at a later date. The Kenyan government did so by devising a system of land settlement schemes. A disproportionately large amount of British aid for African development was used to buy out white farmers and resettle Africans (with a strong “loyalist” Kikuyu bias) on the White Highlands in order to give it a “multiracial complexion” through a system of land settlement schemes.² The land settlement scheme is upheld as the foundation of the modern Kenyan state —one which is vital for the country’s position as a stable democracy in East Africa. The pillars of British decolonization policy in Kenya were designed to prevent civil war, the loss of white lives and paved the way for a smooth transition from colony to independent state, free of the bloodshed that marked the transition of other decolonizing powers in Africa. The British government, therefore, successfully secured the position of the “remainder” community in Kenya in perpetuity, whilst securing the financial status of the “leavers”.³

1. I. Khan, “Leavers’: British Decolonization Policy and the White Settler Community, 1963-1967”, Unpublished PhD dissertation, Sciences Po, 2022.

2. The Highlands were de-racialised and opened up to African ownership in 1960. See N. S. Carey Jones, “The Decolonization of the White Highlands of Kenya”, *The Geographical Journal* Vol. 131, 1965, p. 186.

3. I. Khan, “Leavers’: British Decolonization Policy and the White Settler Community, 1963-1967”, *op. cit.* The term “leavers” in this article refers to white settlers who left Kenya after being compensated for their land while “remainers” refers to the settlers who stayed on.

The independent Kenyan state, which had full agency in its decolonization negotiations, followed a path of reconciliation with the British government and its foreign capital interests rather than with displaced people within the country. The decolonization bargain benefitted African administrative and political elites while the have-nots of the settlement continue to feel disempowered by it. Leftist critics of this “unequal” bargain like Oginga Odinga and Bildad Kaggia were rapidly marginalised by the capitalist and pro-Western Jomo Kenyatta, with the full support of the British government.⁴ Odinga and Kaggia had advocated the expropriation of settler land, and to redistribute it to the poorest Africans, including squatters, prior to 1964. They believed this would be the most apposite solution to the lack of development in the African reserves which had led to a huge unemployment problem in Kenya from 1959-1963.⁵ The dispossession of factions such as the squatters on white farms ultimately became institutionalised.

The “discontents of decolonization” marks the political and economic trajectory of those sections of the population who lost out long-term in the decolonization bargain made between the African elites and the decolonizing power. This is why, today, most of Kenya’s land contestations and financial reparations are not only being waged at an individual and communitarian level with the British government, but also between the Kenyan government and the “discontented” indigenous communities. The coexistence of these two strands —a dissident one consisting of the historically disempowered, and the strong alliance with Kenyan political and administrative elites— have created a dynamic Anglo-Kenyan relationship even amidst the controversial aspects of the contemporary legacies of decolonization, including the presence of British Army Training Unit in Kenya (BATUK) in Laikipia, calls for land restitution, and the subject of financial reparations for war crimes committed during the Emergency (1952-1960). The article demonstrates that the coexistence of these two strands —a dissident one from the historically disempowered and the strong alliance with Kenyan political and administrative elites— has created a dynamic Anglo-Kenyan relationship despite the controversial aspects of the contemporary legacies of decolonization. Finally, the article contends that the Anglo-Kenyan relationship today is not a “neocolonialist” one.

This article is based on a qualitative analysis of archival and oral methodological data as well as an extensive review of secondary literature. It makes use of over 7,000 Whitehall documents including Colonial Office, Cabinet and PREM files, Treasury Office, and Foreign Office records. It combines this with a database of 75 anonymised interviews that the author

4. D. Rothchild and Institute of Race Relations, *Racial Bargaining in Independent Kenya: A Study of Minorities and Decolonization*, London: Oxford University Press, 1973, p. 129.

5. A. Clayton and D. Savage, *Government and Labour in Kenya, 1895-1963*, London: Cass, 1974, p. 412.

has personally conducted on an individual basis in Kenya from 2021-2024, with non-state actors and key stakeholders —farmers, soldiers, journalists, lawyers, scientists, wildlife conservationists, ranchers, grassroots activists and scholars.⁶

6. The interviews have been conducted on a strictly anonymous and consensual basis following ethical institutional guidelines. Citations for a particular conclusion drawn from a sample of more than three interviews have been classed together with a date range indicating an estimate of the timing of the interview.

Historical background

Kenya was carved out of the British East Africa Protectorate after the building of the £6.5-million Mombasa-Uganda Railway, and formally annexed as a British Crown Colony on 11 June 1920.⁷ In 1902, whites were invited to settle in the area surrounding the railway line to “develop” the territory and generate revenue.⁸ Settlement would also protect the headwaters of the Nile and Egypt’s position on the route to India.⁹ The entry of settlers from the UK was subject to the possession of wealth and assets, and social links to metropolitan political elites.¹⁰ The main channels of white emigration from the UK were government-sponsored settlement schemes, the soldier settlement schemes after the two World Wars, white emigrants from India, and retired civil servants.¹¹ The settlers satisfied their drive for *lebensraum* by monopolising authority and power in Kenya,¹² and expropriated indigenous land on the basis that it was a *tabula rasa* —thus ignoring the grazing rotational systems of the tribes and the fact that drought, rinderpest and smallpox had depleted native populations.¹³ The

7. The British East Africa Protectorate was established in 1895.

8. K. Kyle, *The Politics of the Independence of Kenya*, Basingstoke: Macmillan in Association with Institute of Contemporary British History, 1999, p. 7; W. T. W. Morgan, “The ‘White Highlands’ of Kenya”, *The Geographical Journal*, Vol. 129, 1963, p. 144; D. Anderson, *Histories of the Hanged: The Dirty War in Kenya and the End of Empire*, New York: W.W. Norton, 2005, p. 53; K. Tidrick, *Empire and the English Character*, London: I. B. Tauris, 1992, p. 131.

9. S. Aiyar, *Indians in Kenya: The Politics of Diaspora*, Cambridge, Massachusetts: Harvard University Press, 2015, p. 33; J. Lonsdale, “Home county and African frontier”, in: R. Bickers (ed.), *Settlers and Expatriates*, Oxford: Oxford University Press, 2010 ed. Robert Bickers, p. 77.

10. C. J. Duder, “Men of the Officer Class: The Participants in the 1919 Soldier Settlement Scheme in Kenya”, *African Affairs*, Vol. 92, 1993, p. 69-87; S. Constantine, “Migrants and Settlers”, in: J. Brown and R.G. Louis (eds.), *The Oxford History of the British Empire Volume 4: The Twentieth Century*, Oxford: Oxford University Press, 1999, p. 171; B. Berman, *Control and Crisis in Colonial Kenya: The Dialectic of Domination*, London: Currey, 1990, p. 91, 102; P. J. Cain and A. G. Hopkins, *British Imperialism: 1688- 2015*, New York, N.Y.: Routledge, 2016, p. 613; D. Kennedy, *Islands of White: Settler Society and Culture in Kenya and Southern Rhodesia, 1890-1939*, Durham, N.C.: Duke University Press, 1987, pp. 45, 98; C. Prior, *Exporting empire: Africa, colonial officials and the construction of the British imperial state, c. 1900-39*, Manchester: Manchester University Press, 2013.

11. D. Kennedy, *Islands of White: Settler Society and Culture in Kenya and Southern Rhodesia, 1890-1939*, *op. cit.*, pp. 72, 85, 86.

12. E. Tonkin, “Settlers and their elites in Kenya and Liberia”, in: S. Nugent and C. Shore (eds.), *Elite Cultures: Anthropological Perspectives*, London: Routledge, 2002, p. 132.

13. W. T. W. Morgan, “The ‘White Highlands’ of Kenya”, *op. cit.* pp. 140-155; D. Kennedy, *Islands of White: Settler Society and Culture in Kenya and Southern Rhodesia, 1890-1939*, *op. cit.*, p. 3; K. Kyle, *The Politics of the Independence of Kenya*, *op. cit.*, p. 9; C. Leys, *Underdevelopment in Kenya: The Political Economy of Neo-colonialism, 1964-1971*, Berkeley: University of California Press, 1974, p. 30; S. Picon-Loizillon, “Nairobi 1899-1939: Histoire de la création d’une ville coloniale et étude de la vie économique et sociale de la population blanche”, Unpublished PhD thesis, Université Paris VII, 1985; S. Aiyar, *Indians in Kenya: The Politics of Diaspora*, *op. cit.*, p. 27; C. Youé, “Settler colonialism or colonies with settlers?”, *Canadian Journal of African Studies/Revue canadienne des études africaines*

Nandi were conquered, the Maasai resettled, and the Kikuyu, the Embu and the Kisii overcome.¹⁴ The settlers appropriated the colonial government's discourse on "tribalism" and posited themselves as Kenya's "white tribe".¹⁵ The British settler community was supplemented by a small group of Afrikaner farmers from South Africa who were proficient farmers and settled in Uasin Gishu in August 1903.¹⁶ The Indian community's presence in Kenya preceded white settlement. Indian indentured labourers built Kenya Colony while craftsmen, traders and administrative clerks dominated the colony's professional services, turning the territory into a focal point of Indian sub-imperialist ambitions —a potential "America of the Hindu" in Kenya.¹⁷ This was superseded by the white settlers' ambition of turning Kenya into a "white man's country".

A form of collaborative colonialism was established by which the enmeshment of the settlers with the colonial administration led to a consolidation of white domination in the colony. The colonial government enabled the settlers to perpetuate their existence as agents of the government's hegemony across the colony. The Devonshire Declaration of 1923 reserved all land in the White Highlands for whites exclusively and asserted the paramountcy of African interests (only in theory) to avoid making concessions for the Indian population in Kenya. The settlers also blocked the British government's attempts to settle Jewish refugees in the White Highlands of Kenya, first in 1903 and then again in 1938.¹⁸ British colonialism established a class-racial hierarchical structure in Kenya where the Europeans enjoyed pre-eminence and Indians ended up occupying the middle-tier of a white-controlled hierarchy or racial pyramid, segregated from and discriminated against by both Africans and Europeans.¹⁹ A conflicted dynamic between settlers in the colony and the metropole has

Vol. 52, 2018, p. 69; M. N. Shaffer, "Land Resettlement in Kenya", *Yearbook of the Association of Pacific Coast Geographers*, Vol. 29, 1967, p. 122.

14. K. Kyle, *The Politics of the Independence of Kenya*, *op. cit.*, p. 12.

15. Memo by G.F. Sayers, 27 May 1957, CO 822/1614, TNA.; K. Tidrick, *Empire and the English Character*, *op. cit.*, p. 145; M. Perham and E. Huxley, *Race and Politics in Kenya: A correspondence between Elspeth Huxley and Margery Perham*, London: Faber and Faber Ltd., 1944; J. Parker and R. Rathbone, *African History: A Very Short Introduction*, Oxford: Oxford University Press, 2007, p. 45; D. Rothchild and Institute of Race Relations, *Racial Bargaining in Independent Kenya: A Study of Minorities and Decolonization*, *op. cit.*, p. 82.

16. B. L. Shadle, *The Souls of White Folk: White Settlers in Kenya, 1900s-1920s*, Manchester: Manchester University Press, 2015, p. 14; C. Youé, "Settler Capital and the Assault on the Squatter Peasantry in Kenya's Uasin Gishu District, 1942-63", p. 395; R. Hyam, *Britain's Declining Empire: The Road to Decolonisation, 1918-1968*, Cambridge: Cambridge UP, 2006, p. 60; C. J. Duder, "Men of the Officer Class: The Participants in the 1919 Soldier Settlement Scheme in Kenya", *op. cit.*, p. 69-87.

17. S. Aiyar, *Indians in Kenya: The Politics of Diaspora*, *op. cit.*, p. 3, 8, 23; W. T. W. Morgan, "The 'White Highlands' of Kenya", *op. cit.*, pp. 140-155; K. Kyle, *The Politics of the Independence of Kenya*, *op. cit.*, p. 32; D. Kennedy, *Islands of White: Settler Society and Culture in Kenya and Southern Rhodesia, 1890-1939*, *op. cit.*, p. 50.

18. I. Khan, "How Britain's bids to dump refugees in Kenya flopped", *Nation Africa*, 25 April 2022.

19. E. Tonkin, "Settlers and their elites in Kenya and Liberia", *op. cit.*, p. 134; S. Aiyar, *Indians in Kenya: The Politics of Diaspora*, *op. cit.*, p. 8.

been explored in the histories of other European empires, particularly in the case of France's relationship with the *pieds-noirs* white settlers in Algeria.²⁰ Whitehall's distaste for the "racist" Kenya settlers did not prevent them from consolidating white settlement in the colony through coercive labour policies, oppressive taxation of Africans and Asians, legalised racial discrimination in land grants, agricultural subsidies, enabling of settler violence and protecting the settler presence via British troops.

The fight for independence

The 1950s witnessed the birth of multiracialism (limited power-sharing in legislation among the three races through socio-economic schemes)²¹ and the transitioning of different racial groups from isolated entities to a more regularised interaction, which in turn led to new conflicts and anxieties. The Mau Mau Emergency (1952-1960) began as an uprising against landlessness, institutional inequalities and oppression, and turned into a brutal civil war in response to the nature of the counterinsurgency—the impact of which has been likened to a "genocide" against the Kikuyu by some scholars. The conflict killed 25,000 Africans and 32 whites,²² and was focused on the right to land ownership and use in the contested White Highlands. Racialised conflict over resources, unemployment, low wages, an increasing population, and soil erosion were other equally significant factors, all indivisible from settler colonialism, that contributed to Mau Mau.²³ The counterinsurgency combined social, economic, and political reforms with the use of unbridled military force against insurgents including the creation of a Kikuyu "loyalist" home guard, villagisation in the Kikuyu country, land consolidation and registration, and even a massive carpet-bombing operation.²⁴ The British employed a dual strategy when it

20. C. Eldridge, *From empire to exile: history and memory within the pied-noir and harki communities, 1962-2012*, Manchester: Manchester University Press, 2016; B. Stora, *Ils venaient d'Algérie : l'immigration algérienne en France*, Paris: Fayard, 1992; B. Stora, *Histoire de la guerre d'Algérie, 1954-1962*, Paris: La Découverte, 1993.

21. D. Gordon, *Decolonization and the State in Kenya*, London: Westview, 1986, p. 126.

22. J. Doble, "'The Kenya Regiment' and the Mau Mau Emergency: operational abuse and the expediency of local force in Kenya", Unpublished Masters thesis, University of Oxford, 2019, p. 4; K. Kyle, *The Politics of the Independence of Kenya*, *op. cit.*, pp. 52-60; D. Anderson, *Histories of the Hanged: The Dirty War in Kenya and the End of Empire*, *op. cit.*, p. 57; I. F. W. Beckett, *Modern Insurgencies and Counter-insurgencies: Guerrillas and Their Opponents since 1750*, London: Routledge, 2001, p. 216.

23. C. Leys, *Underdevelopment in Kenya: The Political Economy of Neo-colonialism, 1964-1971*, *op. cit.*, p. 49; I. F. W. Beckett, *Modern Insurgencies and Counter-insurgencies: Guerrillas and Their Opponents since 1750*, *op. cit.*, p. 216; J. Lonsdale, "Home county and African frontier", *op. cit.*, p. 105; J. Lonsdale, "Mau Maus of the Mind: Making Mau Mau and Remaking Kenya", *Journal of African History*, Vol. 31, 1990, p. 397.

24. D. Gordon, *Decolonization and the State in Kenya*, *op. cit.*, p. 119. Villagisation was a colonial policy by which approximately 1.2 million Kenyans were forcibly resettled during the Emergency to facilitate colonial control and monitoring of the Kikuyu population. See Blog, 20 September 2022, *African Digital Heritage*; H. Bennett, "The Mau Mau Emergency as Part of the British Army's Post-War Counter-Insurgency Experience", *Defense & Security Analysis*, Vol. 23, p. 143-163.

came to resisting the Mau Mau: through population-centric counterinsurgency measures and mass detention.²⁵

The loyalists, bolstered by the settlers' Kenya Regiment, the British Army and colonial government's troops and police, won the counterinsurgency and therefore received the lion's share of the spoils, especially in the land settlement, an advantage that their legatees seek to protect.²⁶ The counterinsurgency's pyrrhic victory, however, proved the settlers' inability to maintain political and military hegemony without metropole support, and accelerated the timeline of independence and the handover. This crushed the Kenya settlers' ambitions for a turn towards a settler polity along the lines of a Rhodesian federation or an apartheid South Africa.²⁷ Kenya had become a millstone around the metropole's proverbial neck—a drain on the Treasury rather than contributing anything meaningful in terms of resources, and a drain on the settlers' own fortunes.²⁸ It became clear that the Emergency was an “expensive embarrassment” provoked by an imperial resistance to inevitable decolonization.²⁹ This was similar to other colonizing powers like the Netherlands and France, whose massive military structures designed to shore up their restive colonies were proving to be an economic drain on the mother countries. As J.M. Keynes put it, “We cannot police half the world at our own expense when we have already gone into pawn to the other half.”³⁰ The British state's colonies had become expensive for it to maintain—in money, lives, and moral credit. Ultimately, an emotional commitment to the glory of Empire was insufficient to see the enterprise afloat.

Kenya became independent on 12th December 1963. A comprehensive aid package was a crucial part of the independence settlement in 1963. Kenya's defence and civil aid settlement amounted to approximately

25. C. Elkins, *Britain's Gulag: The Brutal End of Empire in Kenya*, London: Jonathan Cape, 2005

26. The Kenya Regiment which consisted of white Kenya settlers played a crucial role in counterinsurgency activities in their capacity as translators, trackers, soldiers and officers.

27. D. Anderson, *Histories of the Hanged: The Dirty War in Kenya and the End of Empire*, *op. cit.*, p. 53; G. Wasserman, *Politics of Decolonization: Kenya Europeans and the land issue 1960-1965*, Cambridge: Cambridge University Press, 1976, p. 22.

28. I. Khan, Text of talk at BIEA seminar, November 2021.

29. P. Chabal, “Emergencies and nationalist wars in Portuguese Africa”, *The Journal of Imperial and Commonwealth History*, Vol. 21, 1993, p. 235-249; F. Furedi, “Creating a breathing space: The political management of colonial emergencies”, *The Journal of Imperial and Commonwealth History*, Vol. 21, 1993, p. 89; A. J. Stockwell, “A widespread and long-concocted plot to overthrow government in Malaya? The origins of the Malayan emergency”, *The Journal of Imperial and Commonwealth History*, Vol. 21, 1993, p. 66-88; R. Rathbone, “Police intelligence in Ghana in the late 1940s and 1950s”, *The Journal of Imperial and Commonwealth History*, Vol. 21, 1993, p. 107-128; G. Wasserman, *Politics of Decolonization: Kenya Europeans and the land issue 1960-1965*, *op. cit.*, p. 103; W. O. Maloba, *Kenyatta and Britain: An Account of Political Transformation, 1929- 1963*, Cham: Palgrave Macmillan, 2018, p. 157; D. Branch, N. Cheeseman and L. Gardner (eds.), *Our Turn to Eat: Politics in Kenya since 1950*, Berlin: LIT, 2010, p. xi.; D. Gordon, *Decolonization and the State in Kenya*, *op. cit.*, p. 172.

30. W. M. Roger Louis, “The Dissolution of the British Empire”, in: Brown, Louis and Low (eds.), *The Oxford History of the British Empire Volume 4: The Twentieth Century*, Oxford: Oxford University Press, 1999, p. 332.

£60 million (£1.08 billion in 2024) of which £36 million was to be a gift and the rest a series of loans, some of which were interest-free. This deal was designed to serve geopolitical objectives as well as to buy out the white farmers' lands for African resettlement, pay off the 2,600 British civil servants who served the colonial government (to the tune of £12.5 million), and to fund expatriate skilled technical and administrative staff during the transition period.³¹ The huge amount of aid being given to Kenya perturbed some at the UK Treasury, which believed that this would amplify the magnitude of requests for aid from other territories such as Southern Rhodesia and that the disparity between Kenya and other aid recipient states like India would have a negative diplomatic impact.³² After independence, the erasure of settler participation in the atrocities of the Emergency was completed by not only buying out white settler land via the settlement schemes to incentivise them to leave but also repatriating older and racist settlers to the UK, Australia, Israel, Canada, Brazil, Chile and South Africa at British taxpayers' expense via the compassionate case schemes to prevent them from causing any future embarrassment to the British government in their diplomatic relations with the new independent Kenyan government.³³ A small number of younger settlers who were not eligible for repatriation were expelled by the Kenyan government with the support of the British government, while other minorities like the Afrikaners effected a reverse migration to their "home country" immediately before independence.³⁴

Britain, Kenyatta and the decolonization settlement

The mixed farmers and their issues around land were a political problem, a stance supported by the findings of the Stamp Mission. The latter categorised the problem into three main issues: African land hunger, the desire of some Kenyan politicians to take over European land either by purchase or by expropriation, and finally European farmers who wish to leave Kenya and to obtain the best possible price for their farm.³⁵ Large mixed farms were thus transferred from white to African ownership and

31. I. Khan, "Leavers': British Decolonization Policy and the White Settler Community, 1963-1967", *op. cit.*

32. Note by A.W. Snelling, 13 December 1963, T317/436, TNA.

33. I. Khan, "Not so much a melting pot': White expulsions and the diplomatic safety valve in Kenya, 1964-1967", *English Historical Review*, Forthcoming, 2025.

34. I. Khan, "Kenya's South Africans and the Politics of Decolonization", *The Historical Journal*, Vol. 64, 2021, p. 432-453; I. Khan, "Not so much a melting pot': White expulsions and the diplomatic safety valve in Kenya, 1964-1967", *op. cit.*,

35. Report, October 1965, OD 2/12, TNA. The Stamp Mission was led by Maxwell Stamp and included Roger Swynnerton. The latter's Swynnerton Plan of 1954 was designed to integrate Africans into the colonial framework efficiently and to "hearten" loyalist opinion. The Plan had a great impact on the development of African agriculture in Kenya and influenced the land settlement schemes of the 1960s.

sold via the Agricultural Development Corporation and private sale. Scholars have deemed the plan a political success since it prevented an escalation of white panic,³⁶ but it is important to emphasise that the settlement schemes represented a long-term victory for the British government since it set up a neoliberal system of land ownership where the private ownership of land was legitimised, thus preventing expropriation of white-owned land. The land settlement schemes were designed to prevent a white exodus and an immediate and complete takeover of the vacant farms by squatters, which would then lead to a collapse of the land market. The settlement schemes legitimised colonial ownership of land that had been expropriated from indigenous Africans and occupied by force. By insisting on “no free land”, the independent government enshrined the primacy of ownership by title deed over historical and communitarian claims. Critics of the large mixed farming model, like N.S. Carey Jones (Carey Jones was the Permanent Secretary, Ministry of Lands and Settlement in Kenya), have demonstrated that the schemes were extremely expensive and destructive to the economy as a whole, and that small-scale agriculture was more profitable in Kenya.³⁷ Tignor has suggested that the fear of ethnic violence politicised the settlement schemes and that decolonization policy in its entirety centred around the creation of a “healthy business environment” and to prevent a flight of capital.³⁸ This fails to explain why the settlers’ compensation valuations were inflated, why so much of this capital left the country with the leavers in the end, and furthermore why the Kenyan government agreed to accept and continue the mixed farming model despite its obvious economic drawbacks.³⁹ Similarly, Wasserman’s claim of economic rationality alone determining the centrality of the farmers’ interests in the bargaining process is to be challenged on the same basis.⁴⁰ There remained approximately two million acres of farmland in settler ownership even after the completion of the Million Acre Scheme.⁴¹

The period between 1960 and 1963 was marked by political and economic bargaining over a decolonization settlement that ultimately transitioned into a harmonious working relationship between the British

36. D. Gordon, *Decolonization and the State in Kenya*, *op. cit.*, p. 186.

37. Interview with research participant, 29 November 2023, Kenya. G. Wasserman, *Politics of Decolonization: Kenya Europeans and the land issue 1960-1965*, *op. cit.*, p. 219; N. S. Carey Jones, “The Decolonization of the White Highlands of Kenya”, *The Geographical Journal*, Vol. 131, 1965, p. 198; M. N. Shaffer, “Land Resettlement in Kenya”, *op. cit.*, p. 138; B. Berman, *Control and Crisis in Colonial Kenya: The Dialectic of Domination*, *op. cit.*, p. 67; C. Leys, *Underdevelopment in Kenya: The Political Economy of Neo-colonialism, 1964-1971*, *op. cit.*, p. 55.

38. R. L. Tignor, *Capitalism and Nationalism at the End of Empire: State and Business in Decolonizing Egypt, Nigeria, and Kenya, 1945-1963*, Princeton, N.J., Chichester: Princeton University Press, 1998, pp. 358, 373.

39. I. Khan, “Leavers’: British Decolonization Policy and the White Settler Community, 1963-1967”, *op. cit.*

40. G. Wasserman, *Politics of Decolonization: Kenya Europeans and the land issue 1960-1965*, *op. cit.*, pp. 23, 73.

41. R.L. Sharp’s memo on “Kenya: White Settlers”, 10 July 1964, T 317/434, TNA.

government and the independent government helmed by Jomo Kenyatta. Kenyatta's approach to *harambee* ("pulling together") proved that a restorative response to past violence fostered by colonialism and the Emergency, was more effective than a retributive response that would further perpetuate violence. Kenyatta's remarkable *volte-face* from being a leader "into death and darkness" (in the words of former Governor Patrick Renison) to a neoliberal leader who prioritised the sanctity of the title deed meant that he was feted equally by the British government and the white settler community. The last Governor of Kenya, Malcolm Macdonald, enjoyed an excellent relationship with Kenyatta and Kenyatta's party, the Kenya African National Union (KANU), and helped to consolidate the latter's power base at the expense of the left-wing political faction headed by Odinga (and other radical factions who could have "jeopardised" the Kenyan government with a Communist influence) and the Kenya African Democratic Union.⁴² The British High Commission became the new face of British power after Macdonald's tenure, replacing both the Governor and the personal patronage networks that went with the position.⁴³ The British government consolidated Kenyatta's position as undisputed leader of a democratic country in the Western sphere of influence.⁴⁴

In return, Kenyatta's government fulfilled its promises regarding the security of person, land titles, and citizenship rights for remainders during the transition period. The British government also made strenuous efforts to maintain a high output of anti-Communist propaganda during the transition period to keep Kenya under the influence of the British state.⁴⁵ Historians like W. O. Maloba have unfavourably appraised Kenyatta's influence over the country's "bend to the West".⁴⁶ Kenyatta's government was far from being a passive recipient of British patronage but rather was an actor with agency in its own right, both domestically and in the foreign policy arena.⁴⁷ The Kenyatta cult of personality persisted till his death in 1978, and it was contingent on his having always been opposed to radical nationalism.⁴⁸

42. Kenyatta later convinced KADU to merge with the KANU in 1964, thereby orchestrating a one-party state with a bloodless coup.

43. R. Hyam and P. Henshaw, *The Lion and the Springbok: Britain and South Africa since the Boer War*, Cambridge: Cambridge University Press, 2003, p. 6.

44. The tendency to view communism as a serious threat to British influence was rooted in Whitehall's fear of an apparent "thread of communism" that ran through dissident movements in the African continent through the Cold War.

45. I. Khan, "Leavers": British Decolonization Policy and the White Settler Community, 1963-1967", *op. cit.*

46. W.O. Maloba, *The Anatomy of Neo-colonialism in Kenya: British Imperialism and Kenyatta, 1963-1978*, Cham: Springer Science and Business Media: Palgrave Macmillan, 2017, p. 6.

47. *Ibid.*, p. 6.; I. Khan, "Kenya's South Africans and the Politics of Decolonization", pp. 432-45; W. O. Maloba, *Kenyatta and Britain: An Account of Political Transformation, 1929- 1963*, *op. cit.*, p. 4.

48. W. O. Maloba, *Kenyatta and Britain: An Account of Political Transformation, 1929- 1963*, *op. cit.*, p. 4.

The British government had to hand over military property and fixed assets in Kenya, including the new base built in Kahawa in 1958 that had cost £6 million (£107.5 million in 2024).⁴⁹ The withdrawal of British bases and troops from Kenya was expected to have a depressing effect on real estate, manufacturing, commerce, and the service industries, including the loss of jobs for Africans.⁵⁰ This was fuelled by the fear of violence and the liquidation of European capital that sustained financial institutions, plantations and industry in Kenya.⁵¹ All black Africans automatically became Kenyan citizens while the minority races (predominantly Asians and European whites) had to register as well as renounce their British citizenship. Hundreds of whites and Asians rushed to apply for British passports immediately before independence in 1963.⁵² There would now be a large minority of British citizens of both white and Asian origin in Kenya “who would look to the UK for protection, with potentially embarrassing consequences”.⁵³ The British government was willing to intervene despite potential criticisms of a “neo-colonialist suppression of legitimate national aspirations”.⁵⁴ Several powerful figures in Whitehall had tentatively mooted the idea of a British peacekeeping force comprising troops and civil servants in postcolonial Kenya for an extended period to protect white remainers. There was a precedent for this in a different Empire context: French troops, for instance, were allowed to stay on in Morocco till 1960, even though the country became independent in 1956.⁵⁵ In Kenya, as in Algeria, the presence of the outgoing colonial power’s troops supported the transition of power.⁵⁶ The responsibility for internal security and the physical safety of 45,000 Europeans in Kenya devolved constitutionally upon the independent Kenyan government, but the British government ensured that firm measures were put into place to protect white lives in case of civil conflict. Ultimately, the strength of the Anglo-Kenyan defence partnership and a lack of civil conflict allowed a withdrawal of troops on schedule.

49. *Ibid.*

50. “Future of Kenya economy”, CO 822/2183, TNA; MP Beazley to RL Sharp, 8 July 1964, T 317/434, TNA.

51. R. L. Tignor, *Capitalism and Nationalism at the End of Empire: State and Business in Decolonizing Egypt, Nigeria, and Kenya, 1945-1963*, *op. cit.*, p. 301. Tignor has emphasised the unjustified nature of these fears.

52. “Hundreds in record Kenya rush for British passports”, *East African Standard*, 24 October 1963, DO 176/12, TNA; “Rush for UK passports to be halted”, *East African Standard*, 1 November 1963, DO 176/12, TNA; “Asians opt for Britain”, *Observer*, 10 November 1963.

53. J.M. Ross to Hyde, 26 August 1963, HO 344/177, TNA; Secretary of State to Governor, 15 November 1963, FCO 141/6992, TNA; HMG to Kenyatta, 19 November 1963, FCO 141/6992, TNA; CRO to Governor, 15 July 1963, FCO 141/6992, TNA; “Kenya Citizenship: Note by Home Office on possible concessions to European settlers”, 25 September 1963, CO 822/3213, TNA.

54. P.T. to PM, 19 December 1963, PREM 11/4889, TNA.

55. A. Clayton, “Emergency in Morocco, 1950-56”, *The Journal of Imperial and Commonwealth History*, Vol. 21, 1993, pp. 140-141. France was not allowed to use Morocco as a base for operations against Algerian nationalists, as well as during anti-French riots in Morocco as a result of the Algerian conflict or during the Suez Crisis.

56. A. Clayton, “Emergency in Morocco, 1950-56”, *op. cit.*, 129-147; Governor’s speech to Mombasa Saturday Club, 10 September 1958, CO 822/ 1614, TNA.

British troops, therefore, only remained in Kenya until the autumn of 1964 to maintain or restore law and order, and to protect Europeans and their property in Kenya.

After independence, the British government worked out an annual contribution of around £762,760 (£13.08 million in 2024) for the maintenance, upkeep and expansion of the Kenya Army, particularly in view of the then-emergency in the North East region and a possible threat from Somalia.⁵⁷ The situation in the Northern Frontier District (NFD) stood at a delicate point, with the potential to “become an explosive situation, with African, Middle Eastern and Cold War antagonisms all engaged”.⁵⁸ The NFD bordered Soviet Union-backed Somalia and had a Somalian ethnic majority who were “Kenyanophobic” and wanted to secede from the Kenyan state.⁵⁹ Kenyatta requested the use of British troops to stabilise the situation in the North-East —British PM Douglas-Home told Robert Kennedy was “very encouraging” that the British troops had been asked to maintain order in Kenya “so soon after (Britain’s) departure”.⁶⁰ Britain invested £1.3 million of capital aid to set up and train the Kenyan navy, with EMC Walker of the Royal Navy becoming the first commander of the Kenya Navy.⁶¹ This move was criticised by Uganda, a state which was not of comparable strategic importance to the British government.⁶²

A significant number of white remainers chose to stay on in Kenya after the country became independent in 1963, securing their position through a full support of the KANU government and its policies on land and multiracialism. The British government, having eliminated its own racist “leavers” from Kenya, was able to secure the “remainers” position in perpetuity.⁶³ Kenyatta clarified his position on remainers’ security personally at a meeting in Nakuru, “What the Government needs is experience and I don’t care where it comes from. I will take it with both hands.”⁶⁴ The fact that this speech was overseen by Macdonald is an indication of the close collaboration between Kenyatta and the British government in bringing about a peaceful transition period.⁶⁵ There has, to

57. “Kenya: Defense and Financial discussions memo by the CRO”, 16 March 1964, CAB 148/2, TNA.

58. Burke Trend to PM, 6 February 1963, PREM 11/4328, TNA.

59. K. Kyle, *The Politics of the Independence of Kenya*, *op. cit.*, p. 156; Anderson, “Exit from empire”, p. 130.

60. Record of a conversation between the PM and the United States Attorney-General, Mr. Robert Kennedy, at 10, Downing Street, at 11.00 am on Monday, 27 January 1964, PREM 11/4889, TNA.

61. CRO to Nairobi, 1 October 1964, PREM 11/4889, TNA; “Formation of Kenya Navy”, memorandum for PM, 29 July 1964, PREM 11/4889, TNA.

62. “Formation of Kenya Navy”, memorandum for PM, 29 July 1964, PREM 11/4889, TNA.

63. I. Khan, “‘Leavers’: British Decolonization Policy and the White Settler Community, 1963-1967”, *op. cit.*

64. Griffith-Jones to Webber, 24 December 1962, CO 822/2185, TNA; P. Knauss, “From Devil to Father Figure: The Transformation of Jomo Kenyatta by Kenya Whites”, *The Journal of Modern African Studies*, Vol. 9, 1971, p. 134.

65. W. O. Maloba, *Kenyatta and Britain: An Account of Political Transformation, 1929- 1963*, *op. cit.*, p. 258.

an extent, been a “strategic disavowal of the colonising act”⁶⁶ —with the remainers transforming themselves as being integral to Kenyan economic interests, particularly in the wildlife conservation and agricultural sectors as well as the horticulture and tea industries.⁶⁷ The remainers prioritised the survival of the group over the interests of the individual.⁶⁸ Around 4,000 settlers became Kenyan citizens by 1969, whereas the overall number of Europeans was 40,593.⁶⁹ The remainers also minimised their ancestors’ involvement in the Emergency.⁷⁰ This was a particularly effective strategy in a country that was eager to rebuild itself and progress without dwelling too long on the atrocities committed against those deprived in the decolonization bargain —among them, the insurgent political factions comprising squatters and ex-Mau Mau forest-fighters.

Financial reparations

Financial reparations for crimes committed during colonialism have been a recent feature of conversations around atonement for colonial sins over the past. Such debates have not been limited only to former British-controlled territories like Kenya but also extended to the former colonies of other European powers such as Haiti and Namibia.⁷¹ The European Parliament recently drafted a resolution to design a reparations programme to redress colonialism and its continuing legacies in the Caribbean, Africa and Latin America —with a special emphasis on climate justice and slave reparations.⁷² The Kenyan government abstains from participation in such dialogues as this could strain Anglo-Kenyan relations. Any conversation around reparations from a foreign power is complicated by the fact that such reparations are most easily awarded to states. Given the favourable nature of the decolonization bargain for the victors, the Kenyan state does not seek reparations from the British government. In Kenya, every fight for reparations has, therefore, been on an individual or communitarian basis without the support of the state. The decolonization bargain also accounts for why the Kenyan Truth, Justice and Reconciliation Committee did not

66. F. Bateman and L. Pilkington (eds.), *Studies in Settler Colonialism: Politics, Identity and Culture*, London: Palgrave Macmillan, 2011, p. 209.

67. Interviews with research participants, August 2021-August 2024, Kenya.

68. I. Khan, “Not so much a melting pot’: White expulsions and the diplomatic safety valve in Kenya, 1964-1967”, *op. cit.*,

69. J. Gibbs, “‘*Uhuru na Kenyatta*: White Settlers and the Symbolism of Kenya’s Independence Day Events”, *The Journal of Imperial and Commonwealth History*, Vol. 42, No. 3, 2014, p. 525; K. Uusihakala, “From impulsive adventure to postcolonial commitment: Making white identity in contemporary Kenya”, *European Journal of Cultural Studies*, Vol. 2, 1999, p. 29.

70. Interviews with research participants, August 2021-August 2024, Kenya.

71. “Germany recognises colonial ‘genocide’ in Namibia, commits €1 bn in reparations”, *France 24*, 28 May 2021; “France urged to repay billions of dollars to Haiti for independence ‘ransom’”, *The Guardian*, 18 April 2024; H. Beckles, “Global calls for reparations are only growing louder. Why is Britain still digging in its heels?”, *The Guardian*, 24 October 2024.

72. A. Gentleman, “EU must face legacy of colonialism and support reparations, says MEPs”, *The Guardian*, 6 December 2023.

help its dispossessed people to confront its colonial past or to redress race relations in the same way as its South African counterpart.⁷³ The very settlement that has been the foundation of the modern Kenyan state and its stable nature has institutionalised the benefits enjoyed by the “haves” at the expense of the “have-nots” in the long term.⁷⁴ It is important to note that Kenyatta, who implemented a neoliberal capitalist basis for the independent government’s economic policy, personally guaranteed the security of European farms and not only publicly criticised Mau Mau violence but also distanced himself from the forest fighters, cracking down on the radical Kenya Land Freedom Army (KLFA) in the 1960s. Kenyatta’s undisputed leadership of the Kikuyu led to the KLFA being marginalised as an extremist fringe group and deprived of any legitimacy as leaders or opinion-makers of Kikuyu politics, thus preventing the landless and unemployed from creating an even bigger security problem in rural Kenya after independence.

Nothing is quite as representative of the pushback to the prevalent structure of Anglo-Kenyan cooperation as the rise of the representatives of the “discontents of decolonization” as the Mau Mau compensation trial of 2011. A small group of Kenyan veterans who were victims of brutality during the counterinsurgency successfully sued the British government in 2011. The veterans were awarded £19.9 million as compensation with William Hague (former British Foreign Secretary) offering an official apology in the House of Commons, where he admitted that Kenyans had, indeed, been tortured during the Emergency. Hague, however, categorically denied colonial responsibility on behalf of the British state. The British government had secretly repatriated official documents related to the administration of the Mau Mau Emergency to the UK during the handover rather than being deposited in the Kenya National Archives.⁷⁵ The removal of these documents, and therefore absolution of Britain’s responsibility for colonialism in Kenya was a “formal part of Britain’s process of decolonisation”.⁷⁶ The revelation of this illegal withholding prior to the court hearing led to the discovery of the “migrated archive” of 1,500 files (a third of which are on Mau Mau) at Hanslope Park.⁷⁷ These files contained evidence that corroborated the oral data that Caroline Elkins had collected, on the detention camps, that was crucial to the claimants winning the

73. For further details on the KTJRC, see G. Lynch, *Performances of Injustice: The Politics of Truth, Justice and Reconciliation in Kenya*, Cambridge: Cambridge University Press, 2018. For the South African TRC, see C. Moon, *Narrating Political Reconciliation: South Africa’s Truth and Reconciliation Commission*, Plymouth: Lexington Books, 2008.

74. I. Khan, “Leavers’: British Decolonization Policy and the White Settler Community, 1963-1967”, *op. cit.*

75. D. Anderson, “Mau Mau in the High Court and the ‘Lost’ British Empire Archives: Colonial Conspiracy or Bureaucratic Bungle?”, *The Journal of Imperial and Commonwealth History*, Vol. 39, No. 5, 2011, pp. 707-8.

76. *Ibid.*, p. 713.

77. *Ibid.*, p. 708.

case.⁷⁸ The Foreign Office tried to obstruct the declassification of the repatriated files with incriminating information on Mau Mau on grounds that these might “embarrass” the British government and compromise its army, police and intelligence sources.⁷⁹ David Anderson said that these documents contain new information confirming responsibility for the actions of British forces in Kenya.⁸⁰ The Mau Mau trial definitively tied the idea of colonial responsibility to justice in the form of financial reparations from the state.⁸¹ King Charles III stopped short of an official apology for colonial atrocities in Kenya during his first official Commonwealth visit in October 2023, instead opting for carefully vetted palace-speak of “regret” and “sorrow” for past “wrongdoings”.⁸² Such reticence however was misplaced, in light of Hague’s aforementioned apology.

78. D. Anderson, “Mau Mau in the High Court and the ‘Lost’ British Empire Archives: Colonial Conspiracy or Bureaucratic Bungle?”, *op. cit.*, pp. 708-9, 711.

79. *Ibid.*, pp. 708-9, 711.

80. *Ibid.*, pp. 708-9.

81. I. Khan, “‘Leavers’: British Decolonization Policy and the White Settler Community, 1963-1967”, *op. cit.*

82. J. Clinton and C. Kimeu, “King Charles stops short of apology for ‘abhorrent’ colonial violence in Kenya”, *The Guardian*, 31 October 2023.

Anglo-Kenyan relations in the present day

The Anglo-Kenyan alliance is marked by cooperation in trade, industry, education, diplomacy, defence, and sports. The 1970s and 1980s were defined by a spotlight on Europe, with the UK being allowed to finally join the European Economic Community in 1973 after a third application.⁸³ During this time, there was a more limited economic focus on the Commonwealth since less than one-fourth of exports were destined for Commonwealth countries.⁸⁴ Successive Labour governments' developmentalist policies shaped the transformation of the Empire into the Commonwealth by using humanitarian aid and other informal means to protect strategic interests in its former colonies.⁸⁵ The UK is amongst Kenya's top ten bilateral development partners, providing a bilateral allocation of £24.6 million for 2023-2024 and an indicative allocation of £81 million for 2024-2025. £1.35 billion of private British investment into Kenya was confirmed at the UK-Africa Investment Summit on 20 January 2020, backed by £400 million of UK aid. The UK and Kenya signed a Memorandum of Understanding (MOU) to deepen bilateral ties in 2020. The UK-Kenya Strategic Partnership (2020-2025) is based on five pillars –mutual prosperity, security and stability, sustainable development, climate change, and people to people.⁸⁶ After the merger of the Foreign Office and the Department for International Development in 2021 during Boris Johnson's Prime Ministership, overseas development assistance went down from 0.7% of the gross domestic product to 0.5%. Non-governmental organisations (NGOs) like Oxfam accused the UK government of short-sightedness in its decision to reduce humanitarian aid to East Africa by £13 million at a time of conflict, drought and inflation in 2023.⁸⁷ The UK was Kenya's 5th largest export destination in 2022 and is also the largest international investor in Kenya, accounting for 14% of Kenya's total stock of foreign liabilities.⁸⁸ At present, the UK shares the geopolitical arena in Kenya with China and Israel –both states

83. P. Cullen, *Kenya and Britain after Independence: Beyond Neo-colonialism*, Cham: Palgrave Macmillan, 2017, p. 181.

84. L. J. Butler, *Britain and Empire: Adjusting to a Post-Imperial World*, London: I.B. Tauris, 2002, p. 187.

85. A.W.M. Smith and C. Jeppesen (eds.), *Britain, France and the Decolonization of Africa: Future Imperfect?*, London: UCL Press, 2017, pp. 43-61, p. 7.

86. *Ibid.*

87. L. Davies, "UK funding cuts to east Africa 'insulting and shortsighted', say aid organisations", *The Guardian*, 24 May 2023.

88. Policy paper UK-Kenya development partnership summary, July 2023.

having positioned themselves as the newest power players in the Sub-Saharan region.⁸⁹ China is widely perceived as a neo-colonial force in Kenya,⁹⁰ with one participant reflecting, “We, the British, colonised by force and with guns. The Chinese are doing it with concrete.”⁹¹ £3.4 billion package of green investment deals were agreed between PM Rishi Sunak and President William Ruto at COP27, positioning the UK as a key partner –and alternative to China– on investment in the run up to the UK-Africa Investment Summit.

The cultural consonance between Kenya and the UK is significant, especially under the umbrella of the Commonwealth.⁹² Kenyan elites of all races continue to send their children to British boarding schools and universities, where they also develop close personal ties with the children of elites from the UK, continental Europe and the Commonwealth.⁹³ “We look North, we send our kids to the UK if we’ve got the money and the inclination –Kenyans are Anglocentric when it comes to health and education. There are around 300,000 Kenyans in the UK as we speak,” explained one participant.⁹⁴ The much publicised historical “special connection” between the Royal Family and Kenya is largely tied to the legacies of the formerly hegemonic aristocratic members of the remainder community, whose presence also brings its “white prestige” to the Kenyan conservation sector.⁹⁵ In 1963, the official handover was presided over by Prince Philip, in his capacity as special envoy of the Crown, who memorably teased Kenyatta at the independence ceremony, “Are you sure you want to go through with this?”⁹⁶ Today, this means that certain sections of dispossessed Kenyans affected by Mau Mau and other historical injustices specifically seek an apology from the Crown. A participant connected with reparatory debates in Kenya conjectured, in 2021, “An apology from the Queen would be healing for this country.”⁹⁷ This could be attributed partially to the public’s nostalgic reverence for Queen Elizabeth II at the time, but the accession of Charles III may have served to shift the nature of the conversation. The King had a private meeting with the descendants of historically dispossessed factions, including Evelyn Kimathi, the daughter of Dedan Kimathi, during his visit

89. Interviews with research participants, August 2021-August 2024, Kenya.

90. *Ibid.*

91. Interview with research participant, 24 August 2021, Kenya.

92. For further details on this, see P. Cullen, *Kenya and Britain after Independence: Beyond Neo-colonialism*, *op. cit.*; H. Charton-Bigot, *Generations Past: Youth in East African History*, Athens, OH: Ohio University Press, 2010.

93. Interviews with research participants, August 2021-August 2024, Kenya.

94. Interview with research participant, 17 August 2021, Kenya.

95. Brett Shadle, Dane Kennedy and other scholars have highlighted the interconnected social and economic role of white prestige in Kenya.

96. M. Meyer, “Clouds over Kenya’s Half-Centennial”, *New York Times*, 11 December 2013.

97. Interview with research participant, 10 August 2021, Kenya.

in 2023.⁹⁸ The King's impetus to "do more" led to the short-term appointment of a junior diplomat whose role was specifically to engage with colonial legacy issues, thereby providing a link between the High Commission and discontented factions.⁹⁹

Britain has been forced to confront its colonial past as well as its role in the slave trade and has been unable to hold back the tide of historical reckoning, with dynamic public and institutional debates about a multitude of related issues including the "Rhodes Must Fall" movement, the Windrush scandal, the restitution of cultural objects, and Barbados becoming a republic.¹⁰⁰ In Britain, therefore, the impetus for confronting the country's colonial past has come from below, forcing political elites to come to a moment of reckoning. This runs alongside the ongoing processes of reconciliation, not only between Kenya and Britain but also between historically opposed factions in Kenya itself.

Memorialisation

Memorialisation is an important aspect of soft power relations and reconciliation between the two countries, and is seen in some cultures to represent a symbolic first step towards more concrete reparatory measures. The British government works with the Kenyan government on the CWGC Non-Commemoration Project and finances the upkeep of the graves of World War I and II veterans in Nairobi, Voi, and Nanyuki. The Kenya Regiment memorial today stands in Nairobi as a testimonial to the spirit of reconciliation between the remainder community and the Kikuyu administrative elites.

98. B. Otlendo, "King Charles III privately meets the families of freedom fighters", *East African Standard*, 2024; M. Mwai, "Liberators' day with King Charles III amid apology calls", *People Daily*, 3 November 2023. Dedan Kimathi was an important figure in the struggle for independence: he was a Mau Mau radical, a forest fighter and a preeminent field marshal who led the guerrilla struggle against the counterinsurgency. His widow, Mukami, was given a state funeral in May 2023. For more on her controversial legacy see L. Hughes, "Mukami Kimathi and the Scramble to Own Mau Mau Memory", *The Elephant*, 23 May 2023.

99. Email communication with FCDO, 9 February 2024.

100. E. Day, "Rhodes Must Fall: The Legacy of Cecil Rhodes in the University of Oxford", Global History of Capitalism project, University of Oxford, February 2023; E. Waitzman, "Windrush scandal and compensation scheme", House of Lords Library, UK Parliament, 15 February 2024; D. Hicks, *The British Museums: The Benin Bronzes, Colonial Violence and Cultural Restitution*, London: Pluto Press, 2020.

Figure 1: Kenya Regiment Memorial

Source: Inaya Khan, 28 March 2024.

“We don’t want to erase history. It happened —we want school groups and others who are studying that period in history to make this part of their learning,” explained one of the caretakers of the memorial. A *Mugumo* fig tree that was blessed by Kikuyu elders at the memorial’s inauguration ceremony stands as a symbol of legitimacy next to the building.¹⁰¹ At the same time, the removal of colonial symbols of power upon independence was initiated by leaders of the remainder community, which was not the case elsewhere in Africa. The most notable example of this was the Delamere family’s decision to move the statue of Lord Delamere to Soysambu Conservancy as early as 1964. Lord Delamere (1870-1931) was the unofficial political and “spiritual” leader of the white settler community in colonial Kenya who pioneered dairy and wheat farming in the country. He has been called “the Rhodes of Kenya”. This sensitivity to the demands of the hour was far-sighted when considering the eventual controversies over Rhodes Must Fall, a movement that started in universities in South Africa in 2015.

101. The *Mugumo* fig tree is considered to be sacred in Kikuyu culture.

Figure 2: Lord Delamere statue at Soysambu Conservancy



Source : Henry Cholmondeley, 13 December 2024

Scholars, public intellectuals and activists are still divided over the family's decision. Some praised the move, with particular reference to their concern about attitudes towards western colonialism softening among the Kenyan youth.¹⁰² Others believe that the statue could serve to educate the public about colonialism if it were to be restored to its original place on Kenyatta Avenue.¹⁰³

Defence

The British Army has played a pivotal role in maintaining the stability and growth of Anglo-Kenyan relations from 1963 onwards and represents the most controversial aspect of the partnership today. The Kenya Defence Forces (KDF) and British Army Training Unit Kenya (BATUK) have a partnership defined by a joint MOU to facilitate military cooperation, education and discipline.¹⁰⁴ The UK has around 230 military personnel based permanently in Kenya to train the KDF, while the Royal Marines train Kenya's marines and elite commandos. The UK has an Army Training unit in Nanyuki, Laikipia.

Notably, Laikipia is also the part of the country with the most visible white participation in ownership structures, falling into four categories: the first, individual owners or families of settler colonial descent; the second,

102. Interviews with research participants, August 2021-August 2024, Kenya.

103. Interviews with research participants, March 2024, Kenya.

104. E. Onyango and S. Odhiambo, "Professional Trainings Challenges Affecting Anglo-Kenyan Military Relations since 1963 to 2014", *Global Journal of Interdisciplinary Social Sciences*, 2015.

Kenyan trusts; the third, global north NGOs like Flora and Fauna International; and the fourth, wealthy expatriates who are absentee landlords. Advocates of the prevalent system have pointed out the double standards in British NGOs putting private landownership in East Africa under a microscope when the prevalent land ownership in the UK itself reflects a similarly disproportionate ownership structure. In Scotland alone, only 2.76% of the land lies in community ownership, while 433 people and companies own 3.2 million hectares, representing about half the land in the country.¹⁰⁵ The British Army also provides an anchoring security presence in the region, given the fact that the total strength of the KDF is an underwhelming 24,000 in the face of around 600,000 illegally armed Samburu, Pokot and Maasai pastoralists in, and immediately above, the Laikipia region.¹⁰⁶ Laikipia is marked by its frontier character and prone to bouts of violence —often between the pastoralists and Kikuyu smallholders. Kenya’s 2010 constitution led to the devolution of power and the management of significant resources at a local level by elected officials, and this has also led to an increase in violence during electoral campaigns.¹⁰⁷ Experts have attributed low levels of literacy and development among pastoralists to a developmental negligence of the ranching sector by the Kenyan government in favour of commercial cash crops like tea and coffee.¹⁰⁸ This has put pressure on the white landowning element in Laikipia, in addition to the issues of anti-white political campaigning by local politicians, accusations of anti-blackness in the conservation sector by activists, and conflict with the pastoralist presence in Laikipia. Certain academics and activists like Mordecai Ogada have emphasised the white domination of conservation and the alienation of black Kenyans from these conservancies which they claim are “fiefdoms for the ultra-rich posing as conservation zones.”¹⁰⁹ A recent incident of note was when Ogada claimed that rangers from Ol Jogi Conservancy had intimidated him with guns and falsely accused him of being a poacher when he was using a public road near the conservancy.¹¹⁰

Initially, the nature of training in Laikipia was small scale, with no live firing involved, but this soon underwent a change and escalated with Britain’s involvement in Afghanistan from 2001.¹¹¹ The soldiers’ training

105. S. Carrell, “Land ownership in rural Scotland more concentrated despite reforms, study finds”, *The Guardian*, 23 March 2024.

106. Armed forces personnel-Kenya, 2020, International Institute for Strategic Studies, *The Military Balance*.; Interview with research participant, 17 November 2023, Kenya.

107. M. Mutiga, “Violence, Land, and the Upcoming Vote in Kenya’s Laikipia Region”, International Crisis Group, 25 July 2017.

108. *Ibid.*

109. “Noted Kenyan conservationist falsely accused of poaching”, *Survival International*, 20 April 2020. J. Mbaria and M. Ogada, *The Big Conservation Lie: The Untold Story of Wildlife Conservation in Kenya*, Auburn, WA: Lens & Pens Publishing, 2016.

110. *Ibid.*

111. Interviews with research participants, 12 March 2024, 25 March 2024, and 16 August 2024, Kenya.

now includes testing live firing, with live ranges, dry exercises firing blanks, and becoming well-versed in British Army doctrine.¹¹² Laikipia offers an arid and rocky landscape and a hot climate remarkably similar to that of Afghanistan, thereby providing ideal training conditions in a secure environment.¹¹³ Today, around 3,000 British soldiers train in Kenya annually—three infantry battalions in six-week training exercises as well as a civil engineering project by a Royal Engineer Squadron. Most of the training takes place on white-owned private ranch land, leased for approximately five years.¹¹⁴ One rancher whose land was put to such use said that the soldiers would conduct only four to five exercises over a week or ten days a year.¹¹⁵ Large payments to the owners of private ranches and conservancies have allowed more than one landowner to pay for the maintenance of their ranch and delay an inevitable distress sale.¹¹⁶ A section of local conservationists advocates that such training activities should be redirected to community lands for a more equitable distribution of income into local development projects designed to infrastructurally empower communities as a whole.¹¹⁷ They also argue that the income from the Army for individually-owned ranches can then be replaced in the long term by large-scale carbon sequestration projects or conservation-driven tourism instead.¹¹⁸ Most stakeholders, however, outright reject the feasibility of the total replacement of such large sums via carbon sequestration projects, pointing out that the success of the projects would depend on their additionality and scale.¹¹⁹ Scientists' expert estimate of carbon income generation on the land in a single Laikipia conservancy of 30,000 acres for example ran to "tens of thousands of dollars at the most, certainly not millions unless carbon prices skyrocket—even when factoring in biodiversity credits... it's all a bit overstated."¹²⁰ The Army currently prefers to lease private land over communal because of logistical convenience, a multiplicity of stakeholders to enter into agreements with, the risk of cancellations, and a stability of arrangements.¹²¹

Insiders described the amount spent on BATUK by the British government as "eye-watering".¹²² Information on exact figures is unavailable in the public domain. The unit brings in an income of £7 million annually for the Nanyuki economy in particular and about

112. Interviews with research participants, 1 April 2024 and 14 April 2024, Kenya.

113. Interviews with research participants, December 2023, conducted via Zoom.

114. Interviews with research participants, December 2023-April 2024, Kenya.

115. Interview with research participant, 6 December 2023, conducted via Zoom.

116. Interviews with research participants, December 2023, Kenya.

117. Interviews with research participants, January-March 2024, Kenya.

118. Interviews with research participants, 11 December 2023, 5 March 2024 and 11 April 2024, Kenya.

119. Interview with research participant, 13 January 2024, Kenya.

120. Interviews with research participants, March-August 2024, Kenya.

121. Interviews with research participants, December 2023-August 2024, Kenya.

122. Interviews with research participants, January-April 2024, Kenya.

£32 million into the larger area since 2016.¹²³ The base itself employs around 500 Kenyans while the soldiers use local transport like private taxis to visit bars, curio shops, restaurants and supermarkets, all generating income for a wide range of locals, with an application of “mzungu prices” (inflated prices offered to foreigners who are perceived as being wealthier than local Kenyans) all around.¹²⁴ One participant explained that the British Army presence was seen differently in Nanyuki, more in terms of its economic contribution and community engagement rather than in racial or neo-colonial terms, yet readily conceded that the presence of BATUK and its “white soldiers who are armed on Kenyan soil” had “neo-colonial undertones”.¹²⁵ Local business owners consider BATUK to be their primary source of income, with one claiming that Nanyuki would not “exist” without it.¹²⁶

Although BATUK has supported the local economy in Laikipia, its tenure in the region has been riddled with controversy. The activities of British soldiers have upset local communities over issues of arson, injuries from unexploded ordnance, and accusations of sexual assault. In October 2023, 7,000 residents in Laikipia demanded compensation for the harmful effect on them from a fire that was started by a BATUK training exercise on Lolldaiga ranch in 2021. The claimants accused the Army and the Intergovernmental Liaison Committee of “using every trick in the colonial handbook” to avoid paying compensation to the victims.¹²⁷ The family of a firefighter who was killed in the attempt to quell the fire was awarded 1.7 million KES.¹²⁸ Key stakeholders in Laikipia across the board, however, dispute the veracity of some of the injury claims (apparently as a result of unexploded ordnance “left around”), levelled at the British Army.¹²⁹ They contend that the Army’s generous compensation policy has resulted in people, who had been previously injured in ways completely unconnected to army activities, have sought an easier route.¹³⁰ A few participants individually mentioned one such claimant they knew of personally, for instance, who had been maimed by a wild animal and had claimed compensation from the Army for unexploded ordnance after being refused compensation elsewhere.¹³¹ The British Army once paid out

123. Interviews with research participants, December 2023-January 2024, Kenya; “British army base in Kenya attracts criticism”, *The East African*, 2 November 2023.

124. Interviews with research participants, January-April 2024, Kenya.

125. Interview with research participant, 12 April 2024, conducted via Zoom.

126. “British army base in Kenya attracts criticism”, *op. cit.*. Interviews with research participants, November 2023-April 2024, Kenya .

127. “Kenyans seek compensation for fire caused by the British Army in 2021”, *EFE Communica*, 20 October 2023.

128. J. Letai, “The Sun Never Set: British Army’s Secret Payments to Colonial-Era Farms,” *Declassified UK*, April 2022.

129. Interviews with research participants, March-August 2024, Kenya .

130. Interviews with research participants, September 2021-August 2024, Kenya.

131. Interviews with research participants, March 2024, Kenya.; Interview with research participants, September 2021-November 2023, Kenya.

£4.5 million to 233 Maasai and Samburu plaintiffs who claimed compensation for unexploded ordnance killing and maiming members of their community in Doldol and Archers Post.¹³² A local rancher described the bizarre manner in which the payments were made to the claimants, “All this money was put into the bank in question which charged a commission of 15% on the distribution of the money and gave all these people (i.e. the claimants) ATM cards. On the day of the pay-out, in Nanyuki, there was an orgy of drinking and whores... not one shilling of that money was left.”¹³³ This account is corroborated by subsequent reportage which confirms that these “millionaires” eventually lost all the money they had received from the payout and went into depression after acquiring more land, additional wives and luxury vehicles. None of this money was invested into community projects or local infrastructure.¹³⁴ Another stakeholder in the region who witnessed the events said that this happened because it “seemed like such a small amount of money to them they just paid it out, creating a precedent... they were just happy to take the whole responsibility to shut them up and make it all go away.”¹³⁵ Leigh and Day (the law firm which handled the case) and Osiligi claimed that they had organised a few financial management seminars for the claimants in Laikipia via the bank.¹³⁶ However, this was clearly insufficient. It is notable that the same law firm was charged as being negligent in its compensation payments in the Gouhourou fraud case in 2016.¹³⁷ Ultimately, the Kenya-UK agreement ratified in 2015 stated that among other health and safety measures, the disposal of arms waste as well as the conducting of live firing would be governed by certain procedures.¹³⁸

Rape and sexual assault have been serious concerns associated with the British Army presence in Laikipia. The most significant of these cases was the murder of Agnes Wanjiru in 2012. In 2021, *The Sunday Times* claimed that a British soldier had confessed to his comrades that he had killed Wanjiru, showed them her body and reported this to authorities.¹³⁹ The

132. S. Cherono, “Lawyer’s journey to legal glory for victims of British Army explosives”, *The Nation*, 25 August 2020; C. Dyer, “Kenyans maimed by bombs get legal aid to explore suit against British army”, *The Guardian*, 26 April 2001.

133. Interview with research participant, 3 September 2021, Kenya.

134. This case presents a sharp contrast to the cases in which reparations payments are handled in a structured, informed and sensitive manner. The case of the recent victory of the Ogiek community over the Kenyan government in their fight to uphold their right to their ancestral land in the Mau is an example where the money is to be paid directly into a community development fund. “The Ogiek win reparations judgement on Mau Ancestral Land”, International Land Coalition, 24 June 2022.

135. Interview with research participant, 12 March 2024, Kenya.

136. S. Cherono, “How Samburu millionaires became poor”, *Daily Nation*, 25 August 2020.

137. J. Hyde, “Court finds Leigh Day breached duty of care to Trafigura”, *The Law Society Gazette*, 17 June 2016. The case involved 30,000 people in Cote d’Ivoire who were affected by toxic waste discharged by Trafigura’s tanker.

138. S. Cherono, “How Samburu millionaires became poor”, *Daily Nation*, 25 August 2020.

139. “Kenya opens hearing into death of woman allegedly killed by British soldier”, *The East African*, 30 November 2023; D. Collins, “Agnes Wanjiru: how a murder reported within hours was buried by the army”, *The Times*, 13 October 2024.

investigation is ongoing, with Leigh Day representing Wanjiru's family.¹⁴⁰ Locals confirmed that when a regiment is in town there is an influx of prostitutes to Nanyuki, which has become known as a "hub for commercial sex," from Nairobi and western Kenya, to cater to the "squaddies".¹⁴¹ The victims of assault suffer severe physical and psychological trauma. This is particularly tragic in the face of the fact that rape victims are often discouraged by state apathy and cultural attitudes when it comes to seeking redressal and those who do "are confronted by a system that ignores them."¹⁴² The issues faced by the victims have ranged from the breakup of their marriages to the prejudice faced by their biracial children.¹⁴³ Local sceptics' denials of ever having seen any biracial children born of such encounters living in a "Maasai or Samburu manyatta" is belied by recent press coverage of the abject living conditions of such children.¹⁴⁴

All participants were equally emphatic that disorderly behaviour was often the result of alcoholic intoxication, with one BATUK insider pointing out that disciplinary action in this regard was one of the main roles of the Royal Military Police in Kenya.¹⁴⁵ The Royal Military Police plays an active role in maintaining order on the base, and arrests soldiers for misdemeanours.¹⁴⁶ The British Army tries to educate and brief its soldiers on sexual health due to the transmission of HIV AIDS and other diseases, as well as on the racial and gender power dynamic that goes hand-in-hand with this exchange. One participant described how the stringent atmosphere at the base had led to a culture of "death by briefs" with its heavy emphasis on the soldiers' interactions with the local population as well as curfews in place which are stricter than the ones placed domestically on British soldiers.¹⁴⁷ Local stakeholders claim that the Army's tendency to controversy has also made it "introverted and more cautious about its relations with communities", while others described the British government's approach to BATUK as being defined by its risk-averse nature.¹⁴⁸ "There are other foreign bases, but we don't really have issues like

140. C. Ott and S. Harb, "Sexual Violence against women where the British Army trains in Kenya continues to be reported", *leighday.co.uk*, 29 November 2024.

141. "Decades of Impunity: Serious Allegations of Rape of Kenyan women by UK Army Personnel", Amnesty International, 2 July 2003. Interviews with research participants, August-September 2024, Kenya. "Kenya opens hearing into death of woman allegedly killed by British soldier", *The East African*, 30 November 2023; D. Collins, "Agnes Wanjiru: how a murder reported within hours was buried by the army", *The Times*, 13 October 2024.

142. "Kenya—Rape—the invisible crime", Amnesty International, AI Index: AFR 32/001/2002, March 2002.

143. "Decades of Impunity: Serious Allegations of Rape of Kenyan women by UK Army Personnel", Amnesty International, 2 July 2003.

144. Interviews with research participants, March- August 2024, Kenya. *News report*, 17 June 2024, CNN.

145. Interviews with research participants, March-August 2024, Kenya.

146. Interviews with research participants, January-April 2024, Kenya.

147. Interviews with research participants, January-September 2024, Kenya.

148. Interviews with research participants, January-August 2024, Kenya.

this there... you could say that BATUK is our problem child”, joked one observer.¹⁴⁹ Notably, King Charles III steered clear of a visit to Nanyuki, presumably to avoid drawing attention to the postcolonial defence partnership at a time when his visit was supposed to signal contrition. This was a particularly significant decision in light of the fact that the King is the Commander-in-Chief of the British armed forces. Insiders saw this differently, and said Charles’ omission was understandable since the optics of a “white British King visiting white British troops in Kenya would be reminiscent of the 1900s... He’s come to visit Kenya and visit the Kenyan people”, pointing out that his decision to avoid going to Nanyuki should signify the importance placed on the Anglo-Kenyan partnership by the British government.¹⁵⁰ Prince William, on the contrary, prioritised a visit to BATUK in Nanyuki in 2018 and focussed on security and conservation in his talks with Uhuru Kenyatta. It could be argued that the Prince’s personal proximity to white conservationists in Kenya has shaped his views on the morality of the conservation landscape in Africa. This is borne out by Prince William’s recent statement at a wildlife summit on poaching being “an economic crime against ordinary people”, which was widely criticised for being insensitive and vilifying vulnerable people in Africa.¹⁵¹

The bad press that the Army receives, however, often reaches satirical levels. Supporters of the BATUK presence in Laikipia claim that such news items are driven by critics who are “looking for the British Army to fail and for a news story that they can build into an agenda that they’re already trying to peddle for easy point-scoring”.¹⁵² One participant pointed out that BATUK was lately accused of eating monkeys by the local press whilst another described how a local Kenyan liaison briefed them on social media accusations on a weekly basis.¹⁵³ The fact that community service has become an active part of British soldiers’ activities in Kenya suggests that an attempt is being made to benefit-share at a local level infrastructurally and to sensitise soldiers as part of a long-term strategy to engender longevity of the partnership at a ground level. Voluntary projects usually take place at the end of the soldiers’ terms.¹⁵⁴ There are approximately eight team members whose role is dedicated to organising and managing BATUK’s community outreach full time.¹⁵⁵ A Laikipia-based entrepreneur also pointed out that British Army officers have contributed in the past to fundraising efforts for female reproductive health along with other

149. Interview with research participant, 8 July 2024, Kenya.

150. Interview with research participant, 10 April 2024, Kenya.

151. H. Mumby, “Prince William shows conservation still has a problem with ‘white saviours’”, *The Conversation*, 18 October 2018.

152. Interviews with research participants, January-April 2024, Kenya.

153. Interviews with research participants, April-July 2024, Kenya.

154. Interviews with research participants, April 2024, Kenya.

155. *Ibid.*

causes.¹⁵⁶ The Army focuses on community projects and local schools, which are not recipients of private funding.¹⁵⁷ Ultimately, BATUK's presence and the security, income, and training accrued from it benefits the Kenyan state and cannot be outright described as “neo-colonial”. The individual dissidents who believe that this partnership is unequal and exploitative, however, continue to be both vocal and active in their attempts to redress any imbalance between the two countries.

Land restitution

The other major consequence of the decolonization bargain is the land restitution issues that have continued to arise from the settlement schemes instituted at independence in 1963.¹⁵⁸ Political and economic elites in Kenya fear a domino effect of land restitution, because they believe that the negative impact of such action would extend far beyond a minority of white landowners and multinational companies and threaten the ownership claims established by the land settlement schemes upon which the modern Kenyan state was built. An official restitution of land in Kenya is generally unfeasible and lacking in support from political and administrative authorities, especially when the ownership of land has been established through extensive negotiations to accommodate different interest groups upon independence. Kenya's land settlement scheme was constructed on a single premise —“no free land”. This established the precedence of a neoliberal individualist system of land ownership by title deed over any prior communal or ancestral claims in perpetuity. When white settlers sold their farms and left Kenya, white-owned plantations and ranches were left untouched to protect a precarious independent economy. The planters' position was subsequently reinforced by the Kenyan constitution, which was revised in 2010 to allow multinational companies (MNCs) to lease land for 99 years (while previous leases were set for 999 years).

Most of the demands for restitution are directly tied to claims of historical injustice arising from the colonial allocation of land to British companies, with the most controversial one being the case of plantation land in Kericho. Historically, the disputed land in Kericho was expropriated by the colonial government from the Talai clan (of the Kipsigis community) to create an agricultural settlement of disabled white officers of the British Army, who had fought in World War I. This co-operative scheme ended with the collapse of the flax boom in 1922, after which the land passed into

156. Interview with research participant, 1 August 2024, Zoom interview.

157. Interviews with research participants, April-August 2024, Kenya.

158. For further details on the contemporary consequences of the land settlement schemes arising from them in Kenya, see A. Manji, *The Struggle for Land and Justice in Kenya*, Woodbridge, Suffolk: James Currey, 2020 and C. Boone, *Property and Political Order in Africa: Land Rights and the Structure of Politics*, Cambridge: Cambridge University Press, 2014.

the hands of British tea companies in 1925. The Kipsigis never recovered their land. The Kericho tea estates passed into the hands of MNCs, including James Finlay and Unilever. The tea industry represents the largest foreign exchange-earning industry in the country, bringing in a revenue of \$1.09 billion in 2020, and reporting an increase of 13% in 2021.¹⁵⁹ It employs 12,000 permanent workers, whose families live on the estates, and 5,000 seasonal workers. Prince William subsequently became the focus of appeals for land restitution in Kericho because of his aforementioned close personal association with the wildlife conservation sector in Kenya. The claimants point out: “We inherited the pain, you inherited the profits”.¹⁶⁰ The British and Kenyan governments decolonized Kenya in a way that would both protect foreign capital and invite further foreign investment. It is unsurprising, then, that the claimants for reparations made no headway with the Kenyan national government, the Senate and the Supreme Court.¹⁶¹ The claimants were supported by local county authorities who often have vested interests. The Kenyan government’s refusal to get involved led to the Talai seeking redress at the European Court of Human Rights.¹⁶² Del Monte, another multinational company plagued by accusations of violence in Kenya, also had to “donate” 500 acres of land to Murang’a county authorities in 2021, in order to renew its lease. In another case, Unilever was made to compensate seventy-seven female tea pickers for the rapes and violence they had been subject to on its tea plantation in Kericho during the ethnic violence of 2007.¹⁶³ The UN special report on the Kericho dispute demanded an apology from Britain and an acknowledgement from the Kenyan government that it should have returned this land to the Talai for resettlement.¹⁶⁴ James Finlay unexpectedly solved its problem in one fell swoop in May 2023, finalising a sale of its tea estate to Browns Investments PLC, a part of the Sri Lankan LOLC Holdings PLC group companies. As a concession, a 15% share in James Finlay Kenya was acceded to a locally owned cooperative. Using this

159. “Kenya’s tea production to receive a boost as agency imported fertilizer arrives”, Food Business Africa.com, 31 August 2021; “Kenya’s Tea Exports Up by 13% in 2021 with a Positive Outlook for 2022”, *Tridge.com*.

160. A. Soy, “Kenya’s Talai clan petitions Prince William over land eviction”? BBC, 4 May 2022.

161. Salvioli, Rajagopal, Tzay, Jiminez-Damary, Achiume and Melzer, “UN special report AL GBR 5/2021”, UN, 31 May 2021; J. Wangui, “Supreme Court setback for Kericho’s bid to seize land from multinationals”, *Nation Africa*, 7 July 2021; J. Otieno, “Kipsigis community petition Senate, demand compensation, apology from British government”, *The Star*, 14 March 2023.

162. “Kenyans seek to sue UK for alleged colonial abuses”, *BBC World Africa*, 23 August 2022.

163. C. Kimeu, “Unilever to make payments to Kenyan tea pickers over 2007 plantation attacks”, *The Guardian*, 25 September 2023.

164. Salvioli, Rajagopal, Tzay, Jiminez-Damary, Achiume and Melzer, “UN special report AL GBR 5/2021”, 31 May 2021.

as evidence, the company is now trying to rebrand itself as being focused on sustainability and communities.¹⁶⁵

Another set of land restitution demands has been made at a theoretical level in Laikipia. The Maasai from the central Rift Valley were first moved into, and then out of, Laikipia in 1904 and 1911 respectively, to make room for further white settlement via deceptive and coercive treaties with the British government.¹⁶⁶ Many Maasai still consider this to have been a "betrayal" since they perceive the historical movements to have led to land ownership patterns unfavourable to them.¹⁶⁷ Laikipia was claimed to be "empty" by the colonial state due to the pastoralist movements —however, this "emptiness" was attributable to colonial interference, increasing white settlement and epidemiological disturbance.¹⁶⁸ Since the ranches were left intact at independence and not included in the settlement scheme, in the absence of title deeds from the pre-colonial era, conflicting claims of Maasai and Samburu ancestral rights to resources have often rested on who dominated nomenclature when the settlers first arrived.¹⁶⁹ The land restitution movements in northern Kenya, whether spearheaded by Maasai or Samburu claimants, are doomed to fail for similar reasons cited in the Kericho case.

The question of neocolonialism

The British and Kenyan governments' handling of the settler problem via the system of land settlement schemes and the agency of the Kenyan government in its choice of whom to seek assistance from suggests that Kenyatta sought to take the country down a neoliberal route rather than a neocolonialist one. This is especially bolstered by the prominent role played by China, Israel, Germany, France and other states in terms of foreign investment for development in Kenya today. Most importantly, the endurance of settler colonial political, economic and administrative institutions has facilitated the success of the Anglo-Kenyan relationship.

165. "Finlays agrees sale of James Finlay Kenya to Browns Investments PLC", *Finlays.net*, 4 May 2023; H. Elliott, "On the Ground: What CSR and Sustainability Standards Fail to Address", *The Business of Society*, 2020.

166. G. R. Fox, "Maasai group ranches, minority landowners, and the political landscape of Laikipia County, Kenya", *Journal of Eastern African Studies*, Vol. 12, 2018, p. 478; C. Youé, "Settler Capital and the Assault on the Squatter Peasantry in Kenya's Uasin Gishu District, 1942-63", *op. cit.*, p. 394; K. Kyle, *The Politics of the Independence of Kenya*, *op. cit.*, pp. 9, 158; K. Tidrick, *Empire and the English Character*, *op. cit.*, p. 136.

167. M. Mutiga, "Violence, Land, and the Upcoming Vote in Kenya's Laikipia Region", International Crisis Group, 25 July 2017.

168. J. Doble, "White settlers to white Africans? Decolonisation and white identity in Kenya and Zambia", Unpublished PhD thesis, University of Leeds, 2019, p.69; E. Huxley, *White Man's Country: Lord Delamere and the Making of Kenya*, Chatto and Windus, 1981; T. P. Ofcansky, "The 1889-97 Rinderpest Epidemic and the Rise of British and German Colonialism in Eastern and Southern Africa", *Journal of African Studies*, Vol. 8, No. 1, 1981, p. 31.

169. M.L. Gravesen, *The Contested Lands of Laikipia: Histories of Claims and Conflict in a Kenyan landscape*, Leiden; Boston: Brill, 2021, pp. 13-14.

Anglo-Kenyan relations are more impersonal than that of France and its former African colonies —the success and stability of the relationship today is chiefly due to common institutional legacies, regardless of the communitarian background of the President in question (whether a Kenyatta, Moi or Ruto), and has evolved beyond a dependence on the strong personal relations that existed between figures like Kenyatta and Macdonald. Unlike France, Britain did not see its control over its former African colonies as being key to maintaining its status as a great power.¹⁷⁰ Scholars have questioned how much autonomy governments of newly decolonized states had from both former colonial powers and financial institutions, such as international banks and multinational corporations, while others have argued that decolonization policy from 1945-1965 was designed to maintain an “invisible empire of economic and political influence”.¹⁷¹ Kenya’s transformation from colony to independent ally was, on the contrary, one that was being consciously effectuated by civil servants and diplomatic representatives pushing back against “a tendency to approach Kenya in this matter as if she were to some degree still under our tutelage.”¹⁷²

Some scholars have argued that neocolonialism replaced the colonial system in Kenya. Maloba has argued that neocolonialism compromises national sovereignty by maintaining a chokehold on the country’s economy.¹⁷³ Odinga expressed similar views in his autobiography *Not Yet Uhuru*.¹⁷⁴ Smart and Young suggest that the economy remained structurally the same as it was during the colonial era, in a similar vein to other postcolonial African states.¹⁷⁵ According to Leys, neocolonialism was a specific developmental phase in Kenya, for which the ground was carefully laid during the pre-independence period in the early 1960s.¹⁷⁶ The metropole’s domination of the decolonization process, a continuity of economic policy, the consolidation of an alliance between foreign capital and the bourgeoisie, and limited changes instituted by the new government

170. As reiterated by statements made by former French Presidents Chirac and Mitterand in 1992 and 1957 respectively. M. Staniland, “Francophone Africa: The enduring French connection”, *Annals of the American Academy of Political and Social Science*, Vol. 489, 1987, p. 56.

171. F. Cooper, *Africa since 1940: the past of the present*, Cambridge: Cambridge University Press, 2019, p. 15; J. Darwin, *Unfinished Empire: The Global Expansion of Britain*, New York, N.Y.: Bloomsbury Press, 2013, p. 10.

172. R.H. Mason to Bass, 29 November 1968, FCO 31/376, TNA.

173. W.O. Maloba, *The Anatomy of Neo-colonialism in Kenya: British Imperialism and Kenyatta, 1963-1978*, *op. cit.*, p. 5.

174. Oginga Odinga, *Not Yet Uhuru: The Autobiography of Oginga Odinga*, London: Heinemann, 1968.

175. D. Smart, “‘Safariland’: Tourism, Development and the Marketing of Kenya in the Post- Colonial World”, *African Studies Review*, 2018, p. 138; C. Young, *The Post- Colonial State in Africa: Fifty Years of Independence, 1960-2010*, Madison: University of Wisconsin Press, 2012, p. 337.

176. C. Leys, *Underdevelopment in Kenya: The Political Economy of Neo-colonialism, 1964-1971*, *op. cit.*, p. 27.

were all markers of neocolonialism.¹⁷⁷ Leys argues that the colonial regime prepared the ground for shaping the direction of Kenyan policy. Others have determined that Kenya does not qualify as being a neocolonialist state. Gordon refutes Wasserman and Leys, and argues that they overemphasized the importance of the land issue by considering it to be the only factor in the decolonization strategy. Developmental scholars claim that, in general, the Commonwealth has been a vehicle of a “disciplinarian” trusteeship and neocolonialism.¹⁷⁸

The British motivation, rather than retribution, was to maintain the stability of, and international confidence in, the Kenyan economy.¹⁷⁹ This was in sharp contrast to the ways in which French military commanders destroyed assets and infrastructure that the retreating power could not take with it from Africa—they tore up roads and threw the asphalt into the sea, destroyed schools and research institutions, burnt books, cut electrical wires, railroads, killed livestock, and destroyed food reserves.¹⁸⁰ Significant elements of France’s neocolonialist stranglehold in Africa today include the right to permanently station troops and the “obligation” to intervene militarily if invited to do so by the French ambassador to that country, to control the economy via its colonial currency the Colonies françaises d’Afrique (CFA), retaining the entirety of the foreign reserves of those countries in the French treasury, the right to determine policy in educational matters, no-bid public contracts, and crucially, the right of first refusal for the right to exploit natural resources and minerals.¹⁸¹ The French government has even extended such control to certain former Spanish, Belgian and Portuguese colonies after independence. The French state has also interfered in former British zones of influence and conflicts therein, including the Biafran War —this led to the French oil company ELF emerging as the top beneficiary of oil leases issued by the Nigerian government in 1974.¹⁸² In February 2017, President Emmanuel Macron’s attempt to publicly condemn French colonialism in Algeria as a “crime against humanity” was met with vociferous criticism and led him to treat the colonial question with caution.¹⁸³ Since then, Macron has vacillated from one end to another in an attempt to hold balance in confronting a

177. D. Gordon, *Decolonization and the State in Kenya*, *op. cit.*, p. 251; C. Leys, *Underdevelopment in Kenya: The Political Economy of Neo-colonialism, 1964-1971*, *op. cit.*

178. M. Power, “The Commonwealth, ‘development’ and Post-colonial Responsibility”, *Geoforum* 40, 2009, pp. 14-24; D. Gordon, *Decolonization and the State in Kenya*, *op. cit.*, p. 251.

179. I. Khan, “‘Leavers’: British Decolonization Policy and the White Settler Community, 1963-1967”, *op. cit.*

180. E.B. Andjembe, S. Egbe-Mbah Eben and A. L. Dalton, “French Neocolonialism in Africa: Historical Overview and Summary of Current Events”, *American Journal of Economics and Sociology*, Vol. 81, 2022, pp. 829-849.

181. *Ibid*, pp. 831-2.

182. *Ibid*, p. 834.

183. “En Algérie, Macron qualifie la colonisation de ‘crime contre l’humanité’, tollé à droite”, *Le Monde*, 15 February 2017.

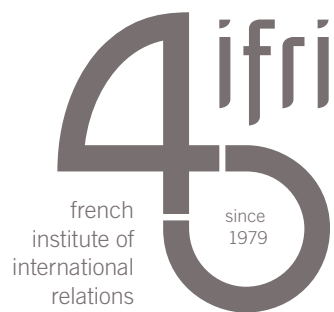
myriad of France's complex colonial histories —on the one hand commissioning the Stora report of 2021 which recommended a Truth and Justice Commission to investigate France's colonial rule in Algeria, and on the other assuring an audience of *pieds-noirs* at the Elysée that he empathised with their painful experience of repatriation from Algeria. France is currently lagging far behind other countries in its reckoning with its colonial past, with even Germany having committed to pay Namibia financial reparations of €1.1 billion in aid projects in 2021.¹⁸⁴ An official apology would be tantamount to an admission of guilt and an acceptance of a sense of colonial responsibility which could expose the French state to demands for financial reparations. It would be damaging to the French state's prestige and suzerainty in terms of its geopolitical interests, particularly so for "Françafrique". A fair appraisal of the period since the 2011 verdict suggests that the imagined avalanche of individual cases against the British government for compensation from ex-British colonies across the globe simply did not materialise, partially due to the complications of UK law and the lack of definition around colonial responsibility. Instead, these developments expanded research into the legacies of slavery and colonialism, especially at an institutional level in the UK. It is most likely then, that an apology from the French government to the victims of colonialism would not generate an endless stream of reparations payments but instead foster healthy debate.

184. Germany has committed to pay Namibia financial reparations benefitting the Herero and Nama for the colonial genocide committed against their people by German settlers from 1884-1915. See "Germany recognises colonial 'genocide' in Namibia, commits €1 bn in reparations", *France 24*, 28 May 2021.

Conclusion

The peace that was made at independence in Kenya between the outgoing colonial power and African political and administrative elites who were the “victors” of the decolonization bargain was an enduring one, while the have-nots of the decolonization bargain continue to feel disempowered by it. The demands of the latter faction have not, therefore, affected strategic relations at a state level with African administrative elites. To label the Anglo-Kenyan relationship “neocolonialist” in the present day would be undermining both African agency and the sovereignty of the state whilst overestimating the British government’s capacity for even a limited degree of control over the Kenyan state.

Despite the Kenya settlers’ total involvement in the Emergency, there was no vigilantism after the defeat of the Mau Mau (in stark contrast to developments in Algeria), and this may have ultimately saved the settlers from retaliatory post-independence violence and the country from civil war during its transition from colony to independent state. Perhaps the greatest difference is that the Anglo-Kenyan relationship is one of two equal sovereign states today. Aside from the systems of strategic cooperation beneficial to Kenya put into place at independence, the UK cannot rely on its colonial past to compete with the influence of other states in Kenya’s economic and geopolitical sectors. The UK took a pragmatic approach in making its peace with Kenyatta’s government, capitalised on a respect for private property and, most importantly, unlike outgoing French colonialists in French-controlled territories, never followed a scorched-earth policy. Successive British governments never sought to maintain official economic control over their former colonies or created any structures that could ever compare to “*Françafrique*”. On the one hand, the Foreign, Commonwealth and Development Office’s appointment of a diplomat whose specific mandate it is to “deal with decolonization” signals the willingness of the British government to wade into potentially contentious issues. On the other, the most impactful legacies of settler colonialism in Kenya are institutional rather than superficial and therefore such an appointment could be construed as more lip service than creating any meaningful and impactful change. It remains to be seen whether it will be feasible for the British government to hold a lasting peace with those who historically lost out in the decolonization bargain today in equal measure with that it made with the “victors” sixty years ago.



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