

1934.

Kenya

No. 23045.

SUBJECT

C0533/442

Arab Grievances.

**CLOSED
UNTIL**

Previous

3007/38.

Subsequent

38079/35.

1 Governor Byrnes Tel 22 _____ 20th Jan 34
State despatch has been sent by sea mail. Furnish his comments on the arab petition regarding Arab treatment, education, land etc.

2 Governor Byrnes 18 _____ 8th Jan 34.
Returns petition from Arabs, submits obssn. thereon, encls. a copy of a Bill to define the expression 'native', together with a copy of minutes of a meeting of the Advisory Council on Arab Education.

2A

I attach opposite a summary of the petition and of the Governor's replies to the various points raised therein.

(the letter & numbers refer to the summaries)

? Ask the Governor that a reply may be sent to the petitioners in the following sense:-

(a) The S. of S. understands that the Govt. have under consideration a Bill which will deal with the status of Arabs, and would suggest that the Arab community await its publication.

(b) (1) & (3). The S. of S. is not satisfied that it would be in the interests either of the general public, or in particular, of the Arab community, to take any action in these respects.

Though Govt does not undertake religious education & has already gone further than is usual in arranging Koran classes

(b) (2). The S. of S. understands that the Governor is willing to consider this point if the petitioners will state more exactly the nature of their desideratum.

(c) (1). The S. of S. understands that the Governor has this point under consideration.

(c) (2). The S. of S. has considered this point but regrets that he is unable to take any action in the matter.

(d). The S. of S. is not satisfied that the circumstances of the case justify him in interfering

in this matter.

It would also probably be well to let Sir Robert Hamilton know s.o. (perhaps Sir John Maffey would sign a letter) that the Governor's comments on the petition have now been received. The letter might contain an explanation on the lines of para. 4 of the despatch of why there was delay. Sir Robert Hamilton has not enquired anything either about the subject matter of the petition or the lines of the reply, so perhaps it will be unnecessary to add anything on these points.

Ans 20/2/33

(b) Education A fuller account of the difficulties will be found on pp 4-7 of the S. of S.

The reply might well follow the outline suggested by Mr. Davies; and I think Sir R. Hamilton might accept a copy of S. of S.'s despatch (no doubt he has a copy of the petition)

W. Hamilton
10/2

Sir C. Bottomley

I agree. The petition is involved & hard to answer flatly. The questions raised have a history dictated by the petitioners. The fact is that the locals as usual when they get mixed blood are sinking and aim at retaining a special privileged position long after they have any real claim to it.

I agree that it would be as well to let

Sir R. Hamilton have a copy of the despatch we sent but the S. of S. may have considered the locals locally & I think we had better wait till he gets back

Sir J. Maffey

First, write to Sir R. Hamilton and explain that in the S. of S. may have found time to think on the matter & to reply to you for the solution (has not been prepared a copy of the reply of the S. of S. though I suppose that he should have done)

Then perhaps write to Sir R. Hamilton to suggest the solution, but I am a little in favour of education - on which he might be a little flexible in his views without giving substance.

W. H. S.

15. 2. 34

I shall be right to tell Sir R. Hamilton that the S. of S. may have looked into this matter in the past. Others I agree to above.

W. H. S.
15/2
above

3

To Sir R. Hamilton 10 19 Feb 33

draft draft

in this matter.

It would also probably be well to let Sir Robert Hamilton know s.o. (Perhaps Sir John Maffey would sign a letter) that the Governor's comments on the petition have now been received. The letter might contain an explanation on the lines of para. 4 of the despatch of why there was delay. Sir Robert Hamilton has not enquired anything either about the subject matter of the petition or the lines of the reply, so perhaps it will be unnecessary to add anything on these points.

Case 812

(b) Education A fuller account of the difficulties will be found on pp 4-7 of the report.

The reply might well follow the outline suggested by Mr. Daves; and I think Sir R. Hamilton might a copy of S. J. S.'s despatch (no doubt he has a copy of the petition)

Discussion 10/2

Sir C. Bottomley
I agree. The petition is involved & hard to answer flatly. The questions raised have a history detailed by the petitioners. The fact is that the lands as usual where they get mixed blood are sinking and aim at retaining a special privileged position long after they have any real claim to it.

I agree that it would be as well to let Sir R. Hamilton have a copy of the despatch we sent but the S. J. S. may have considered the matter locally & I think we had better wait till he gets back
Asa K... 10/2

Sir J. Maffey

First, note to Sir R. Hamilton...
A, and explain that in the S. J. S. may have found...
I am long hand...
and...
sent...
have...)

I have...
Sir R. Hamilton...
I agree...
which...
the...)

15.2.34

I shall...
Sir R. Hamilton...
has looked...
I agree to above.

15/2
Asa K...

3

To Sir R. Hamilton 10 19 Feb 33

draft draft

S. Hamilton (S.O) 20 Feb. 34

Hchs. No. 11, & hopes it will be possible to deal with petition soon after return of S. of S.

No. 11 may be put by.

I submit a Mr. de Peltre on the petition in accordance with the minutes above

2/23/2

Sir C. Bottenby returned the draft for further comment. He has since transpired that the S. of S. saw Mr. Abdulla bin Sultan and discussed the petition and promised to consider it personally.

From the attached record (copied from the S. of S. Diary) it appears that the S. of S. discussed the question of a nominal Arab magistracy & that the Governor explained it was under consideration.

Also the conditions of service were discussed & the Col. Sec. stated that as regards the salaries & livings they were considering what was to be done.

The question of the status of Arabs has also been considered & the Arabs told that a bill is under discussion.

Education, which forms most of the despatches was not apparently mentioned.

I submit a revised draft very much for comment.

S. H. 2.4
W.S. 5.4.34
Jan 9/4

My last minute 17/4/34

To Kenya, 275 (2 answers) 17 Feb 1934

Note on report Parliamentary Question by Sir H. Hamilton -
S.O. over funds. The subject dealt with in para 4, 5, 6 & 7 of 1/35.

Not a P.P. file.

6. Record of Interview between S. of S. & Hon. Member of Legislative Council on 16 Feb 34.

Atty. J. P. ...
1/9/34

6/1 Peltre
Nominal

4. Govs. Deputy Force 326 28 June 34
Trans. & Memorandum by the High Osman Asson. regarding Arab grievances for presentation to S. of S. on his proposed visit to Mombasa & furnishes comments thereon.

The petitioners represent the members of the Twelve Tribes, numbering between 1,500 and 2,000 persons. Notes on the Twelve Tribes will be found in Nos. 1 and 1(b) on 18208/32.

Customs Duty Compensation.

The petitioners resent the stoppage in 1921 of annuities which were paid to the Sheikhs of their community. These annuities were in compensation for the withdrawal of the privilege of exemption from customs duty, a privilege granted to the sheiks by the Sultan of Zanzibar. The Governor points out that it was decided at the end of the last century that as the original recipients died, their individual grants should lapse. In certain cases, however, the annuities were inadvertently continued after the death of the original recipients, but in 1921, on the advice of the

of the Liwalli of the Coast, Sheik Ali bin Salim, the grants were finally stopped. The Governor told the members of the Afro-Asian Association at an interview at Government House on the 22nd of April, 1932, that he was not prepared to re-open this question.

Arab Vote.

The petitioners wish the extension of the franchise to members of the Twelve Tribes, and complain that their community is not adequately represented on the Legislative Council.

As regards Arab franchise see No. 1 on 18208/32 which contains a record of the Governor's interview with the Afro-Asian Association on the 22nd of April, 1932. The question of Arab representation on the Legislative Council is covered by the Secretary of State's decision in para. 6 of No. 5 hereon. Since that was written Sir Ali bin Salim has been appointed the nominated Arab unofficial on the Legislative Council.

Definition of "Native".

The petitioners strongly protest against the members of the Twelve Tribes being included in the term "native". This is covered by the terms of para. 4 of No. 6. The other East African Governments, having decided that they do not consider the introduction of legislation to define the status of Arabs and others, necessary at the present time, the Government of Kenya are now considering the possibility of confining the proposed legislation to the definition of the status of Arabs and Somalis only.

Kathis and Native Councils.

The petitioners protest against any Mohammedan being subject to trial by local native councils.

councils, in cases such as marriages, etc., which should go to the Kathis' Courts and decided in accordance with Mohammedan law. According to the Governor's observations there is no substance in the petitioners' complaint.

The petitioners intended to present the memorandum to the Secretary of State on his proposed visit to Mombasa, which was cancelled. The memorandum appears to have been held up in Kenya for six months. I acknowledge No. 7 and say that the Secretary of State has examined the memorandum prepared by the Afro-Asian Association and the Governor's comments thereon, but that he finds no grounds for his intervention on the petitioners' behalf. Request that the Governor will inform the petitioners accordingly.

C. A. [unclear]
16/8/34

W. J. [unclear]
16

Yes adding request that the S. G. be unable to see them in Mombasa and also ask the Gov. to reply to the points raised as in his despatch.

17/8

Notice 8 To Kenya, 684 (7 Unswd) 23 AUG 1934
as per (6) DM.

C. O.

86

Mr. Grossmith,

Mr. *Freeman*

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley

Sir J. Shuckburgh.

Perms. U.S. of S.

Parly. U.S. of S.

Secretary of State.

20/7/34
20

Downing Street,

23 AUGUST, 1934.

Sir,

I have etc. to be revised

the receipt of your despatch to 330

of the Board of Justice, transmitted

a memorandum prepared by the Afro-

Asian Association. *(2)* I have

examined the memorandum in the

light of your comments, and find

no grounds for my intervention.

I shall be glad if you will inform

the Afro-Asian Association

accordingly and reply to the points

raised in the memorandum as in

your

DRAFT.

KENYA.

NO. 684

GOVERNOR.



up.

your despatch, adding an expression
of my regret that I was unable to
see the representatives of the
Association when I was in Kenya.

I have, etc.

(Sgd.) P. CUNLIFF-LISTER

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of my regret that I was unable to

see the representatives of the

association when I was in Kenya.

I have, etc.

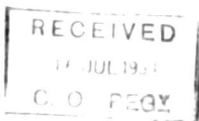
(Sgd.) P. CUNLIFFE-LISTER

KENYA.

No 326



1
GOVERNMENT HOUSE,
NAIROBI,
KENYA



25 June 1934.

Sir,

I have the honour to transmit a Memorandum prepared by the Afro-Asian Association for presentation to you on your proposed visit to Mombasa which was, however, cancelled. I have the following comments to make:-

Customs Duty Compensation.

Clarendon (8)

At the capture of Mombasa from the Mazrui by the Sultan of Zanzibar, Seyyid Said, in 1828, the latter received considerable assistance from certain elders of the Twelve Tribes. As a reward for these services the Sultan conferred on them the privilege of exemption from Customs Duty. At some later date, it seems that the privilege was converted into an annuity which was paid to certain individuals. On the Imperial British East Africa Company leaving the Coast, it continued to make these payments and the Protectorate Government later made provision for them. In Sir Arthur Hardinge's time, it was decided that as the recipients died, their individual grants should lapse.

All the recipients of the Nine Tribes died and their grants therefore ceased, many years ago. In the case of the Three Tribes, however, by an oversight, others were allowed to take the place of the recipients

as ...

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C. G.B.E. M.C. M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W. 1.

KENYA.

No. 376



7
GOVERNMENT HOUSE

NAIROBI.

KENYA

RECEIVED
14 JUL 1934
C. O. REGY

53 June 1934.

Sir,

I have the honour to transmit a Memorandum prepared by the Afro-Asian Association for presentation to you on your proposed visit to Mombasa which was, however, cancelled. I have the following comments to make:-

Customs Duty Compensation.

Continued (8)
At the capture of Mombasa from the Mazrui by the Sultan of Zanzibar, Seyyid Said, in 1826, the latter received considerable assistance from certain elders of the Twelve Tribes. As a reward for these services the Sultan conferred on them the privilege of exemption from Customs Duty. At some later date, it seems that the privilege was converted into an annuity which was paid to certain individuals. On the Imperial British East Africa Company leasing the Coast, it continued to make these payments and the Protectorate Government later made provision for them. In Sir Arthur Hardinge's time, it was decided that as the recipients died, their individual grants should lapse.

All the recipients of the Nine Tribes died and their grants therefore ceased, many years ago. In the case of the Three Tribes, however, by an oversight, others were allowed to take the place of the recipients

as ...

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MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C. G.B.E. M.C. M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W. 1.

as they died, and draw the grants until 1921, when on the advice of the Liwali for the Coast, Sheikh Ali bin Salim, the grants were stopped.

Arab Vote and Definition of "Native".

The petitioners desire to be no longer classified as "natives" but as Arabs. In this connection I would refer you to Kenya despatch No. 18 of 8th January and to the Governor's telegram of the 30th January on the subject of a proposed bill to define in more precise terms the definition of the expression "native", in which you were informed that the other East African Governments were being asked whether they proposed to introduce similar legislation. Replies have now been received from these Governments to the effect that they do not consider the introduction of such legislation is necessary at the present time. Accordingly, this Government is now considering the possibility of confining any legislation to defining the status of Arabs and Somalis, as it is considered that there is at present no necessity to legislate generally for half-castes, except in the case of half-caste Arabs and Somalis.

Kathis and Local Native Councils.

The petitioners suggest in paragraph 9 that Kathis' Courts have jurisdiction over the Mohammedan community only in marriage cases. This suggestion is incorrect, as under the Courts Ordinance, No. 16 of 1931, these Courts have, in civil cases, full jurisdiction over Mohammedan natives in all matters relating to personal status, marriage, inheritance and divorce, and in criminal cases, the same powers in all matters in respect of natives only as a Subordinate Court of the Second Class in respect of non-natives.

I have ascertained that Mohammedans are not
being ...

being tried by Native Tribunals in marriage cases contracted in accordance with Mohammedan law and custom. Such cases are invariably tried by Kathis and decided in accordance with Mohammedan law.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Wm. H. ...

GOVERNOR'S DEPUTY.

The Afro-Asian Association.

Mombasa, 22nd January 1934.

Major the Right Honourable,
Sir Philip Cunliffe-Lister, G.B.E., M.C., M.P.,
Secretary of State for the Colonies.

MEMORANDUM BY THE AFRO-ASIAN ASSOCIATION.

Sir,

It is the great honour of this Association to have an opportunity to welcome you Sir to this Colony, and to the Coast, in particular.

This Association beg to lay before you the following facts with a sanguine hope that same will receive your kind and sympathetic consideration.

3. This Association had the privilege of presenting a Petition to your predecessor, Lord Passfield, through the Kenya Delegation of 1931. Lord Passfield after hearing our case informed the Delegation that the matter will receive his attention.

4. The members of this Association are the descendants of the persons who sought protection from Sultan of Oman against the Portuguese. The status between this Association and the Sultan of Zanzibar may be readily seen from Translations of Documents herewith annexed. Any right bestowed on the Coast people, our Association should receive the major part, as all other Arabs arrived here lately, after the Country had been improved.

5. CUSTOMS DUTY COMPENSATION. Under the old firmans of the Sultan of Zanzibar, we were exempt from Customs Duty, this right was compensated by an annuity of Shs. 3254/- which was paid to our Sheikhs for the Community until after the end of the Great War, when for no reason that we can discover and in spite of our several protests, the payment was discontinued. The stoppage of this compensation stops our citizenship right of the Coast, which act we entirely resent.

6. ARAB VOTE. It is one of our great feeling and grievance that a right to vote cannot be properly based racially.

The Afro-Asian Association.

(2)

Mombasa, 193

Arab new-comers are entitled to vote, while those who colonised the Country - members of this Association are denied the right to vote. Therefore a proper procedure to be followed is to allow the Arabs of the Twelve Tribes to vote in as much as the Arab new-comers are allowed for the representation on the Kenya Legislative Council.

7. As we are a large Community spread all over the Coast of East Africa, owning much property, and to have no representatives either on the Legislative Council or the Mombasa Municipal Board, to represent our interests is unfair while the present invidious system will tend to ill-feeling and friction.

8. The persons entitled to vote should have been those who jointly fought for the Arab Elected member on the Legislative Council and succeeded. Members of the Afro-Asian Association were amongst them and have every right to vote.

9. KATHIS AND NATIVE COUNCILS. The Court Ordinance requires amendments to make clear that Kathis have jurisdiction over the whole of the Mohammedan Community in all cases and not only in marriage cases.

10. This Association is totally dissatisfied with the method in force in regard to so called Native Councils at the Coast, particularly Mombasa, and strongly protest against any Mohammedan being subjected to trial by these Councils in cases such as marriage, etc. which should go to Kathis and decided in accordance with the Mohammedan Law.

11. DEFINITION OF NATIVE. This Association strongly protest against the Twelve Tribes being included in the term "NATIVE" in some other cases, and therefore would like to see the term being substituted to that of "ASIATIC" in all cases.

The Afro-Asian Association.

12

(3)

Mombasa, _____ 193

in all cases.

We have the honour to be,

Sir,

Your most obedient servants.

[Handwritten Signature] PRESIDENT.
[Handwritten Signature] VICE-PRESIDENT.
[Handwritten Signature] TREASURER.
[Handwritten Signature] (1) SECRETAR
[Handwritten Signature] (2)

From Said bin Sultan to all whom it may concern :—

After that, We have appointed Sheikh Mshirazi as our representative amongst his relation and no body else besides him, and that I swear the Almighty God and his Prophet, during our/their his and his children's life time. Sheikh Mshirazi and his relations are entitled to enjoy their previous privileges which they were enjoying before our reign., viz :

- (1) In case of any dispute amongst his relations they shall themselves settle, and not the Liwali.
- (2) No Customs duty shall be imposed on them.
- (3) He and his followers are at peace both their lives and their properties.
- (4) And if any person is against them, our representative shall also be against that person.
- (5) If a person commit any offence, Sheikh Mshirazi and all his relations shall have right to pardon the said offender when they wish to do so.
- (6) The Liwalis shall accept their decision in all town affairs.
- (7) If any Liwali shall not like them nor follow their wishes I swear, I shall forthwith dismiss him.
- Who sees this must note.
- (8) No ill action should be done on them by our representative.

Written by his servant by his Order **Suleman bin Mohamed**

Confirmed by **Khalifa bin Said**

My own hand.

4

In the name of God the most merciful, the compassionate.

From the paper of God Sulleiman bin Hamed to all whom it may concern in Mombasa.

That this Sheikh, Sheikh bin Mshirazi is the chief of the three Tribes and no one can interfere with his privileges, if any one disobeys him, or his orders, if he wants him to be imprisoned he shall forthwith be imprisoned, if he wants him to be fettered, you shall not ask him the reason why and whomsoever they wish to be appointed shall be their Kathi.

Full respect and honour is due to him.

The Kathi is the one whom they themselves have chosen.

Sheikh Jabir shall not interfere in their affairs without their consent.

If any one presents a document like this is invalid.

What has been written by my brother is valid

(Sd). SAID BIN SULTAN

Dated this 29 Sufur 1257.

N.B.

1. Sulleiman bin Hamed was the Viceroy of Seyyid Said bin Sultan.
2. Sheikh Jabir was the Sheikh of the Arabs in Mombasa.

I, being a pauper of God Suleman bin Hamed bin Said say : -

That Sheikh bin Maharazi has hundred and fifty dollars for himself and two hundred and fifty for his relatives the Three Tribes.

This amount has been granted to him by our Sultan, Said bin Sultan for the surrender of the right of imposing Customs. Our beloved Zira shall be the man to give out the said sum or whoever shall form (the revenue of) the town of Mombasa.

They i.e. Sheikh Sherazi and his relatives have to deduct the said amount from the Customs Duty as their share.

This shall be the rule in every year.

To be known to all who read this

Dated 6th Rab-el-Awal, 1235.

What has been written by my brother Suleman bin Hamed shall always be fulfilled and valid.

From the pauper of God.

(Sd), Said bin Sultan

by his own hand.

I, being a pauper of God Suleman bin Hamed bin Said say : -

That Sheikh bin Mshirazi has hundred and fifty dollars for himself and two hundred and fifty for his relatives the Three Tribes.

This amount has been granted to him by our Sultan, Said bin Sultan for the surrender of the right of imposing Customs. Our beloved Zira shall be the man to give out the said sum or whoever shall form (the revenue of) the town of Mombasa.

They i.e. Sheikh Shirazi and his relatives have to deduct the said amount from the Customs Duty as their share.

This shall be the rule in every year.

To be known to all who read this.

Dated 6th Rab-el-Awwal, 1255.

What has been written by my brother Suleman bin Hamed shall always be fulfilled and valid.

From the pauper of God.

(Sd). Said bin Sultan
by his own hand.

I, being a pauper of God Suleman bin Hamed bin Said say : -

That Sheikh bin Mahrazi has hundred and fifty dollars for himself and two hundred and fifty for his relatives the Three Tribes.

This amount has been granted to him by our Sultan, Said bin Sultan, for the surrender of the right of imposing Customs. Our beloved Zira shall be the man to give out the said sum or whoever shall form (the revenue of) the town of Mombasa.

They i.e. Sheikh Shurazi and his relatives have to deduct the said amount from the Customs Duty as their share.

This shall be the rule in every year

To be known to all who read this

Dated 6th Rabel-Awal 1255-

What has been written by my brother Suleman bin Hamed shall always be fulfilled and valid.

From the pauper of God.
(Sd). Said bin Sultan
by his own hand.

16

IN THE NAME OF GOD THE MOST MERCIFUL, THE COMPASSIONATE.

FROM MAJID BIN SAID TO ALL WHOM IT MAY CONCERN.

After that we have appointed Mwinyi Mkuu bin Maallem El Tanjani from Mtongwe to the Wanyika Districts to be Elder, and no one should interfere with him or his orders always, always his orders shall be final because he has been a Sheikh for a long time.

Whoever reads this Document take note.

Written by his servant Sulleiman bin Ali by H.H. Sultan's order.

(Sd). Sulleiman bin Ali.

27th Shawal 1267.

N B

1. Sulleiman bin Ali was a Vezier of Seyyid Majid.
2. Sheikh Mwinyi Mkuu was the chief of the Tangana.

16

IN THE NAME OF GOD THE MOST MERCIFUL THE COMPASSIONATE

FROM MAJID BIN SAID TO ALL WHOM IT MAY CONCERN

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RECORD OF AN INTERVIEW BETWEEN THE SECRETARY OF STATE FOR THE COLONIES (THE RIGHT HONOURABLE MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., K.C., M.P.) AND THE ARAB ELECTED MEMBER OF THE KENYA LEGISLATIVE COUNCIL (THE HON. SHERIFF ABDULLA BIN SALIM) HELD AT COMMERCE HOUSE, NAIROBI, ON THURSDAY, 14th FEBRUARY, 1954

PRESENT: The Right Honourable Major Sir Philip Cunliffe-Lister, P.C., G.B.E., K.C., M.P.
His Excellency the Governor.
The Hon. the Colonial Secretary.
Mr. A. I. Gurney.
The Hon. Sheriff Abdulla bin Salim.
Mr. S.H. Fazan.

THE HON. SHERIFF ABDULLA BIN SALIM: You have the petition and the facts have been clearly stated in the petition. I do not want to waste much of your time.

THE SECRETARY OF STATE: Really, you know, this goes into a number of very complicated questions with regard to land. I think it would be absolutely impossible to attempt to make any pronouncement on this matter. I am not acquainted with the details of it. It bristles with legal difficulties. The whole matter has been sent home to the Colonial Office. I went in quite recently - last month - with the considered opinion of the Government here that must be sifted in my Department by my legal advisers and by my other experts, and then it will come to me for my decision. I would not attempt to venture any sort of kind of opinion without having got all that matter sifted out and all those opinions. When I have that advice I will make my decision; but I will give you this undertaking, that this matter will be considered by me personally. But it would be idle for me to attempt to entertain anything about it now.

THE HON. SHERIFF ABDULLA BIN SALIM: Then, Sir, there is the question of representation, which is one of the most important. We are asking you, Sir, to nominate an Arab Unofficial in place of an Official because at the present moment we cannot find an Arab official who could vote against any Government measure and who would be able to give independent views apart from supporting Government measures. We ask, Sir, that you will kindly consider this question.

THE COLONIAL SECRETARY: Might I just explain one point in the Royal Instructions? They do provide at the moment for a Nominated Official, or, in the absence of a suitable Nominated Official, a Nominated Unofficial. When Sir Ali bin Salim was Liwali for the Coast he was the Nominated Official Member. When he retired, of course, he could not any longer be an Official member, and the question arose as to whether another suitable Arab should become a Nominated Official Member or whether we should have the recourse to the alternative in the Royal Instructions and appoint an Unofficial. Temporarily the Provincial Commissioner, Coast, is holding that post. It might affect the balance of the Official majority if an

RECORD OF AN INTERVIEW BETWEEN THE SECRETARY OF STATE FOR
THE COLONIES (THE RIGHT HONOURABLE MAJOR SIR PHILIP
CUNLIFFE-LISTER, P.C., G.B.E., K.C., M.P.) AND THE
ARAB UNOFFICIAL MEMBER OF THE KENYA LEGISLATIVE
COUNCIL (THE HON. SHERIFF ABDULLA BIN SALIM)
HOLD AT GOVERNMENT HOUSE, NAIROBI, ON THURSDAY,
14th FEBRUARY, 1964

PRESENT: The Right Honourable Major Sir Philip Cunliffe-
Lister, P.C., G.B.E., K.C., M.P.
His Excellency the Governor.
The Hon. the Colonial Secretary.
Mr. I. I. Gurney.
The Hon. Sheriff Abdulla bin Salim.
Mr. S.H. Fazan.

THE HON. SHERIFF ABDULLA BIN SALIM: You have the
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not acquainted with the details of it. It bristles with
legal difficulties. The whole matter has been sent home
to the Colonial Office. It went in quite recently - last
month - with the considered opinion of the Government here
That must be sifted in my Department by my legal advisers
and by my other experts, and then it will come to me for
my decision. I would not attempt to venture any sort of
kind of opinion without having got all that matter sifted
out and all those opinions. When I have that advice I
will make my decision; but I will give you this undertaking,
that this matter will be considered by me personally. But
it would be idle for me to attempt to entertain anything
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is the question of representation, which is one of the most
important. We are asking you, Sir, to nominate an Arab
Unofficial in place of an Official because at the present moment
we cannot find an Arab official who could vote against any
Government measure and who would be able to give independent
views apart from supporting Government measures. We ask, Sir,
that you will kindly consider this question.

THE COLONIAL SECRETARY: Might I just explain one
point in the Royal Instructions? They do provide at the
moment for a Nominated Official, or, in the absence of a
suitable Nominated Official, a Nominated Unofficial.
When Sir Ali bin Salim was Liwali for the Coast he was
the Nominated Official Member. When he retired, of course,
he could not any longer be an Official member, and the
question arose as to whether another suitable Arab should
become a Nominated Official Member or whether we should
have the recourse to the alternative in the Royal
Instructions and appoint an Unofficial. Temporarily the
Provincial Commissioner, Coast, is holding that post. It
might affect the balance of the Official majority if an

extra Unofficial Member were nominated to represent the Arabs, particularly if a second Member to represent Native Interests is to be nominated. Apart from this, it would be possible to nominate Sir Ali bin Salim now as an Unofficial Member without any alteration of the Royal Instructions. The point has been considered by Government. I was not quite sure whether you were clear on the question of Royal Instructions.

THE SECRETARY OF STATE: No, I was not very clear about that. That is a matter on which you will be making a recommendation?

HIS EXCELLENCY: We are considering that.

THE SECRETARY OF STATE: On a matter of that kind I shall give very careful consideration to any representations made, with the comments of the Governor upon them. But just let me point this out to you: Effective Representation on a Legislature where the majority is an Official majority, and must remain so, does not really depend on numbers; it depends on having somebody who can effectively put a point of view. The Government here, just as I am, is no more impressed by six people putting the same point of view than by the point of view of one person.

THE HON. SHERIFF ABDULLA BIN SALIM: Exactly, Sir, but at the same time, if you have only one Member, he may be absent through illness or other cause. You may have an important session; he may not be present, and, if he is not present, you will not have anybody else to put those views.

THE SECRETARY OF STATE: Well, that is a matter which you have under consideration.

HIS EXCELLENCY: Yes.

THE HON. SHERIFF ABDULLA BIN SALIM: The last question is in regard to treatment and terms of service. In former days we were placed on the same footing as regards terms of service, but the present generation are forced to come under new terms.

THE COLONIAL SECRETARY: That is a matter, Sir, which will fall for consideration in connection with the general inauguration of a local civil service scheme, which, as you know, will provide both for Europeans and Asiatics. At the present time there is an Arab and an African scheme in which, generally speaking, the rates of pay are similar; but apart from that we have special Arab officers at the Coast, such as Cadis and Litais, and they are quite definitely treated differently from the ordinary Arabs.

THE HON. SHERIFF ABDULLA BIN SALIM: Yes, Sir. Are they treated as ordinary administrative officers?

THE COLONIAL SECRETARY: Yes.

THE HON. SHERIFF ABDULLA BIN SALIM: Pensions?

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THE COLONIAL SECRETARY: It is the case that these Cadets and Liwalis have not got a definite pension scheme in the same sense as Europeans and Asiatics, but the cases of individual officers are considered on their merits and there have been cases where pensions have been granted. But they are on a very special basis and we are, in fact, considering the matter.

THE HON. SHERIFF ABDULLA BIN SALIH: The last point, Sir, is the question of treatment.

THE COLONIAL SECRETARY: That is a very involved question as to what is exactly the interpretation of an Arab here. There has been a wealth of correspondence about it. To a certain extent the same problem arises in Tanganyika and they have suggested legislation which is not having the same effect as the legislation here. My present impression is that it will be discussed at the next Governors' Conference.

THE HON. SHERIFF ABDULLA BIN SALIH: I have received a letter and am told that the Bill has already gone through Executive Council.

THE COLONIAL SECRETARY: The Bill was considered in Executive Council but at that Council it was found that certain of the modifications suggested by Tanganyika were not in the least what at the Coast you regard as your primary object, and therefore the thing has been put back for further consideration.

THE SECRETARY OF STATE: You happen to have hit upon one or two points of quite extraordinary complexity on which, without further expert advice, I can say nothing, but I think from what the Colonial Secretary has said you will see that all these matters will be considered most *carefully* and meticulously.

THE HON. SHERIFF ABDULLA BIN SALIH: Thank you, Sir;

THE COLONIAL SECRETARY: It is the case that those Cadets and Liwalis have not got a definite pension scheme in the same sense as Europeans and Asiatics, but the cases of individual officers are considered on their merits and there have been cases where pensions have been granted. But they are on a very special basis and we are, in fact, considering the matter.

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THE SECRETARY OF STATE: You happen to have hit upon one or two points of quite extraordinary complexity on which, without further expert advice, I can say nothing, but I think from what the Colonial Secretary has said you will see that all these matters will be considered most carefully and meticulously.

THE HON. SHERIFF ABDULLA BIN SALIM: Thank you, Sir

G. O.

Mr. Flood 2/4/34.

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

X Sir C. Bottomley. 5-4-34

Sir J. Stuchburgh.

+ Permt. U.S. of S. 9/4

Parly. U.S. of S.

X Secretary of State.

Air Mail
17. 4. 34

17 APRIL, 1934.

G. O.
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DRAFT. DESPATCH.

KENYA.

NO. 275

GOVERNOR.

Sir,

I have the honour to refer to your despatch No. 18 of the 8th of January on the subject of the petition received from the Arabs of Kenya. As you are aware, I discussed various points connected with the petition at my interview with Sheriff Abdulla Bin Salim on the 14th of February, and undertook to consider it fully on my return to England.

2. I have now been able to examine the petition and I shall be glad if you will cause a reply to be returned to the petitioners

FURTHER ACTION.

Extra copy to be sent to Mr. Hamilton.

Hamilton

Edw.

Henry L. Jones

Copy on handwriting

copy

Sd/-

petitioners, as well as to Sheriff Abdulla bin Salim, on the lines indicated in the following paragraphs, in the first place expressing my regret at the delay which has unavoidably occurred in dealing with it, and assuring the signatories that I shall always continue to pay attention to the interests of the Arab community in Kenya.

3. In the petition ^{to four} specific points are raised; the question of the treatment of the Arab community generally; the facilities provided for Arab education; the question of having a nominated Unofficial Arab member in the Legislative Council; the conditions of service for Arab officials; and the position regarding land. With regard to the last point, I note that a memorandum has been submitted to the Commission which is now sitting, and I do not consider that any action is called for pending the report of that Committee.

4. With regard to the treatment of the Arabs, you have informed me that a Bill to define the status of Arabs and others has been under consideration, and that a revised draft has been prepared which has been circulated to the other East African Governments for consideration. Pending such consideration it

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Mr.

Mr. Parkinson.

Mr. Tomlinson.

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Sir J. Shuckburgh.

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DRAFT.

FURTHER ACTION.

is obviously impracticable for me to give any definite reply until the proposed legislation has taken shape. With regard to the question of the education of Arabs, the petitioners should be informed that I am advised that the Government's policy of grouping Arabs and Africans together is not the obstacle which stands in the way of providing additional educational facilities for Arab children, and ~~that serious difficulty is found in distinguishing between children who may properly be termed Arab and properly African.~~ In Mombasa, Malindi and Shimo la Tewa schools have definitely been established for the Arab community and while it is true that Africans are admitted to these schools,

that

that should not present any handicap to the Arab children. In these schools provision has already been made for Koranic instruction, and the purpose of these schools has been to provide an education suitable for the Arab community. I am further advised that the attendance at these schools shows failure on the part of Arab parents to make use of the facilities which are already in existence. It should also be pointed out to the petitioners that Government does not as a general rule undertake to provide religious instruction of any kind, so that in the case of the Arabs it has already gone further than is normally regarded as justified, by establishing Koranic classes and providing ground for a Mosque at Shimo la Fewa.

5. I have noted the petitioners' request that the schools should either be amalgamated with those of other non-native communities, or be kept as separate institutions for Arab children only,

- C. O.
- Mr.
- Mr.
- Mr.
- Mr. Parkinson.
- Mr. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Permd. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT.

FURTHER ACTION.

only, and that Arabic should be taught in the schools as a second language. After taking into account all the information at my disposal, I have come to the conclusion that it would be inadvisable to accede to either of these requests, and, indeed, it would not be in the interests of the Arab community themselves to do so. I understand that in the great majority of cases Arabic is regarded as a second foreign language, and would not be understood even by the bulk of the Arabs themselves, so that its introduction as a compulsory subject would be a hindrance rather than an advantage to the Arab pupil in his endeavours to obtain success in examinations, while a knowledge of Swahili and further

further study of that language are an assistance instead of a hindrance, which Arabic would be. It should also be added that, upon the information before me, I cannot subscribe to the view that the Arab community can suffer any real hardship from the admission of African children to their schools as things are at present, though if the attendance of Arab children in the schools intended primarily for them were to increase, it would obviously be necessary for Government to consider the provision of special facilities for Africans, in which case the present difficulty would disappear.

6. With regard to the appointment of a Nominated Arab Unofficial, I understand that you are considering the appointment of Sir Ali Bin Salim, and this point was made clear at the interview with Abdulla Bin Salim to which I have already referred. I accordingly think it unnecessary to make any pronouncement upon the point, and I am unable to

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C. O.

Mr.

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perm. U.S. of S.

Party. U.S. of S.

Secretary of State.

DRAFT.

I request that you will cause the petitioners to be informed that

FURTHER ACTION.

take any action with regard to the provision of further representation of Arabs on the Executive and Legislative Council of the Colony. Effective representation in a Legislature where the majority is Official and must remain so, does not in my opinion depend upon numbers but depends upon the ability of the selected Unofficial representatives.

7. With regard to the conditions of service for Arab officials, I have given full weight to the arguments advanced in favour of the revival of certain posts in the Arab Clerical Service, of restoring such posts to pensionable status, and giving the same privileges to Arab clerks as to Indians; and I request

that

~~that you cause the petitioners to be~~
informed that in recent years circumstances
have altered in various ways; that increased
facilities for transport which are now available,
together with the cession of Jubaland to Italy,
have rendered it unnecessary to employ as many
Arab officials as formerly; that I note that
it is the present practice to consider the
pensionability of individual officers on its merits
as each case arises; and that I have been informed
that the whole question will come up for consideration
in connection with the general inauguration of a
local Civil Service scheme. In the circumstances,
I do not consider that any further reply is called
for at the present juncture.

I have, etc.,

(Sgd.) P. CUNLIFFE-LISTER.

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together with the cession of Jubaland to Italy,
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(Sgd.) P. CUNLIFFE-LISTER.

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RECORD OF AN INTERVIEW BETWEEN THE SECRETARY OF STATE FOR THE COLONIES (THE RIGHT HONOURABLE MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.) AND THE ARAB ELECTED MEMBER OF THE KENYA LEGISLATIVE COUNCIL (THE HON. SHERIFF ABDULLA BIN SALIM) HELD AT GOVERNMENT HOUSE, NAIROBI, ON WEDNESDAY, 14th FEBRUARY, 1934.

PRESENT: The Right Honourable Major Sir Philip Cunliffe-Lister, P.C., G.B.E., M.C., M.P.
His Excellency the Governor
The Hon. the Colonial Secretary.
Mr. H.L. Gurney.
The Hon. Sheriff, Abdulla bin Salim.
The Hon. S.H. Faran.

THE HON. SHERIFF ABDULLA BIN SALIM: You have the petition and the facts have been clearly stated in the Petition. I do not want to waste much of your time.

THE SECRETARY OF STATE: Really, you know, this goes into a number of very complicated questions with regard to lands. I think it would be absolutely impossible to attempt to make any pronouncement on this matter. I am not acquainted with the details of it. It bristles with legal difficulties. The whole matter has been sent home to the Colonial Office. It went in quite recently - last month - with the considered opinion of the Government here. That must be sifted in my Department by my legal advisers and by my other experts, and then it will come to me for my decision. I would not attempt to venture any sort or kind of opinion without having got all that matter sifted out and all those opinions. When I have that advice I will make my decision; but I will give you this undertaking, that this matter will be considered by me personally. But it would be idle for me to attempt to entertain anything about it now.

THE HON. SHERIFF ABDULLA BIN SALIM: Then, Sir, there is the question of representation, which is one of the most important

important. We are asking you, Sir, to nominate an Arab unofficial in place of an Official because at the present moment we have not got a good Arab capable of representing us among the officials; and we ask, Sir, that you will kindly consider this question of appointing an Arab Unofficial.

THE SECRETARY OF STATE: Well, quite frankly, no. I have the Report of the Joint Select Committee.

THE COLONIAL SECRETARY: Might I just explain one point in the Royal Instructions? They do provide at the moment for a Nominated Official, or, in the absence of a suitable Nominated Official, a Nominated Unofficial. When Sir Ali bin Salim was Liwall for the Coast he was the Nominated Official Member. When he retired, of course he could not any longer be an Official Member, and the question arose as to whether another suitable Arab should become a Nominated Official Member or whether we should have the recourse to the alternative in the Royal Instructions and appoint an Unofficial. Temporarily the Provincial Commissioner, Coast, is holding that post. It might affect the balance of the Official majority if a extra Unofficial Member were nominated to represent the Arabs, particularly if a second Member to represent Native Interests is to be nominated. Apart from this, it would be possible to nominate Sir Ali bin Salim now as an Unofficial Member without any alteration of the Royal Instructions. The point has been considered by Government I was not quite sure whether you were clear on the question of Royal Instructions.

THE SECRETARY OF STATE: No, I was not very clear about that. That is a matter on which you will be making a recommendation?

HIS EXCELLENCY: We are considering that.

THE SECRETARY OF STATE: On a matter of that kind I shall give very careful consideration to any representations made, with the comments of the Governor upon them. But just let me point this out to you. Effective representation on a legislature where the majority is an Official majority, and must remain so, does not really depend on numbers; it depends on having somebody who can effectively put a point of view. The Government here, just as I am, is no more impressed by six people putting the same point of view than by the point of view of one person.

THE HON. SHERIFF ABDULLA BIN SALIM: Exactly, Sir; but at the same time, if you have only one Member, he may not be feeling well. You may have an important session; he may not be present, and if he is not well you will not have anybody else to put those views.

THE SECRETARY OF STATE: Well, that is a matter which you have under consideration.

HIS EXCELLENCY: Yes.

THE HON. SHERIFF ABDULLA BIN SALIM: The last question is in regard to treatment and terms of service. In former days we were placed on the same footing as regards terms of service, but the present generation are forced to come under new terms.

THE COLONIAL SECRETARY: That is a matter, Sir, which will fall for consideration in connection with the general inauguration of a local civil service scheme, which, as you know, will provide both for Europeans and Asiatics. At the present time there is an Arab and an African scheme, in which, generally speaking, the rates of pay are similar

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but apart from that we have special Arab officers at the Coast, such as ^{Qadis} ~~Qadis~~ and Liwalis, and they are quite definitely treated differently from the ordinary Arabs.

THE HON. SHERIFF ABDULLA BIN SALIM: Yes, Sir. They are treated as ordinary administrative officers.

THE COLONIAL SECRETARY: Yes.

THE HON. SHERIFF ABDULLA BIN SALIM: Pensions.

THE COLONIAL SECRETARY: It is the case that these ^{Qadis} ~~Qadis~~ and Liwalis have not got a definite pension scheme in the same sense as Europeans and Asiatics, but the cases of individual officers are considered on their merits and there have been cases where pensions have been granted. But they are on a very special basis and we are, in fact, considering the matter.

THE HON. SHERIFF ABDULLA BIN SALIM: The last point, Sir, is the question of treatment.

THE COLONIAL SECRETARY: That is a very involved question as to what is exactly the interpretation of an Arab here. There has been a wealth of correspondence about it. To a certain extent the same problem arises in Tanganyika and they have suggested legislation which is not having the same effect as the legislation here. My present impression is that it will be discussed at the next Governors' Conference.

THE HON. SHERIFF ABDULLA BIN SALIM: I have received a letter and am told that the Bill has already gone through Executive Council.

THE COLONIAL SECRETARY: The Bill was considered in Executive Council but at that Council it was found that
certain

certain of the modifications suggested by Tanganyika were not in the least what at the Coast you regard as your primary object, and therefore the thing has been put back for further consideration.

THE SECRETARY OF STATE: You happen to have hit upon one or two points of quite extraordinary complexity on which, without further expert advice, I can say nothing, but I think from what the Colonial Secretary has said you will see that all these matters will be considered most meticulously.

THE HON. SHERIFF ABDULLA BIN SALIM: Thank you, Sir.

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THE SECRETARY OF STATE: You happen to have hit upon one or two points of quite extraordinary complexity on which, without further expert advice, I can say nothing, but I think from what the Colonial Secretary has said you will see that all these matters will be considered most meticulously.

THE HON. SHERIFF ABDULLA BIN SALIM: Thank you, Sir.

Mji-wa-Kale,

Mombasa,

7th December 1932.

The Right Honorable,
Major Sir, Philip Gualiffe-Lister, P.C., G.B.E., M.C., M.P.
Secretary of State for the Colonies,
Downing Street,
London S.W.

Sir,

THE HUMBLES PETITION OF THE ARABS OF KENYA MOST
RESPECTFULLY SHOWN:

YOUR PETITIONERS beg leave to refer to the interview the Parliamentary Under-Secretary of State for the Colonies was so kind to accord to their representatives on the 6th of May 1931 when they were in London as witnesses to the Joint Parliamentary Committee on Closer Union of East Africa.

2. YOUR PETITIONERS' representatives had at that interview discussed with the Parliamentary Under-Secretary of State for the Colonies various questions relating to Arabs in this Country and while YOUR PETITIONERS admit that he did not promise the granting of all of YOUR PETITIONERS' requests, their representatives were at least given to understand that the Colonial Office would communicate with your Petitioners' representatives for YOUR PETITIONERS' information, the Kenya Government's view on the subjects raised and your decisions thereto after the Colonial Office had referred the questions to the Government of the Colony and that it might be possible to grant at least some of the requests.

3. Among the subjects discussed at that interview YOUR PETITIONERS respectfully submit the following as the most important and which, for a long time, had been exercising the minds of YOUR PETITIONERS.

(a) ENSLAVEMENT.

Having been subjected to an inferior status and differential treatment to that of their fellow Asian Communities, YOUR PETITIONERS have, for a number of years past, been

representing-----

29
C/o Sheikh Hamed Mohamed bin Issa,

Mji-wa-Kale,

Mombasa,

7th December 1932.

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Major Sir, Philip Gualliffe-Lister, F.C., G.B.E., M.C., M.P.,
Secretary of State for the Colonies,
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Government's view on the subjects raised and your decisions
thereafter the Colonial Office had referred the questions
to the Government of the Colony and that it might be possible
to grant at least some of the requests.

3. Among the subjects discussed at that interview YOUR
PETITIONERS respectfully submit the following as the most
important and which, for a long time, had been exercising the
minds of YOUR PETITIONERS.

(a) EMANCIPATION.

Having been subjected to an inferior status and
differential treatment to that of their fellow Asian Communities
YOUR PETITIONERS have, for a number of years past, been

Representing----

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representing the fact to the Government of Kenya and requesting for the removal of the wrong done to YOUR PETITIONERS, but the Kenya Government had not only altered the state of affairs but have not even given reasons for the continuation of that state of affairs. Though the Kenya Government had lately, however, informed YOUR PETITIONERS that they were preparing legislation to give effect to YOUR PETITIONERS' requests on this subject, yet YOUR PETITIONERS' representative on the Legislative Council has been informed that the provisions of that derogatory treatment would still be left in some of the laws of the Country. YOUR PETITIONERS respectfully submit that they are Arabs and, besides, having been at one time the Rulers in Eastern Africa and still held a Suzerainty under His Most Gracious Majesty's protection in certain territories in East Africa, and as a race, in no way inferior to any other class of Community, they are entitled to the same treatment either in Law, treatment or any policy of the Government, to that accorded to the most favoured Community in the territories if not better.

YOUR PETITIONERS request that the stigma be removed by enactment of a Law declaring the status of YOUR PETITIONERS to be that of any other Non-Native Community in the Territories and that no Law or Policy be applicable to them which does not equally apply to other Non-Native Communities.

(b) EDUCATION.

YOUR PETITIONERS submit that, being guided by the policy of treating the Arabs in an inferior position than all other Non-Native Communities in the Colony, the Kenya Government have never provided for YOUR PETITIONERS' children adequate facilities for their advancement educationally as best suited to their position. YOUR PETITIONERS' representatives had discussed this subject fully with the Joint Parliamentary Committee on Closer Union of East Africa and the Parliamentary Under-Secretary of State for the Colonies at the interview mentioned above. YOUR PETITIONERS submit that the only

obstacle on the way of advancement of educational facilities for YOUR PETITIONERS' children, is the Government's policy of grouping the Arabs and the Africans together in all the affairs of the Government in the Country.

YOUR PETITIONERS as a race are all Muslims and both racially and religiously the whole of YOUR PETITIONERS' life is bound up in the proper learning and understanding of YOUR PETITIONERS religion and in this connection YOUR PETITIONERS respectfully refer you to an article entitled "Religious Education in Palestine" published in October 1930 in the "Overseas Education" page 37 - a journal published for yourself. This article sets forth briefly but precisely the requirements in Muslim Educational Institutions and gives adequate reason for those requirements.

YOUR PETITIONERS are denied the facilities granted to other Non-Native Communities such as the Europeans, South African Dutch, Germans and Indians in the way of development of their children educationally to the peculiar conditions of those Communities. Apart from the adequate facilities in every branch of literary education in English, the Indian Communities have been provided with facilities to learn their own various languages, even the South African Dutch - every small community in Kenya in comparison with other Non-Native Communities - have their language, the Afrikaans included as compulsory subject in the curricula of their schools, while YOUR PETITIONERS are forced to learn Swahili, a language that is neither employed by the Government nor by the Commercial Communities in their ordinary routine business; a language that is absolutely impossible of employment as a medium of instruction in schools in science or such like branches of education. Arabic which not only governs the whole life of every Arab, but which offers more scope for advancement of a child's education as education, is not even taught as a second language--

language in the school which is the only position YOUR PETITIONERS wish that language to take. YOUR PETITIONERS' children are not allowed in the Indian or Goan schools - the Government's policy being for separate racial development of each Non-Native Community according to the peculiar circumstances of those Communities, but the Arabs being placed in the category of Africans their only schools - two in number - are open to Africans and the curriculum in those schools is based on the policy for African Education.

The so-called Arab School in Mombasa was opened in 1912 having been built on the advice of the Arabs out of unclaimed monies for compensation for loss of slave labour and although it is 20 years now, not a single student has come out of that school having passed even the Preliminary Examinations of any of the standard set of examinations of either England or India, while the Indian School in that Town - apart from that of Nairobi which is of more elaborate scale - opened only in 1925 has already produced nearly 200 students who have passed both Cambridge Examinations and London Matric Examinations.

The second so-called Arab School opened last year and which is supposed to be secondary and in which YOUR PETITIONERS has been told that there will be facilities for learning more English, the staff is composed of a Principal, an Asst. Master, - the only other qualified teacher, and about half a dozen African Teachers who know little or no English at all which they are supposed to teach to Cambridge Junior Standard.

YOUR PETITIONERS request that

- (1) either the schools for Arabs be amalgamated with those of other Non-Native Communities, and they have the benefit of the policy employed for these schools, or that they be kept as separate institutions for YOUR PETITIONERS' children only as is done for

Europeans--

Europeans, Indians and Goans so that YOUR PETITIONERS' children may advance in their own national characteristics.

(ii) religious instruction be incorporated in the Syllabuses of their schools,

(iii) Arabic be taught as the second language.

(c) Nominated Member of the Legislative Council to represent the interests of the Arabs.

Ever since the granting of the Franchise to the Arabs in Kenya, YOUR PETITIONERS had enjoyed the privilege of being represented in the Legislative Council of the Colony by two Arabs - an Elected Unofficial and a Nominated Official Members. YOUR PETITIONERS had never been satisfied with this position and had always been asking the Government for further representations. When it was understood that the Government of the Colony intended to nominate a European in place of the Arab who occupied the seat as Nominated Official Member to represent the interest of the Arabs, YOUR PETITIONERS' representatives drew the attention of the Parliamentary Under-Secretary of State for the Colonies to that effect at the interview granted to them. In the same month that YOUR PETITIONERS' representatives had brought up these questions to the notice of the Parliamentary Under-Secretary of State for the Colonies, His Excellency the Governor of the Colony had declared in his opening speech to the Legislative Council that on retirement of the Arab Nominated Member from his Official position, he had nominated the Provincial Commissioner Coast Province ignominiously to represent the interests of the Arabs and that he, the Governor, would nominate an Arab Official to the seat as soon as possible. This was in May 1931 and in spite of YOUR PETITIONERS having reminded the Government and asked them to implement their promise, the Arabs are still without that seat.

YOUR PETITIONERS cannot understand the logic of being deprived of the privilege they had enjoyed ever since, instead of their requests for increased representation being acceded

to by the Government, more particularly so when YOUR PETITIONERS have only one Elected Member in the Legislative Council of the Colony.

YOUR PETITIONERS are still further at a loss to understand the non-implementing of His Excellency the Governor's promise when there exists no reasons what-so-ever for the taking of such a retrograde step and deprive YOUR PETITIONERS of the right they had enjoyed for a number of years.

YOUR PETITIONERS humbly pray that:-

- (1) an Arab Official be nominated to the seat or that an Unofficial Arab be nominated as provided for in the Legislative Council Ordinance.
- (ii) Consideration be given to YOUR PETITIONERS requests for further representation on the Legislative and Executive Council of the Colony.
- (d) Conditions of Service for Arab Officials.

YOUR PETITIONERS had, on several occasions represented to Government the necessity of providing the Arab Officials in the Service with the privileges as enjoyed by ^{others} of their rank and position but YOUR PETITIONERS respectfully submit that here again, because the Government's policy is to classify Arabs as Africans, it has been considered not right that an Arab Officer such as a Liwali, a Kathi or a Nadir, apart from the clerical Staff, should enjoy the same privileges as these enjoyed by the lowest of the low grade Indian or Goan Clerks.

The argument that the Arabs are domiciled in the Colony and the Indians and Goans are imported falls to the ground in as much as there are several Indians and Goans in the Service who are not only born and bred in the Country but are actually domiciled in the same way as Arabs and yet they enjoy the same privileges as others of their Community. Practically all the Indian and Goan clerks required by

Government for some years past have been recruited locally - there had been no necessity of sending to India for them. Besides not having the right to enjoy the privileges granted to other Asians in the service, the number of posts previously held by Arab Officials have been very considerably reduced both in numbers, in grade and in emoluments and this, YOUR PETITIONERS submit, is the cause of a great deal of discontentment existing among the Arab Officials.

While there had been over 34 posts in 1920-21 there are only about 14 at present and though there had been at least three posts enjoying the privileges and conditions of service of Europeans, there are none such posts now and also though practically all these 34 posts had pension rights, there are only two posts at present existing with pension rights and these YOUR PETITIONERS are perfectly sure will be abolished as soon as opportunity occurs.

The Kenya Government have apparently decided to abolish all the posts of Liwalis, Kathis and Mudirs, as, for some years past, it has been their policy to abolish any post that falls vacant and if, for their convenience, they found that they could not altogether do away with that post immediately, they have in every case reduced the emoluments attached to that post and render it non-pensionable and in every way inferior to the previous post.

During 1932 alone two posts, that of Liwali for the Coast, and that of Kathi of Vanga, have been abolished. The post of the Liwali for the Coast was the only one remaining that had any position at all, but unfortunately this too, the Government have decided to abolish.

The post of Chief Kathi having fallen vacant in November this year on retirement of the holder thereof, the Government have not up to the time of writing decided to fill the post and it is feared it, too, might follow the path of others. In any case YOUR PETITIONERS understand that it has already been decided to remove the pensionable rights of the post if at all it is filled.

The Government have lately prepared legislation to put into proper footing the pensionable status of the Indian and seen clerks in the service and have specifically omitted the Arabs, both serving as Administrative and Judicial Officers and as Clerks.

YOUR PETITIONERS respectfully contend that both as Administrative and Judicial Officers the Arab Officials have performed and still continue to perform their arduous duties not only to the satisfaction of the Government but YOUR PETITIONERS humbly aver that very few indeed of other Officials could do the same and command the confidence and respect of YOUR PETITIONERS' and African Communities.

As to Arabs serving in the category of clerks, the Government, like in all other matters, have had imposed on them the terms and conditions of service specially prepared for Africans and here again YOUR PETITIONERS have, on several occasions, protested and represented the matter to the Government in vain.

YOUR PETITIONERS humbly pray,

- (i) that some at least, of the Post of Livalis, Kathis and Nadirs be restored.
- (ii) that all posts of Livalis, Kathis and Nadirs have their pensionable rights restored and their emoluments be put into incremental scale as is done with other posts.
- (iii) that Arabs serving as Clerks be given the rights and privileges enjoyed by other Asian in the service.
- (c) REDA

A Memorandum on this question has been submitted to the Lord Commissioner that is at present enquiring on this matter and YOUR PETITIONERS would await the recommendations thereof.

4. YOUR PETITIONERS had, on the 10th of June 1932, addressed a letter to the Hon. The Colonial Secretary Nairobi through the Hon. the Provincial Commissioner Coast Mombasa with reference to the interview mentioned above and asked to be informed if the decisions on the various subjects raised could be communicated to them; but YOUR PETITIONERS are sorry to have to say that they have not had even the courtesy of an acknowledgement of that letter leaving alone a reply, inspite of YOUR PETITIONERS having seen the Hon. Provincial Commissioner Coast on several occasions and requested him to obtain a reply from the Hon. the Colonial Secretary.

There being no other alternative, YOUR PETITIONERS humbly place their most important and serious grievances before you and ask that they be remedied and YOUR PETITIONERS in duty bound shall ever pray.

PETITIONERS
on behalf of Arabs of Kenya.

- Said bin Mbarak.
- Abdurahman bin Nerman
- Salim bin Ali Jenebi.
- S. M. Muhashimij.
- A. A. Elamoodi.
- Khamis bin Masood.
- Saleman bin Abdulla & Abed.
- Hossein bin Saleh
- Salim bin Saleh.
- Salim bin Mohamed.
- Mohamed bin Masud.
- Mohamed bin Mohamed.
- Mohamed bin R.

- (Sd) Hamed bin Mohamed.
- " Ahmed bin Shatory
- " Rashid bin God.
- " Abil bin Mohamed.
- " Mohamed bin Ahmed.
- " Ali bin Said bin Ali.
- " Sharif Amin bin Mohamed.
- " Salim bin Abdulla.
- " Muhsin bin Mohamed.
- " Khamis bin Selim.
- " Said bin Selim.
- " Mohamed bin Rashid.
- " Khamis bin Salim.
- " Sharif Abdalla Shatory.
- " Said bin Rashid bin Khamis.
- " Sebyem bin Khamis.

Presented to His Excellency the Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, Nairobi.
by Sir Robert W. ...
The House of Commons, London S.W.

C. O.

- Mr. Davies. 16/2
- Mr. Freeman 16
- Mr. Hand 16
- Mr. Parkinson.
- Mr. Tomlinson.

X Sir C. Bottomley. 17.2
 Sir J. Shuckburgh.

X Permt. U.S. of S.
 Parly. U.S. of S. P. 19/2/34 for
 Secretary of State.

Qto for Sir John Mafley's sig.
 DOWNING STREET,

19. February, 1934.

I think you will like to know that the full comments of the Governor of Kenya upon the petition forwarded by the Arab community in Mombasa have now been received ~~and are under~~ consideration

It appears that the explanation of the delay is that the petitioners' original representations were sent to the Provincial Commissioner ~~on the Coast~~ for transmission to the Colonial Secretary, but by an oversight were ~~never~~ ^{not} in fact forwarded. The existence of ~~the~~ communication was, in fact, when the S. of S. sent a despatch only brought to the knowledge of the ~~Colonial Secretary~~ ^{about it} through a despatch from the Secretary of State. after this The Provincial Commissioner was ~~then~~ ^{repeatedly}

DRAFT.

SIR ROBERT HAMILTON, M.P.

FURTHER ACTION.

AV

recirculate to Mr. Davies.

repeatedly pressed to deal with
the matter as one of urgency,
but owing to ^{a severe illness} his illhealth, which
has since culminated in his being
invalided ~~from the Service~~,
he failed to ^{do so} ~~deal with the matter~~
before he left.

We propose to defer a reply
to the petition until the Secretary
of State gets back to the office.

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to the petition until the Secretary
of State gets back to the office.

2A 38

SUMMARY.

(a) Treatment.

The petitioners complain that they have an inferior status to that of other non-native communities.

The Governor answers that a Bill to define their status is in preparation, and is at the moment being circulated to the other East African Governors for their comments. A copy of the draft is enclosed with this despatch.

(b) Education.

After complaining generally that Arabs are grouped with Africans, that they have to learn Swahili, and are debarred from learning Arabic, and that the Arab school at Mombasa has proved unsuccessful, the petitioners ask:-

- (1) Either that no Africans shall be admitted to the Arab schools, or that the Arab schools should be amalgamated with the schools of other non-native communities;
- (2) That religious instruction should be included in the curriculum;
- (3) That Arabic should be taught as a second language.

Government's general answer is that the real trouble is that Arab parents won't send their children regularly to school, which accounts for the poor results got from Arab education, and that, furthermore, it is very difficult to distinguish Arabs from Africans. With regard to the three specific points made by the petitioners the Director of Education says:-

- (1) It does the Arabs no harm to have Africans admitted to their schools. The curriculum includes the Keran and is suited primarily for Arabs and only incidentally for Africans.

- (2) The Keran being already taught, it is suggested

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- (2) The Keran being already taught, it is suggested

9

that the petitioners should be asked to state more precisely what they want.

- (3) As the Arabs talk Swahili in their homes the introduction of Arabic as a compulsory second subject at school would mean learning a second foreign language, with great resulting disadvantage from the educational point of view.

(c) Representation on Legislative Council.

The petitioners ask:-

- (1) That the nominated seat on Leg. Co. be filled by an Arab. (At present it is held as a temporary expedient by Mr. Fasan, the Acting District Commissioner of the Coast Province).
- (2) That they should be given further representation on the Leg. Co.

The Governor answers:-

- (1) That he is considering nominating Sir Ali Bin Sarim, but as such an action might upset the preponderance of the official majority he wants to wait till the question of appointing a second representative of native interests has been decided. (Sir Cecil Battenley has recently received a semi-official letter from the Gov. about the question of amending the Royal Instructions on this point).
- (2) The Governor does not specifically mention this request, but especially in view of the importance of maintaining an official majority of some sort, and the number of Unefficials that there are already on the Leg. Co., it may be safely assumed that he considers a third Arab member out of the question.

(d) Conditions of Service for Arab Officials.

The petitioners request that Arab officials may be given

given the same privileges as officials of other nationalities of corresponding rank, and in particular they ask:-

- (1) That some of the abolished posts of Mudirs, etc., be restored.
- (2) That all posts of Mudirs, etc., have their pensionable rights restored.
- (3) That Arabs serving as Clerks be given the same privileges as Indians.

The Governor's answer is:-

- (1) That quicker means of transport, the cession of land to Italy, the policy of decreasing the number of posts and increasing the salaries of the holders, and various other causes have rendered the employment of so many Arab officials unnecessary.
- (2) That the question of pensionability is dealt with on its merits as individual cases arise.
- (3) The Governor does not specifically mention this point. It has come up before, vide minutes on "para.6 of the Note" on 18011/32.

Sir Joseph Byrne has informed us in No.1 on 18339/32 that, in spite of certain drawbacks, he is of opinion that the scheme for the Arab and African Clerical Service as a whole is beneficial and does not require serious ^{n.a.} qualification.

(c) Land.

The petition appears to require no answer upon this point.

KENYA
No. 18



GOVERNMENT HOUSE,
NAIROBI,
KENYA
8th January 1934.

Sir,

I have the honour to refer to your despatch No. 187 of 14th March 1933 on the subject of a petition from the Arabs of Kenya.

2. In accordance with the request in paragraph 2 thereof the petitioners have been informed that their petition should have been transmitted to you through me as directed in Colonial Regulation No. 200.

3. I enclose the petition forwarded with your despatch under reference and have the following comments to make in amplification of my despatch No. 890 of the 4th December, 1931.

Paragraph 3 (a). Treatment.

You were informed in the latter despatch that a bill to define the status of Arabs was under consideration. This bill dealt not only with Arabs but also Somalis and others. Great difficulty was experienced in satisfactorily defining a "Swahili" and determining who should or who should not be regarded as an Arab. The bill was circulated to the Governments of Uganda, Tanganyika Territory and Somaliland and, after discussion by the Conference of East African Governors at Entebbe in February 1933, was referred to the Law Officers' Conference. As a result a new bill, which is a combination of the Kenya draft bill and of a bill drafted in Tanganyika has been prepared. It was discussed by my Executive ...

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CURLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWLING STREET,
LONDON, S. W. 1.

Forward (5)
No 2
3007/41

Not. 1501/32

Executive Council last month and in view of the fact that advice is now being circulated to the other East African Governments who are being asked whether they propose to introduce similar legislation. Certain anticipated difficulties are being pointed out to these Governments and the whole question will be further discussed on receipt of their replies. A copy of the bill is appended hereto for your information.

Paragraph 2 (b), Education.

The Director of Education has the following comments on the position with which I am in contact. I also attach a copy of the minutes of a meeting of the Advisory Council on Arab Education:-

"The statement is made that the Government policy of grouping Arabs and Africans together in all the affairs of the Government in the Colony is the only obstacle in the way of advancement of educational facilities for Arab children. The facts are that in East Coast Province there are extreme difficulties in many cases to distinguish between Arab and African children. In some of the village schools, primarily intended for Africans, the Arab children attend. The schools at ~~Shimo la rewa~~ and at Shimo la rewa have definitely been established for the benefit of the Arab community. It is true that Africans are admitted to these schools, but that is no handicap to the Arabs: provision has been made for the Koran instruction which is a prerequisite to general education for Arabs and it may be confidently stated that the purpose of these schools is to provide education suitable for Arabs. What stands in the way of Arab education is the grave failure on the part of Arab parents to make use of the facilities provided. The sporadic attendance of Arab pupils is the despair of the educational authorities.

"The position in regard to Arab education in Palestine, especially in regard to the Koran is very different from that in East Africa where Arabic is hardly spoken at all, so that the instruction in the Koran is entirely in a foreign language which is unintelligible to the learner.

"The comparison between Indian languages and Arabic is entirely misleading. The Indian child whose home language is Urdu or Gujarati is taught through the medium of Urdu or Gujarati until he enters Standard V. He continues to learn Urdu as a language just as an English child continues to study English throughout his school life. The home language of practically the whole Arab population

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Kenya is Swahili but English is introduced at an early stage as a language and we endeavour to use it as a medium after Standard IV (it is more difficult in the case of the Arab child than of the Indian, mainly owing to his lack of regular attendance). The instruction which is given in Swahili as a language is continued for the purpose of examinations but English becomes the medium at the earliest possible stage that can be justified on educational grounds.

"The demand for the introduction of Arabic in place of Swahili is, in effect, a demand for a second foreign language which is not understood by the bulk of the Arabs and will handicap the Arab pupil in his efforts to attain success in examinations; his knowledge of and a further study of Swahili are an assistance to him; Arabic would be a hindrance.

"The petitioners complain that they are not allowed in the Indian School at Mombasa. If they were admitted to the Indian School we should require to add a third medium (Swahili) to the school. There is also a practical difficulty in that the trust deed of the Allidina Visram High School lays down that it is to be a school for Indian children. The statement that the curriculum in the Arab Schools is based on the policy for African Education has been refuted in paragraph 3.

"The statement made by the petitioners that the Allidina Visram High School has had many successes in examinations and that the Arab schools have had none is, in effect, a proof of the inability and unwillingness of the Arabs to profit by the opportunities offered them. ~~Since 1932, however, improving and we have this year been able to enter candidates from the Arab Secondary School at Shimo La Tewa both for the Cambridge Preliminary and the Junior examinations.~~

"The statement that the Arab school has only two European teachers is incorrect, though it was correct in 1932. There are three European teachers at this school of some 80 pupils, a number which we should not think of having at an African school of the same size. The Education Department is doing a great deal for the Arab population but the Arab population is not taking advantage of the facilities offered.

"If the schools intended primarily for Arab children were filled by Arab children, Government would undoubtedly be forced to make special provision for Africans (as distinct from Arabs).

"As regards the petitioners' request for religious instruction, I suggest that they be asked to be more precise. Government does not give religious sectarian instruction and in the case of the Arabs we have gone further than we are really justified by the establishment of Koran classes and by the provision of ground for a mosque at Shimo La Tewa."

Para. 3 (c), Nominated Member of the Legislative Council to represent the interests of the Arabs.

I would refer you to my despatches No. 204 of

Nov 17/063/34

4
No 23021/34

16th April 1931, and No. 695 of 20th December 1930 on this subject. As there is little prospect at present of a suitable Arab Official being available for nomination to Legislative Council, I propose to give serious consideration, before the new Council meets after the forthcoming elections in March next, to the question of appointing Sir Ali bin Salim as a nominated unofficial member. As, however, such a nomination, particularly if a second unofficial member to represent native interests is appointed, may affect the present official majority on the Legislative Council, I should prefer to make no definite pronouncement on this proposal at present.

(d) Conditions of Service for Arab Officials.

No 15007/32

I have little to add to paragraph 2 of my despatch No. 690 of 4th December, 1931. With regard to the statement in the petition that there were 34 Arab officers in 1920-21, it should be noted that this figure included seven Kathis who were resident in the area afterwards ceded to Italy and two Akida on the Janso River who could not be counted as officers in the full sense. The number of Liwalis, mudirs and Kathis in the then Tanaland and Coast Provinces was 25, including the Sultan of Witu. The total of their pay was £3,490, an average salary of £140 per officer. In pursuance of the policy of decreasing the number of posts and increasing salaries as officers become more competent and able to undertake wider responsibilities, the number of posts has now been reduced to 15, with an average pay of £226 per officer and a total expenditure of £3,388. The question of the pensionability of individual officers of these grades is dealt with at present on its merits as individual cases arise.

Paragraph 3 (g), Land.

No comments are required, other than to inform you that a Coast Land titles Committee is now sitting and may be expected to make recommendations which may be regarded as supplementary to those of the Kenya Land Commission.

4. The petitioners' complaint that they received no acknowledgment of or answer to their letter of the 10th June 1932 addressed to the Colonial Secretary is correct. The explanation is that the letter, which was sent through the Provincial Commissioner, Coast, was in fact by an oversight never forwarded by him. The existence of any such communication was only brought to the knowledge of the Colonial Secretary on the receipt of the petition and your covering despatch. The Provincial Commissioner was then repeatedly pressed to deal with the matter as one of urgency, but owing to his illhealth, which culminated in his being invalided from the Service, as reported to you in Kenya note No. EST. 19/596/87 of the 20th September 1933, he failed to deal with the matter before he left. The very serious delay which has taken place in dealing with this matter is much regretted, but is entirely due to the circumstances explained above.

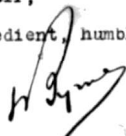
No 74

3745 E.A.

I have the honour to be,

Sir,

Your most obedient, humble servant,



BRIGADIER-GENERAL.

GOVERNOR.

257
C/o Sheikh Hamed Mohamed bin Issa,

Mji-wa-Kale,

Kombasa,

7th December 1932.
28

RECEIVED
11 JAN 1933
COL OFFICE

The Right Honorable,
Major Sir, Philip Gunliffe-Lister, F.C., G.B.E., M.C., M.P.
Secretary of State for the Colonies,
Downing Street,
London S.W.

Sir,

THE HUMBLE PETITION OF THE ARABS OF KENYA MOST
RESPECTFULLY SHOWETH:

66
19/14/31

YOUR PETITIONERS beg leave to refer to the interview the Parliamentary Under-Secretary of State for the Colonies was so kind to accord to their representatives on the 6th of May 1931 when they were in London as witnesses to the Joint Parliamentary Committee on Closer Union of East Africa.

2. YOUR PETITIONERS' representatives had at that interview discussed with the Parliamentary Under-Secretary of State for the Colonies various questions relating to Arabs in this Country and while YOUR PETITIONERS admit that he did not promise the granting of all of YOUR PETITIONERS' requests, their representatives were at least given to understand that the Colonial Office would communicate with your Petitioners' representatives, for YOUR PETITIONERS' information, the Kenya Government's view on the subjects raised and your decisions thereto after the Colonial Office had referred the questions to the Government of the Colony, and that it might be possible to grant at least some of the requests.

3. Among the subjects discussed at that interview YOUR PETITIONERS respectfully submit the following as the most important and which, for a long time, had been exercising the minds of YOUR PETITIONERS.

(a) TREATMENT.

Having been subjected to an inferior status and differential treatment to that of their fellow Asian Communities, YOUR PETITIONERS have, for a number of years past, been representing-----

NAB
17/37
2/11/32

C/o Sheikh Hamed Mohamed bin Issa,

RECEIVED
11 JAN 1933
COL OFFICE

Mji-wa-Kale,
Mombasa,

7th December 1932.

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106
14/12/31

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NA 17/3/31

represented

representing the fact to the Government of Kenya and requesting for the removal of the wrong done to YOUR PETITIONERS, but the Kenya Government had not only altered the state of affairs but have not even given reasons for the continuation of that state of affairs. Though the Kenya Government had lately, however, informed YOUR PETITIONERS that they were preparing legislation to give effect to YOUR PETITIONERS' requests on this subject, yet YOUR PETITIONERS' representative on the Legislative Council has been informed that the provisions of that derogatory treatment would still be left in some of the laws of the Country. YOUR PETITIONERS respectfully submit that they are Arabs and, besides, having been at one time the Rulers in Eastern Africa and still hold a Suzerainty under His Most Gracious Majesty's protection in certain territories in East Africa, and as a race, in no way inferior to any other Class of Community, they are entitled to the same treatment either in Law, treatment or any policy of the Government, to that accorded to the most favoured Community in the territories is not better.

NED 74
YOUR PETITIONERS request that the stigma be removed by enactment of a Law declaring the status of YOUR PETITIONERS to be that of any other Non-Native Community in the Territories and that no Law or Policy be applicable to them which does not equally apply to other Non-Native Communities.

(b) EDUCATION.

NED 12
YOUR PETITIONERS submit that, being guided by the policy of treatment the Arabs in an inferior position than all other Non-Native Communities in the Colony, the Kenya Government have never provided for YOUR PETITIONERS' children adequate facilities for their advancement educationally as best suited to their position. YOUR PETITIONERS' representatives had discussed this subject fully with the Joint Parliamentary Committee on Closer Union of East Africa and the Parliamentary Under-Secretary of State for the Colonies at the interview mentioned above. YOUR PETITIONERS submit that the only

obstacle on the way of advancement of educational facilities for YOUR PETITIONERS' children, is the Government's policy of grouping the Arabs and the Africans together in all the affairs of the Government in the Country.

YOUR PETITIONERS as a race are all Muslims and both racially and religiously the whole of YOUR PETITIONERS' life is bound up in the proper learning and understanding of YOUR PETITIONERS religion and in this connection YOUR PETITIONERS respectfully refer you to an article entitled "Religious Education in Palestine" published in October 1930 in the "Overseas Education" page 37 - a journal published for yourself. This article sets forth briefly but precisely the requirements in Muslim Educational Institutions and gives adequate reason for those requirements.

YOUR PETITIONERS are denied the facilities granted to other Non-Native Communities such as the Europeans, South African Dutch, Goans and Indians in the way of development of their children educationally to the peculiar conditions of those Communities. Apart from the adequate facilities in every branch of literary education in English, the Indian Communities have been provided with facilities to learn their own various languages, Even the South African Dutch - every small community in Kenya in comparison with other Non-Native Communities - have their language, the Afrikaans, included as compulsory subject in the curricula of their schools, while YOUR PETITIONERS are forced to learn Swahili, a language that is neither employed by the Government nor by the Commercial Communities in their ordinary routine business; - a language that is absolutely impossible of employment as a medium of instruction in schools in science, or such like branches of education. Arabic which not only governs the whole life of every Arab, but which offers more scope for advancement of a child's education as education, is not even taught as a second language---

language in the schools which is the only position YOUR PETITIONERS wish that language to take. YOUR PETITIONERS' children are not allowed in the Indian or Goan schools - the Government's policy being for separate racial development of each Non-Native Community according to the peculiar circumstances of those Communities, but the Arabs being placed in the category of Africans their only schools - two in number - are open to Africans and the curriculum in those schools is based on the policy for African Education.

The so-called Arab School in Mombasa was opened in 1912 having been built on the advice of the Arabs out of unclaimed monies for compensation for loss of slave labour and although it is 20 years now, not a single student has come out of that school having passed even the Preliminary Examinations of any of the standard set of examinations of either England or India, while the Indian School in that Town - apart from that of Nairobi which is of more elaborate scale - opened only in 1923 has already produced nearly 200 students who have passed both Cambridge Examinations and London Matric Examinations.

The second so-called Arab School opened last year and which is supposed to be secondary and in which YOUR PETITIONERS had been told that there will be facilities for learning more English, the staff is composed of a Principal, an Asst. Master, - the only other qualified teacher, and about half a dozen African Teachers who know little or no English at all which they are supposed to teach to Cambridge Junior Standard.

YOUR PETITIONERS request that

- (1) either the schools for Arabs be amalgamated with those of other Non-Native Communities, and they have the benefit of the policy employed for those schools, or that they be kept as separate institutions for YOUR PETITIONERS' children only as is done for Europeans--

Europeans, Indians and Goans so that YOUR PETITIONERS' children may advance in their own national characteristics.

(ii) religious instruction be incorporated in the Syllabuses of their schools,

(iii) Arabic be taught as the second language.

(c) Nominated Member of the Legislative Council to represent the interests of the Arabs.

NAAMH
5/3/2

Ever since the granting of the Franchise to the Arabs in Kenya, YOUR PETITIONERS had enjoyed the privilege of being represented in the Legislative Council of the Colony by Two Arabs - an Elected Unofficial and a Nominated Official Members. YOUR PETITIONERS had never been satisfied with this position and had always been asking the Government for further representations. When it was understood that the Government of the Colony intended to nominate a European in place of the Arab who occupied the seat as Nominated Official Member to represent the interest of the Arabs, YOUR PETITIONERS' representatives drew the attention of the Parliamentary Under-Secretary of State for the Colonies to that effect at the interview granted to them. In the same month that YOUR PETITIONERS' representatives had brought up these questions to the notice of the Parliamentary Under-Secretary of State for the Colonies, His Excellency the Governor of the Colony had declared in his opening speech to the Legislative Council that on retirement of the Arab Nominated Member from his Official position, he had nominated the Provincial Commissioner Coast Province temporarily to represent the interests of the Arabs and that he, the Governor, would nominate an Arab Official to the seat as soon as possible. This was in May 1931 and inspite of YOUR PETITIONERS having reminded the Government and asked them to implement their promise, the Arabs are still without that seat.

YOUR PETITIONERS cannot understand the logic of being deprived of the privilege they had enjoyed ever since, instead of their requests for increased representation being acceded

to by the Government, more particularly so when YOUR PETITIONERS have only one Elected Member in the Legislative Council of the Colony.

YOUR PETITIONERS are still further at a loss to understand the non-implementing of His Excellency the Governor's promise when there exists no reasons what-so-ever for the taking of such a retrograde step and deprive YOUR PETITIONERS of the right they had enjoyed for a number of years.

YOUR PETITIONERS humbly pray that:-

(1) an Arab Official be nominated to the seat or that an Unofficial Arab be nominated as provided for in the Legislative Council Ordinance.

(ii) Consideration be given to YOUR PETITIONERS' request for further representation on the Legislative and Executive Councils of the Colony.

(d) Conditions of service for Arab Officials.

YOUR PETITIONERS had, on several occasions represented to Government the necessity of providing the Arab officials in the Service with the privileges as enjoyed by of their rank and position but YOUR PETITIONERS respectfully submit that here again, because the Government's policy is to classify Arabs as Africans, it has been considered not right that an Arab Officer such as a Liwali, a Kathi or a Mudir, apart from the clerical staff, should enjoy the same privileges as those enjoyed by the lowest of the low grade Indian or Goan Clerks.

The argument that the Arabs are domiciled in the Colony and the Indians and Goans are imported falls to the ground in as much as there are several Indians and Goans in the Service who are not only born and bred in the Country but are actually domiciled in the same way as Arabs and yet they enjoy the same privileges as others of their Community. Practically all the Indian and Goan clerks required by

NST 2/3
NST 4

Government for some years past have been recruited locally - there had been no necessity of sending to India for them. Besides not having the right to enjoy the privileges granted to other Asians in the service, the number of posts previously held by Arab Officials have been very considerably reduced both in numbers, in grade and in emoluments and this, YOUR PETITIONERS submit, is the cause of a great deal of discontentment existing among the Arab Officials.

While there had been over 34 posts in 1920-21 there are only about 14 at present and though there had been at least three posts enjoying the privileges and conditions of service of Europeans, there are none such posts now and also though practically all these 34 posts had pension rights, there are only two posts at present existing with pension rights and these YOUR PETITIONERS are perfectly sure will be abolished as soon as opportunity occurs.

NST 4
The Kenya Government have apparently decided to abolish all the posts of Liwalis, Kathis and Mudirs, as, for some years past, it has been their policy to abolish any post that falls vacant and if, for their convenience, they found that they could not altogether do away with that post immediately, they have in every case reduced the emoluments attached to that post and render it non-pensionable and in every way inferior to the previous post.

During 1932 alone two posts, that of Liwali for the Coast, and that of Kathi of Vanga, have been abolished. The post of the Liwali for the Coast was the only one remaining that had any position at all, but unfortunately this too, the Government have decided to abolish.

ST 4/1/2
NST 1/2
The post of Chief Kathi having fallen vacant in November this year on retirement of the holder thereof, the Government have not up to the time of writing decided to fill the post and it is feared it, too, might follow the path of others. In any case YOUR PETITIONERS understand that it has already been decided to remove the pensionable rights of the post if at all it is filled.

The Government have lately prepared legislation to put into proper footing the pensionable status of the Indian and Goan clerks in the service and have specifically omitted the Arabs, both serving as Administrative and Judicial Officers and as Clerks.

NS 11/3

YOUR PETITIONERS respectfully contend that both as Administrative and Judicial Officers the Arab Officials have performed and still continue to perform their arduous duties not only to the satisfaction of the Government but YOUR PETITIONERS humbly aver that very few indeed of other Officials could do the same and command the confidence and respect of YOUR PETITIONERS' and African Communities.

As to Arabs serving in the category of clerks, the Government, like in all other matters, have had imposed on them the terms and conditions of service specially prepared for Africans and here again YOUR PETITIONERS have, on several occasions, protested and represented the matter to the Government in vain.

YOUR PETITIONERS humbly pray,

- (i) that some at least, of the Post of Livalis, Kathis and Mudirs be restored.
- (ii) that all posts of Livalis, Kathis and Mudirs have their pensionable rights restored and their emoluments be put into incremental scale as is done with other posts.
- (iii) that Arabs serving as Clerks be given the rights and privileges enjoyed by other Asian in the service.

A Memorandum on this question has been submitted to the Lord Commissioners that is at present enquiring on this matter and the Government would await the recommendations

A BILL TO AMEND AND DEFINE IN MORE PRECISE
TERMS THE DEFINITION OF THE EXPRESSION
"NATIVE".

BE IT ENACTED by the Governor of the Colony
of Kenya, with the advice and consent of the Legislative
Council thereof, as follows:-

Short title. 1. This Ordinance may be cited as "the Interpre-
tation (Definition of "Native") Ordinance, 1933".

Interpretation. 2. "Native" means any person who is a member of
or any one of whose parents is or was a member of an
indigenous African tribe or community, in which term
are included the people known as the Swahili; but the
expression aforesaid shall not include -

(a) an Arab, a Somali, a Baluchi born in Africa,
a Madagascan or a Comoro Islander, or

(b) any person who, of his own motion, proves to
the satisfaction of the magistrate of a
subordinate court of the first class -

(i) that he is partly of non-native descent,
and

(ii) that he is not occupying land in accordance
with native tenure or customary law, and

(iii) that he is not living among the members of
any African tribe or community in
accordance with their customary mode of
life.

3. (1) Upon application being made and proof of
such matters as aforesaid being produced to the satis-
faction of the magistrate, he shall grant to the applicant
a certificate in the form prescribed in the First Schedule
hereto in which shall be included a declaration of the
applicant's descent.

(2) For the purpose of obtaining information
respecting such application the magistrate may hold an
inquiry .r.

to by the Government, more particularly so when YOUR PETITIONERS have only one Elected Member in the Legislative Council of the Colony.

YOUR PETITIONERS are still further at a loss to understand the non-implementing of His Excellency the Governor's promise when there exists no reasons what-so-ever for the taking of such a retrograde step and deprive YOUR PETITIONERS of the right they had enjoyed for a number of years.

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(ii) Consideration be given to YOUR PETITIONERS' requests for further representation on the Legislative and Executive Councils of the Colony.

(3) Conditions of Service for Arab Officials.

YOUR PETITIONERS had, on several occasions represented to Government the necessity of providing the Arab Officials in the Service with the privileges as enjoyed by others of their rank and position but YOUR PETITIONERS respectfully submit that here again, because the Government's policy is to classify Arabs as Africans, it has been considered not right that an Arab Officer such as a Liwali, a Kathi or a Mudir, apart from the Clerical Staff, should enjoy the same privileges as those enjoyed by the lowest of the low grade Indian or Goan Clerks.

The argument that the Arabs are domiciled in the Colony and the Indians and Goans are imported falls to the ground in as much as there are several Indians and Goans in the Service who are not only born and bred in the Country but are actually domiciled in the same way as Arabs and yet they enjoy the same privileges as others of their Community. Practically all the Indian and Goan clerks required by

NST
2/13
NST 4

Government for some years past have been recruited locally - there had been no necessity of sending to India for them. Besides not having the right to enjoy the privileges granted to other Asians in the service, the number of posts previously held by Arab Officials have been very considerably reduced both in numbers, in grade and in emoluments and this, YOUR PETITIONERS submit, is the cause of a great deal of discontentment existing among the Arab Officials.

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NST 4

The Kenya Government have apparently decided to abolish all the posts of Liwalis, Kathis and Mudirs, and some years past, it has been their policy to abolish any post that falls vacant and if, for their convenience, they found that they could not altogether do away with that post immediately, they have in every case reduced the emoluments attached to that post and render it non-pensionable and in every way inferior to the previous post.

During 1932 alone two posts, that of Liwali for the Coast, and that of Kathi of Vanga, have been abolished. The post of the Liwali for the Coast was the only one remaining that had any position at all, but unfortunately this too, the Government have decided to abolish.

NST 4/1/31

The post of Chief Kathi having fallen vacant in November this year on retirement of the holder thereof, the Government have not up to the time of writing decided to fill the post and it is feared it, too, might follow the path of others. In any case YOUR PETITIONERS understand that it has already been decided to remove the pensionable rights of the post if at all it is filled.

NST 7/1/32

The Government have lately prepared legislation to put into proper footing the pensionable status of the Indian and Goan clerks in the service and have specifically omitted the Arabs, both serving as Administrative and Judicial Officers and as Clerks.

YOUR PETITIONERS respectfully contend that both as Administrative and Judicial Officers the Arab Officials have performed and still continue to perform their arduous duties not only to the satisfaction of the Government but YOUR PETITIONERS humbly aver that very few indeed of other Officials could do the same and command the confidence and respect of YOUR PETITIONERS' and African Communities.

As to Arabs serving in the category of clerks, the Government, like in all other matters, have had imposed on them the terms and conditions of service specially prepared for Africans and here again YOUR PETITIONERS have, on several occasions, protested and represented the matter to the Government in vain.

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- (ii) that all posts of Liwalis, Kathis and Mudirs have their pensionable rights restored and their emoluments be put into incremental scale as is done with other posts.
- (iii) that Arabs serving as Clerks be given the rights and privileges enjoyed by other Asian in the service.
- (e) Land.

A Memorandum on this question has been submitted to the Land Commissioner that is at present enquiring on this matter and YOUR PETITIONERS would await the recommendations thereof.

Handwritten note:
2/7/11

4. YOUR PETITIONERS had, on the 10th of June 1932, addressed a letter to the Hon. The Colonial Secretary Nairobi through the Hon. the Provincial Commissioner Coast Mombasa, with reference to the interview mentioned above and asked to be informed if the decisions on the various subjects raised could be communicated to them; but YOUR PETITIONERS are sorry to have to say that they have not had even the courtesy of an acknowledgement of that letter leaving alone a reply, inspite of YOUR PETITIONERS having seen the Hon. Provincial Commissioner Coast on several occasions and requested him to obtain a reply from the Hon. the Colonial Secretary.

There being no other alternative, YOUR PETITIONERS humbly place their most important and serious grievances before you and ask that they be remedied and YOUR PETITIONERS in duty bound shall ever pray.

PETITIONERS
on behalf of Arabs of Kenya.

Muhammad bin Husein

Ali bin Ahmad
i.e. Sultan bin Ahmad
i.e. Sultan bin Ahmad
i.e. Sultan bin Ahmad
i.e. Sultan bin Ahmad

Elwan bin Mohamed
i.e. Elwan bin Mohamed
i.e. Elwan bin Mohamed
i.e. Elwan bin Mohamed
i.e. Elwan bin Mohamed

Jahannish bin
i.e. Jahannish bin
i.e. Jahannish bin
i.e. Jahannish bin
i.e. Jahannish bin

Muhammad bin
i.e. Muhammad bin
i.e. Muhammad bin
i.e. Muhammad bin
i.e. Muhammad bin

Abul bin Mohamed
i.e. Abul bin Mohamed
i.e. Abul bin Mohamed
i.e. Abul bin Mohamed
i.e. Abul bin Mohamed

Khanish bin Salim
i.e. Khanish bin Salim
i.e. Khanish bin Salim
i.e. Khanish bin Salim
i.e. Khanish bin Salim

to His Excellency the Governor and Commander-in-Chief
of the Colony and Protectorate of Kenya, Nairobi.

to Sir Robert G. ...
The ... London ...

A BILL TO AMEND AND DEFINE IN MORE PRECISE
TERMS THE DEFINITION OF THE EXPRESSION
"NATIVE".

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:-

Short title. 1. This Ordinance may be cited as "the Interpretation (Definition of "Native") Ordinance, 1935".

Interpretation. 2. "Native" means any person who is a member of or any one of whose parents is or was a member of an indigenous African tribe or community, in which term are included the people known as the Swahili; but the expression aforesaid shall not include -

(a) an Arab, a Somali, a Baluchi born in Africa, a Madagascan or a Comoro Islander, or

(b) any person who, of his own motion, proves to the satisfaction of the magistrate of a subordinate court of the first class -

(i) that he is partly of non-native descent, and

(ii) that he is not occupying land in accordance with native tenure or customary law, and

(iii) that he is not living among the members of any African tribe or community in accordance with their customary mode of life.

3. (1) Upon application being made and proof of such matters as aforesaid being produced to the satisfaction of the magistrate, he shall grant to the applicant a certificate in the form prescribed in the First Schedule hereto in which shall be included a declaration of the applicant's descent.

(2) For the purpose of obtaining information respecting such application the magistrate may hold an inquiry ...

Power of
magistrate
to hold
inquiry.

inquiry and summon before him and examine on oath touching any matter relevant to such application, any person to whom the magistrate or any other person interested requires to be so called and examined.

(3) In any such inquiry so far as it is applicable, the procedure for compelling the attendance and for examination of witnesses shall, mutatis mutandis, be the same as that set forth in the Criminal Procedure Code.

4. The magistrate shall give notice in the Gazette of certificate to of every certificate granted by him under this Ordinance. be published in the Gazette.

Condition of person of partly non-native descent.

5. Every person partly of non-native descent to whom a certificate under this Ordinance has been granted shall be deemed, for all purposes, to be of the race of his non-native parent.

Onus of proof.

6. Where for the purposes of any Ordinance or proceedings in any court of law there is any reasonable doubt as to whether the person is a native as hereinbefore defined the burden of proving that he is not a native shall be upon such person.

Meaning of "non-native".

7. Wherever in this or any other Ordinance the expression "non-native" is used, such expression shall be construed to mean a person other than a native as herein defined.

8. The definition of the word "native" which occurs in each of the Ordinances set out in the Second Schedule to this Ordinance is hereby repealed.

Amendment of Section 2. of Chapter 127.

9. The Native Registration Ordinance is hereby amended by deleting the definition of "Native" in section 2 thereof and substituting therefor the following:-

"native" includes such tribes and classes of persons as the Governor in Council shall by proclamation in the Gazette declare to be natives for the purpose of this Ordinance.

10. Section...

Amendment of
Section 147 of
the Penal
Code.

10. Section 147 of the Penal Code is hereby amended by deleting the definition of the term "Native" in sub-section (6) of the section, and by inserting the words "Arabs, Somalis, Baluchis, Comoro Islanders, Madagascans and Swahilis" after the word "native" wherever that word occurs in the first four sub-sections of the section.

Substitution of
Mohammedan
Subordinate
Courts for
Native Sub-
ordinate
Courts.

11. Section 2 of the Criminal Procedure Code and sections 3 and 19 and the Schedule to the Courts Ordinance, 1931, shall be read as if the expression "Mohammedan Subordinate Courts" were substituted for the expression "Native Subordinate Courts" wherever such last mentioned expression occurs therein.

12. In each of the Ordinances mentioned in the first column of the Third Schedule to this Ordinance, reference to the word "native" or "natives" in each of the sections mentioned in the second column of the said Schedule shall be construed as if there were contained in each such section reference to the race tribe and community, in the singular or in the plural as the context may require, mentioned in the third column of the said Schedule as well as to a native or to natives.

FIRST SCHEDULE.

The person whose name and description is hereunder noted having satisfied me in accordance with the provisions of the Interpretation (Definition of "Native") Ordinance, 1933:-

- (a) that he is partly ofdescent, and
- (b) that he is not occupying land in accordance with native tenure or customary law, and
- (c) that he is not living among the members of any African tribe or community in accordance with their customary mode of life.

I hereby declare him to be a non-native of descent.

GIVEN at the day of 19

Magistrate.

Insert race of the applicant's non-native parent.

First Class Subordinate Court, District of

NameOccupation

Address.....

Father's name

Description

Mother's name

Description

Place and date of birth

Photograph

.....

Signature.

SECOND SCHEDULE.

- Chapter 1. The Interpretation and General Clauses Ordinance.
- " 63. The Vagrancy Ordinance.
- " 129. The Native Authority Ordinance.
- " 131. The Natives' Trust Fund Ordinance.
- " 135. The Native Foodstuffs Ordinance.
- " 137. The Natives' Arms Ordinance.
- " 139. The Employment of Natives Ordinance.
- " 159. The Branding of Stock Ordinance.
- " 161. The Game Ordinance.
- Ord. No. 10/24. The Trespass Ordinance.
- " " 5/25. The Resident Native Labourers' Ordinance.
- " " 19/28. The Local Government (Municipalities) Ord.
- " " 11/30. The Criminal Procedure Code.
- " " 37/30. The Prisons Ordinance.
- " " 39/30. The Native Tribunals Ordinance.
- " " 63/30. The Townships Ordinance.
- " " 16/31. The Courts Ordinance.
- " " 41/33. The Licensing Ordinance.

THIRD SCHEDULE.

First Column.	Second Column.	Third Column.
Chapter 63.	The Vagrancy Ordinance.	Sections 10 and 11. A Somali.
" 127.	The Native Registration Ordinance.	Sections 3, 4, 5, 6, 8, 9, 10, 11, 13, 15, 22 and 23. -do-
" 129.	The Native Authority Ordinance.	Sections 3, 4, 6, 7, 8, 10, 11, 12, 14, 15, 16, 17, 18, 20, 21, 24, 25, 26, and 27. -do-
" 131.	The Natives' Trust Fund Ordinance.	Sections 6 and 7. An Arab and a Somali.
" 135.	The Native Foodstuffs Ordinance.	Sections 2 and 3. A Somali.
" 137.	The Natives' Arms Ordinance.	Sections 3 and 5. -do-
" 139.	The Employment of Natives Ordinance.	Sections 2, 16, 17, 18, 33, 38, 39, 63(5), 66, 69, 72, 73, 74, 75 and 76. -do-
" 159.	The Branding of Stock Ordinance.	Sections 5, 10, 18, 22, 23 and 33. -do-
" 161.	The Game Ordinance.	Sections 2, 17, 22 and 34. -do-
Ord.No. 10/24.	The Trespass Ordinance.	Section 6. -do-
" " 5/25.	The Resident Native Labourers' Ordinance.	Sections 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16. Schedule. -do-
" " 19/28.	The Local Government (Municipalities) Ordinance.	Sections 50, 51, 52 and 69. A Somali, a Comoro Islander and a Madagascan.
" " 11/30.	The Criminal Procedure Code.	Sections 7, 9, 10, 11, 12, 4 and 248. An Arab, a Somali and a Baluchi.
" " 37/30.	The Prisons Ordinance.	Sections 28 and 61. A Somali.
" " 63/30.	The Townships Ordinance.	Sections 32 and 33. -do-
" " 16/31.	The Courts Ordinance.	Sections 6, 18 and 19. An Arab, a Somali and a Baluchi.

MINUTES OF A SPECIAL MEETING OF THE ADVISORY COUNCIL
ON ARAB EDUCATION, HELD ON THE 17th NOVEMBER, 1933,
CALLED TO CONSIDER THE REPORT OF THE SUB-COMMITTEE
APPOINTED TO ASCERTAIN THE VIEWS OF ARABS IN RE-
GARD TO EDUCATION.

PRESENT

The Hon'ble the Director of Education,
in the chair,
The Hon'ble the Provincial Commissioner,
Govt.,
The District Commissioner, Mombasa,
Sir Ali bin Salim, K.R.E., C.M.G.,
Major the Hon'ble R.W.B. Robertson-Eustace,
D.S.O.,
The Hon'ble Sheikh Sherif Abdulla bin
Salim,
The Hon'ble Sheikh Hamed Mohamed bin Issa,
Sheikh Khamis Mohamed bin Juma,
Mr. Mbarak Ali bin Hinawy,
The Inspector of Schools, Mombasa, Secretary
to the Council.

ABSENT:

The Hon'ble F.A. Bemister, F. S. C.

1. The Chairman explained that the meeting was a special meeting called to consider the report of the sub-committee appointed at the last meeting of the Council.

2. The Director of Education asked the District Commissioner, the Chairman of the sub-committee, if he could give an assurance that the individuals interviewed by his committee were responsible persons who were able to speak for the various communities they each represented. The District Commissioner replied in the affirmative.

The Director of Education placed on record his thanks to the District Commissioner for drawing up the representations of the sub-committee so clearly and concisely.

3. The Council then proceeded to consider the report paragraph by paragraph.

4. "Paragraph (1). Education should be provided up to the standard of the Allidina Visram High School."

The Council agreed with the Director's interpretation that the "Standard of the Allidina Visram High School" means the Standard of the Matriculation Examination of the University of London.

5. Paragraph (2). "Swahili should be the medium of instruction only up to the Second Standard, after which English be the medium of instruction."

After considerable discussion, the majority of the Council was in favour of this paragraph. English should be the medium of instruction after Standard II, where difficult words were encountered they could be explained by their Swahili equivalents.

6. Paragraph (3). "Arabic be added to the curriculum as a compulsory subject."

No agreement was reached on this point. Sir Ali bin Salim, Sheikh Khamis, and Major Robertson-Eustace were against Arabic being a school subject. Mr. Mbarak

Ali, Sheikh Hamed and Sheriff Abdulla thought Arabic should be made compulsory. The remaining members were in favour of its being made optional.

7. Paragraph (4). "English and Arabic be taught by qualified teachers."

This was agreed to without comment.

8. Paragraphs (5) and (7). "The school be for Arabs, Baluchis and the Twelve Tribes only and not for Africans." New applications by Africans to enter the Arab and African School at Mombasa be not entertained"

A long discussion ensued on these paragraphs, which were considered together.

Major Robertson-Eustace thought that Arabs, Baluchis and the Twelve Tribes should be given a chance to fill the schools. If they failed the school should be thrown open to all.

Sir Ali bin Salim was of the opinion that children of any nationality should be admitted. Mr. Mbarak Ali pressed for an answer to the question whether Arabs would be admitted to Government Indian Schools.

Sheriff Abdulla and Mr. Mbarak Ali stated that if it were accepted that Arabs were eligible for admission to Indian Schools, the Arabs would be willing for other nationalities to be admitted to Arab Schools.

The Provincial Commissioner informed the Council that the question of Arab Education had been discussed at a recent meeting of District Commissioners of the Coast Province, and although that meeting had passed no resolution on the subject the idea was expressed that a period of 5 years should be given for the Arab community to show they were prepared to make use of the Educational facilities which had been provided for them. If, at the end of that time, these facilities had not been accepted, the schools should be thrown open to all irrespective of nationality.

The District Commissioner thought that the Arab members were inconsistent. They demanded compulsory Arabic for their children and at the same time desired freedom of admission to Indian Schools, where no Arabic was taught.

8. Paragraph (6). "Provided these suggestions are carried out, the Schools will be filled, without recourse to Africans."

This expression of opinion was noted by the Council.

9. The Director of Education thanked the members of the Council for expressing their opinions and promised to prepare a memorandum of the whole subject for the consideration of Government.

The meeting then terminated.

51/63

TELEGRAM from the Governor of Kenya to the Secretary of State for the Colonies.

(Dated 30th January 1934. Received 3.33 p.m. 30th January 1934).

IMMEDIATE.

3007/38 No. 22. Your telegram No. 19. Arabs. Regret that my despatch No. 13 of the 8th January sent by ordinary mail 12th January. My comments are paragraph 3 (a) treatment. A Bill enclosure in my despatch under reference to define status of Arab Somalis and others has been circulated to other East African Governments for their views on certain anticipated difficulties and will be further discussed in Executive Council. Paragraph 3 (b) education. The statement that the Government groups Arabs and Africans together is only obstacle in the way of advancement of educational facilities for Arab children. The fact is that in the coast province it is extremely difficult to distinguish between Arab and African children. In some of the African village schools Arab children attend. The schools at Mombasa, Malindi and at Shimolaburu have definitely been established for the benefit of the Arab community. It is true that Africans are admitted to these schools but that is no handicap to Arabs: provision has been made for Koran instruction and purpose of these schools is to provide education suitable for Arabs. Impediment to Arab education is grave failure of Arab parents to use facilities provided. The demand for the introduction of Arabic in the place of Swahili is a demand for a second foreign language unknown to the bulk of Arabs and will handicap Arab pupils: his knowledge and study of Swahili are a (? group omitted). The petitioners complain that they are not allowed in Indian schools at Mombasa. Admittance would entail adding a third language (Swahili) to the school. The trust deed of Allidina Visram High School lays down that it is to be a school for Indian children. The statement that Arab school has only two European teachers is now incorrect. There are three European teachers at this school of some 80 pupils more than would be employed in an African school of the same size.

The Arab population is not taking advantage of the facilities given by the Education Department.

As regards nominated Arab official on Legislative Council see my despatch No.695 of the 20th December.

Not
2302/24

Conditions of service for ^{Arab} ~~XXXXXX~~ officials. Of the 34 ^{Arab} ~~XXX~~ officers stated to have been in the service in 1920 and 1921 in seven resident/areas afterwards ceded to Italy two Akida on Tana River who could not be accounted officers.

Total personal emoluments £3,490 or £140 per officer.

In accordance with the policy of decreasing posts and increasing salaries posts reduced to 15 with average pay of £226 and total expenditure of £3,388.

Paragraph 3 (c) land. Coast Lands Titles Committee now sitting to make recommendations supplementary to those of Kenya Land Commission.

The Arab population is not taking advantage of the facilities given by the Education Department.

As regards nominated Arab official on Legislative Council see my despatch No.695 of the 20th December.

Not
2/10/34

Conditions of service for ~~AKIDA~~ Arab officials. Of the 34 Arab officers stated to have been in the service in 1920 and 1921 in seven resident/areas afterwards ceded to Italy two Akida on Tana River who could not be accounted officers.

Total personal emoluments £3,490 or £140 per officer.

In accordance with the policy of decreasing posts and increasing salaries posts reduced to 15 with average pay of £226 and total expenditure of £3,388.

Paragraph 3 (c) land. Coast Lands Titles Committee now sitting to make recommendations supplementary to those of Kenya Land Commission.

PUBLIC RECORD OFFICE

END

TOTAL EXPOSURES →

PUBLIC RECORD OFFICE

END

TOTAL EXPOSURES →

PUBLIC RECORD OFFICE

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