

Mau Mau Demand Reparations from Britain for Colonial Crimes

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On October 4, 2006 the Kenya Human Rights Commission and its United Kingdom-based legal team, Leigh Day & Co. Solicitors, submitted a letter of claim to the British foreign secretary formally presenting their intention to sue Her Majesty's Government for the torture it inflicted upon members and supporters of the Kenya Land Freedom Army—better known as Mau Mau—during the 1950s. In 2009, the claimants will travel to London to institute proceedings, based on the tort of negligence, against the British government in the British High Court. Eloise Mukami Kimathi, widow of Mau Mau Field Marshall, Dedan Kimathi, will lead the delegation. The British executed Dedan Kimathi on February 18, 1957. In March 2009, the Kenya Human Rights Commission also launched a wider Mau Mau Reparations Campaign in Kenya and Britain to raise support for the legal suit, to celebrate Mau Mau freedom fighters, and, importantly, to address problems that persisted after colonialism under the auspices of the post-colonial state: impunity for public officials, despotism, police brutality, corruption, landlessness, and steep gender inequities.

Systematic murder, rape, torture, mutilation, forced confinement, forced labor, collective punishment, theft, destruction of property, and mass incarceration were all used by colonial soldiers and civilians in the course of mounting a counter-insurgency war against the Mau Mau. To justify their actions at the time, the British called the Mau Mau terrorists, a term that dehumanizes the victims and legitimizes any form of violence against them. It also announces to members of the public that they should be grateful that someone is willing to exterminate the “terrorist threat” against them. The use of the term in Kenya at the time carried with it the implication that anyone who sympathized with or supported the aims, goals, and objectives of the Mau Mau was liable to be arrested for “consorting with terrorists.” In this way, the colonial regime silenced questions about both the legitimacy of the grievances of the Kenyan peoples and the illegitimacy of the colonial occupation, which the British maintained by force of arms.

The Mau Mau reparations case highlights both the atrocities suffered by Kenyans struggling for freedom in the 1950s and the long-lasting impacts of the socio-economic structures that the British left in place when they finally ceded control over the country in 1963. Women endured the worst of the atrocities meted out by the British soldiers and their settler and Homeguard allies. This is especially clear once we take into account the British policy of land privatization implemented in 1954. These enclosures dispossessed many Mau Mau men and *all women*. Grossly unequal redistribution of land divested not only tens of thousands of people of their interests in land but *all of their subsequent generations*, who have inherited the poverty imposed by the British in their anti-Mau Mau land policy.

In addition to suffering the same injustices as men during the 1950s, women had to endure forced marriages, rape-induced pregnancies, and the crushing of their customary controls over fertility. To this day, women comprise the vast majority of the landless in Kenya's rural and urban areas. Though they are the majority among the very poor, women remain responsible for the subsistence and well-being of their families. These multiple burdens require that special attention be paid to women in the reparations case. Indeed, they

expand the very notion of reparations.

If reparations are to promote justice, they must incorporate *social reparations* that address the vast social problems rooted in the inequalities constructed during the colonial era. Without this dimension, individual reparations—or payments to individual survivors and their families—are likely to exacerbate inequality and injustice. This is because by definition, only a limited number of survivors could be recognized, while the majority would be excluded. The example of the reparations paid in another high-profile Kenyan reparations case offers a caution. Many Maasai and Samburu pastoralists, who in the early 2000s received reparations from the British in the form of individual compensation for deaths and injuries from British army land mines, were swindled by con men or otherwise lost the funds through speculation and outright binge spending. A similar fate faced Canadian aboriginal people who recently received individual reparations from the Canadian government for abuse suffered in church-run residential schools. Worse, in the Canadian case, a number of recipients committed suicide, because the reparations payments forced them to confront once again—and in isolation—their memories and long-buried pain and suffering.

Another reason for including social—along with individual—reparations concerns the very goals of the Mau Mau struggle. The militants of the Kenya Land Freedom Army and their wide network of supporters did not fight for individual gain. They fought for land *for all*, freedom *for all*, rights *for all*. If reparations for the wrongs committed against Kenyans are to recognize the spirit and intent of the freedom struggle, they should center on the re-invention of the commons and the extension to all Kenyans of participatory democracy and universal access to life's necessities.

This brings us to a final reason that social reparations promise to deliver justice in ways that individual reparations cannot. The British used land privatization as collective punishment. It is not only Mau Mau fighters but also many other Kenyans who have suffered the impacts of British colonial land policies that were originally implemented as part of a counter-insurgency strategy. Land privatization led to high and growing levels of landlessness among all Kenya's ethnic groups.

The 1954 Swynnerton Plan reoriented African farming toward export crop production, especially coffee and tea. Before this time, among farming peoples of East Africa, women had many customary entitlements to land. Women were the main farmers and had considerable decision-making power. They frequently organized collective work parties to share seasonal and daily chores. Men, when they did farm, concentrated on trade and ceremonial crops. To reorient the farm system towards cash crops, the British gave title deeds only to men—especially men loyal to the British—and broke up collectivity among women. The implementation of this plan deepened Kenya's postcolonial integration into global agro-industrial markets as a subordinate player.

To increase cash cropping, husbands took over women's food gardens. By the mid-1960s, food shortages and hunger resulted. This trend worsened over the years of neoliberal structural adjustment programs. Ecological damage due to deforestation, monocropping and agro-chemicals also proceeded apace.

The agricultural crisis is evident in the growing numbers of malnourished children,

ecological devastation, falling life-expectancy rates, and the unhealthy conditions prevailing in both city slums and many rural villages.

Garrett Hardin, the widely cited but controversial ecologist whose 1968 essay, “The Tragedy of the Commons,” has been used to support neoliberal economic policies, would argue that the colonized Kenyan commoners were certain to destroy their land, and that privatization was necessary. Seavoy carried the Hardin line into the 21st century with his suggestion that investment in the military is necessary to force citizens of peasant nations to “extinguish subsistence,” leave behind their “indolence,” and instead embrace “commercial policies” But today in Kenya, it is commercial agriculture, built upon the private property system, that is fouling waterways, poisoning fields, desertifying plains, and deforesting pristine and even sacred groves. Out of cash cropping comes landlessness, hunger, and the inevitable social disintegration that accompanies extreme poverty and deprivation. Land privatization has contributed to Kenya being one of the most unequal societies in the world.

Kenyan statesmen are heirs to the British colonial administration’s disrespect for human rights. Given the upsurge of violent politics in Kenya surrounding the 2007 general election, we can see that it is not only the landless who inherited the strange fruits of the land policy that the British used to fight the Mau Mau. One of the key legacies of the Swynnerton Plan is that in order to maintain a grossly unequal distribution of land, the independent Kenyan state uses large amounts of force against dispossessed people, some of whom actively resist their utter exclusion from any legal means of livelihood.

In sum, reparations can go farther than compensating individuals. Reparations can also help rebuild community relations—between women and men, between people and nature, among ethnicities. Generations suffered direct and injurious losses to their life possibilities and well-being when their foreparents were dispossessed. Social reparations are due to the whole of the Kenyan people for the damage to social relations of trust, solidarity, and mutual care that resulted from the land privatization policy the British imposed at the point of a gun.

Social reparations could be delivered in kind, in the shape of water systems, micro-power generation, housing, environmental rehabilitation, land for small-scale and cooperative farming, free schools, clinics, sports facilities and other shared, common amenities. The prominence of self-organized women’s groups in Kenya focused on environmental, economic and social reconstruction, and more recently on peace-building and conflict resolution, suggests that channels already exist for social reparations to be managed and fairly disseminated in a bottom-up manner likely to inspire the confidence of governments and community members. In seeking reparations for colonial abuses and for the persistent effects of colonial land policies, Kenyans are setting a precedent for ex-colonials worldwide who seek means of reclaiming and rebuilding their commons.

