STATE OF EMERGENCY LEGISLATION IN AFRICA: THE POLITICAL EFFECTS OF COLONIZATION

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Abstract:

The purpose of this research project was to examine state of emergency legislature in African states after World War II, both before and after independence, in order to find continuities. My fellow researcher, Craig Muncaster, and I compiled a list of colonies, protectorates, trust territories and mandates arranged by colonial power. We then divided research work between us, and I focused on legislature in states imperially ruled by Britain, Spain, Italy and South Africa. In particular, I was looking for evidence of limited mobility, control checkpoints, concentration camps, internal or external exile, executions, preventive detention and martial law in the process of a struggle for independence. When researching the period directly after a state's independence, I looked for similar legislation. However, I also focused on anti-subversion laws, political party bans and implementation of single party rule. Furthermore, indication of a constitution in place before a state's official independence was crucial to proving continuities between the two time periods. The research material was recorded in quantitative charts, one for legislation during colonial-rule and one for post-colonial rule.

Methodology:

I began my research by reading some general studies on the subject matter, some of which were provided to me by professor mentor. I also began my research using books but soon found that my research was not having efficient results this way. I then searched keyword using larger databases, such as JSTOR, ProQuest and Ebsco. These keywords are as follows: name of the African state, *state of emergency*, *curfews*, *limited mobility*, *neighbourhood checkpoints*, *road blocks*, *concentration camps*, *deportation*, *internal exile*, *external exile*, *executions* and *preventive detention*. When searching for political bans I used the keywords *single-party state*, *personal rule* and *military rule*. When I had found evidence of state of emergency legislation in a particular African state I may have then used more specific terms. For example, when studying Southern Rhodesia, I searched the term *protected villages* rather than *concentration camps*. First I searched for evidence of state of emergency legislation prior to independence; then for a constitution in place upon independence; then political bans, both before and after independence; and finally for state of emergency legislation post-independence.

Conclusion:

My research has identified 7 African states which passed emergency legislation after World War II, prior to independence. These states are as follows: The Gold Coast (Ghana), Kenya, Northern Rhodesia (Zambia), Southern Rhodesia (Zimbabwe), Nyasaland (Malawi), Union of South Africa (South Africa) and South-West Africa (Namibia). Libya appears to have been heavily occupied by Italian military troops; however, no emergency legislation was officially passed. Of these states with official legislation, Britain and South Africa were the colonial powers. Though there were peaceful transitions to independence, such as in the case of Uganda, it can be concluded that Britain systematically employed a state of emergency in revolting African colonies. Due to the time restrictions during this research project, details of state of emergency legislation, post-independence, were found only in Kenya. However, implementation of such legislation also occurred in Sierra Leone, Nigeria, Uganda, Northern Rhodesia (Zambia) and Southern Rhodesia (Zimbabwe). Single-party rule, personal rule, and / or military rule were implemented in almost every African state studied, post-independence. In a general sense, evidence of continuities of state of emergency legislation has been found between the two time periods. However, it is also important to note exceptions. Uganda had a relatively peaceful transition to independence but resulted in a state of emergency. Likewise, no evidence of state of emergency legislation was found in Sierra Leone during British occupation, but was found post-independence. From my research results alone, one cannot conclude that the state of emergency legislation employed by colonial powers prior to independence influenced the state of emergency legislation employed by African leaders post-independence.

Emergency Legislation Before Independence

Colonial Power	Territory	Date of Independence	State of Emergency dates.	Curfews	Limited Mobility	Neighbourhood Searches / Control Checkpoints	Concentration Camps	Deportation / Exile	Internal Exile / Deportation	Executions	Preventive Detention	Martial Law	Constitution ?	Banning Political Parties
Britain	Gold Coast /Ghana	1957(Ghana)	State of Emergency was declared in 1950 after Nkrumah founded the Convention People's Party vying for 'Self-government.'										Constitution fashioned in 1951 by Coussey Committee.	
Britain	Kenya	1963	Declared in October 1952 by the new governer, Sir Evelyn Barring, continued officially until 1959.			In 1952, Britain released an updated version of the "Instruction on the Use of Armed Force in Civil Disturbances" manual originally published in 1945. This stated that anybody travelling through a "prohibited area" was subject to examination, and if they resisted it gave British troops the right to shoot.	Rehabilitation programme implemented in 1954, claimed that MAu Mau was a disease and any considered affected with it would be sent to "rehabilitation" working camps.Wholesale population resettlements. Estimated to have moved about 70% of the Kikuyu, Embu and Meru. 7000 reported to have been in detention camps in a British report in July of 1954. "Gulag of detentions" housed one-third of Kikuyu men by 1954.			After the Mau Mau Uprising, from 1952-1960, the British had imprisoned many of the rebels. In 1959, in Kenya's Hola camp, there were a series of mass killings carried out by British warders. The deaths of eleven Mau Mau detainees at Hola camp in early I959. However, when the news reached London, British Parliament was outraged. 1090 nationalists were thought to have had political executions by hanging, the majority without trial. Up to July 9th 1954, 531 Africans had been executed in Kenya since the declaration of the Emergency. The offences were: rriurder (including 211 Hau Hlau cases), 232; unlawful possession of arms and ammunition, 182; consorting with terrorists, 91; administering unlawful oaths, 18; acting with intent to further terrorism, 6; procuring supplies for terrorists, 2. In Febuary 1957, Mau Mau's forest leader, Field-Marshal Sir Dedan Kimathi as he entitled himself, was hanged.	During the Mau Mau Uprising, British administrators imprisoned not only those who rebelled but also anyone thought to be a supporter of the uprising. At the height of emergency, in December 1954, it is estimated that 70 000 people were detained without trial, and approximately 150 000 in total.	50 000 British troops were brought in to silence the Mau Mau Uprising. From 1952 to 1954 British troops in the region had increased three times the amount.	The Lyttleton Constitution in 1954, allowed Africa representatives in congress. The Lennox Boyd Constitution of 1957 increased number of representatives from 8 to 14.	Colonial regulations prevented any representatives in Congress to form broaders affiliated parties.
Britain	Northern Rhodesia / Zambia	1964			Pass Laws also implemented in Northern Rhodesia, though said to not have been as strictly enforced.						February 1961, uprisings, 3000 blacks arrested and 2500 sent to prison.			
Britain	Southern Rhodesia / Zimbabwe	1980		Legislation Act in 1960 allows the protector of an area to impose curfews upon all those living within the area.	Legislation Act in 1960, allows the Minister for Law and Order to declare any area of Southern Rhodesia as a "protected area," and would then establish a district commissioner or police official as protector of the area. The protector has the right to restrict or reduce entry and movement within the area, and if necessary to require persons to carry identity documents.		Concentration camps situated in Gwelo and Khami. As of 1976, there was thought to have been anywhere between 100 000 to 300 000 "political restrictees" who are restricted to "protected villages." These are fenced encampments, where residents are allowed to leave between 6am and 6pm on the premise that they carry their identity cards. If they are found outside of this time period they were subject to be shot on sight.			From 1960 onwards, any crime that violated the Law and Order Maintenaince Act could be punishable by death. For possession of arms of war, commission of acts of terrorism or harbouring of guerrillas a judge could decide whether to impose the death penalty, while offences involving arson, the use of explosives or the recruitment of guerrillas, were always treated with the death penalty. The first executions were after political protests in 1968, three men were hanged on 6 March 1968 after the Rhodesian Chief Justice ruled that the Rhodesian Front regime had de facto authority to carry out executions. Executions were supposed to end with the Lusaka agreement in 1973, but in the beginning of 1975, 5 more men were hung.	The Law and Order Maintenaince Act, 1960, allows the British Minister for Law and Order to arrest anyone "in the interest of public safety or public order" and detainees can be arrested without warrant. Short term detainees may be arrested for periods of 36 days if they are considered to possess information about guerilla activities and are subject to interrogation. It is thought that they were also subject to routine torture.	In January 1959, 2500 British troops were ferried from Northern Rhodesia to Southern Rhodesia and stationed there. As of November 1965 it was clear that Britain could not use force to silence Rhodesian rebellions as there was a Rhodesian military and no British troops stationed there, due to their policy of indirect rule. However, in October 1976, Britain passed a martial law that conscripted all male white setllers of military age.		The Unlawful Organizations Act of 1959, allowed the government to declare any organization unlawful if it poses danger to the public order. The act was used to ban each of the main African nationalist parties-the African National Congress (ANC) in 1959, the National Democratic Party (NDP) in 1961, the Zimbabwe African Peoples' Union (ZAPU) in 1962, the Zimbabwe African National Union (ZANU) in 1964, the People's Caretaker Council (PCC) in 1964, and the Front for the Liberation of Zimbabwe (FROLIZI) in 1971. Membership of an unlawful organization could result in a term of five years imprisonment.
Britain	Nyasaland / Malawi	1964	State of emergency declared on 3 March 1959 by governer Sir Robert Armitage, officially ended on June 16, 1920.	Throughout the state of emergency period there were disticint zones, such as the Karonga boma which had curfews preventing people from travelling at a certain time at night and too early in the morning.			Notably the Kanjedza created on March 2, 1959. Also the Mzuzo camp. James Kapiyila Mwafulirwa of the royal family and Kafwilangachi Nyirenda, a teacher at Uliwa Primary School, were arrested and sent to detention camps in the southern part of the country in March 1959.	On March 3 1959, Operation Sunrise took place, out of 149 arrests, 50 nationalists were flown to Bulawayo, Southern Rhodesia.		"Murder Plot" emergency, February 1959: nationalist Banda and his followers were arrested and accused of plotting to murder Nyasaland's whites. Many of his followers were killed in the ensuing days, over fifty blacks in total. However, Banda was released in April 1960. Unlike in Kenya, political executions were not as common.	By April 10, 1959, 577 people were detained without trial, by November that number had risen to 1328. Another source says 1,322 people arrested in 1959 when suspected to be part of the Nyasaland African Congress, a nationalist movement.	During curfew hours military and riot police patrolled districts.	Constititional changes in 1960 after the end of the state of emergency.	
Britain / France	Libya	24-Dec-51										11 000 British troops were stationed in Cyrenaica, Libya in 1949 when the British voted in favoir of Libya as a independent state.		
Italy	Eritria	(In 1952 was federated with Ethiopia by the UN) May 1993												Eritrean Liberation Front (ELF) was dissolved by Hailie Selassie in November 1962

Emergency Legislation After Independence

Colonial Power	Territory	Date of Independence	Political Bans	State of Emergency Dates	Curfews	Limited Mobility	Neighbourhood Searches / Control Checkpoints	Concentration Camps	Deportation / Exile	Internal Exile / Deportation	Executions	Preventive Detention	Martial Law
Britain	Sierra Leone	1961	1968 an all APC party cabinet was appointed. 1968-1992 Single-Party state.	Since 1987									
Britain	Gold Coast /Ghana	1957	1960-1966 personal rule, 1966-1969 military rule										
Britain	Nigeria	1960, 1 of October	1966-1979 personal rule. (more afterwards)	Since 1983.									
Britain	British Somaliland / Somalia	1960	1969-1990 Personal Rule.										
Britain	Uganda	1962	Single-party state from 1968 until 1971. Military coup in 1971, UPC restored in 1980.	Public Order and Security Act, 1967									
Britain	Kenya	1963	Shortly after independence in 1964, Kenya African National Union (KANU) declared it a single-party state.										
Britain	Tanganyika / Tanzania	1961, 9 of December	Became a single party state on 10 July 1964, stated in the new constitution, section 3.1. "There shall be one political party in Tanzania."										
Britain	Northern Rhodesia / Zambia	1964	Single Party state implemented in 1964, democracy reintroduced in 1991.	State of emergency introduced on 27 July, 1964. Lifted in 1991. [State of emergency introduced in March 1993 and terminated in May 1993]									
Britain	Southern Rhodesia / Zimbabwe	1980	1979, Single Party State and Personal Rule. Single Party State again implemented in 1988, with the emergence of the ZANU and ZAPU political parties to create the Zimbabwe African Union-Patriotic Front.	The state of emergency which had been in force since November 1965 was lifted on 25 July, 1990		Stopped at Roadblocks by the military. People were not allowed in what was referred to as the "Tribal Trust Lands"		3 quarters of a million people were moved into 220 "protected villages."			1983, systematic killings of civilians in Mabateland, by the Fifth Brigade		
Britain	Nyasaland / Malawi	1964	1964-1994 Personal Rule	Since 1985.									
Britain	Zanzibar / Tanzania	1963, 10 of December	Became a single party state on 10 July 1964, stated in the new constitution, section 3.1. "There shall be one political party in Tanzania."										
Britain	Basutoland / Lesotho	1966	1966-1986 Single Party Rule	1988 State of Emergency.									
Britain / France	Libya	24-Dec-51	Not until 1969, personal rule.										
Britain /Egypt	Anglo-Egyptian Sudan / Sudan and South Sudan	1956	1958-1964 Military state.	1984									
Spain	Spanish Guinea / Guinea	12-Oct-68	1958-1984 Single Party Rule.										
Italy	Eritria	(In 1952 was federated with Ethiopia by the UN) May 1993	1974-1991, Ethipia was both a military state and under personal rule. Eritrea became a single-party state in 1993, upon independence.										
Italy	Italian Somaliland / Somalia	1960	1969-1990 Personal Rule.										

Apartheid Legislation

Colonial Power	Territory	Date of Independence	State of Emergency dates.	Curfews	Limited Mobility	Neighbourhood Searches / Control Checkpoints	Concentration Camps	Deportation / Exile	Internal Exile / Deportation	Executions	Preventive Detention	Martial Law	Constitution ?	Banning Political Parties
South Africa	Union of South Africa / South Africa and South-West Africa / Nambia	1961 ad 1990-1994		Native Laws Amendment Act (1952, 1957) Any African who leaves his urban birthplace overnight may not return without the permission of the Government Labor Bureau.	Group Areas Act (1950, 1952, 1956); Group Areas Development Act; Trading and Occupation of Land (Transvaal and Natal) Restriction Act ("Pegging Act") (1943); Asiatic Land Tenure Act (1946). Complete residential and business segregation of the three races (white, African, and Colored, including Asians) ordained; government empowered to determine where each shall live and operate businesses. All interracial transfers of land controlled by government. Western Areas Removal Act (1952). Africans to be removed from three predominantly African town-ships bordering Johannesburg (in which the only African freeholds existed in the whole country) to specified communities in which they will not be allowed to own the land. Native Laws Amendment Act (1952, 1957). Africans prohibited from attending churches, schools, clubs, or hospitals in white areas without permission of the Minister of Native Affairs. Minister of Native Affairs empowered to prohibit any gathering (social or otherwise) attended by Africans in a white area. Africans may not seek work or remain in urban areas longer than three days without government permission.	Pass Laws; Abolition of Passes and Coordination of Documents Act (1952); Population Registration Act (1950). Various classes of non-whites required to carry and produce on demand up to 27 different kinds of documents, including tax receipts, travelling passes, immigration permits, permits to seek work, after-curfew passes, service contracts, and copies thereof; failure to produce on demand punishable by fine and imprisonment.	The Group Areas Act, originally pulishedin 1950, confined racial groups to different urban areas, Blacks living in the wrong area could be forceably punished.			After the massacre of 67 Black protestors at Sharpesville, the South African government officially declared a state of emergency in March 1960.	The Public Safety Act of 1953 allowed for "the detention of persons without trial or access."			The Public Safety Act of 1953 allowed for the"suppression of publications and organizations." Suppression of Communism Act (1950); Public Safety and Criminal Law Amendment Act (1953); Riotous Assemblies Act. Minister of Justice allowed to determine (without court review) who are "Communists"; "Communists" forbidden to hold any public office or position in a trade union. Governor-General empowered to declare unlawful any organization he finds to be engaging in activities to further "Communism." Minister of Justice empowered to prohibit any person from attending any meeting or any meeting from being held. Declared a crime to protest against any racial law or "to support any campaign for the repeal or modification of any law."