

1930

Kenya

No. 16306

SUBJECT

C0533/403

Kenya Pledges

Previous

Subsequent

1. Mr. Winston Churchill. January, 1922. 2
2. Mr. Thomas. August, 1924.
3. Mr. Amery. March, 1929.
4. Extract, HERLIN ACT. 1885.
5. do BRUSSELS GENERAL ACT 1890.
6. Convention of St. Germain-en-Laye, 1919.
7. Covenant of the League of Nations.
8. Indians in Kenya, (The Devonshire Declaration) 1923.
9. Future Policy in Regard to East Africa, 1927.
10. Statement of the Conclusions of H.M.'s Govt. in the U.K. as regards Closer Union in East Africa, 1930.
11. Memorandum of Native Policy in East Africa, 1930.

~~DESTROYED UNDER STATUTE~~

regd for record,

? put by, pl.

W. Neill
20.9.30



12. Note on the origins of the proposals for Closer Union in East Africa.

This note was prepared on Sir C. Bottomley's instructions. The original has been sent on for circulation to Sir Samuel Wilson and the Secretary of State. These copies are registered for record.

Put by. ✓

W. Neill

9/10

atall



*Copies of League Election manifest, Jan 1927 circulation to Joint Com at request of Chairman. Put by *W. Neill**

W. Neill

All in circulation

1. Mr. Winston Churchill. January, 1922.
2. Mr. Thomas. August, 1924.
3. Mr. Amery. March, 1929.
4. Extract BERLIN ACT. 1885.
5. do BRUSSELS GENERAL ACT 1890.
6. Convention of St. Germain-en-Laye, 1919.
7. Covenant of the League of Nations.
8. Indians in Kenya, (The Devonshire Declaration) 1923.
9. Future Policy in Regard to East Africa, 1927.
10. Statement of the Conclusions of H.M.'s Govt. in the U.K. as regards Closer Union in East Africa, 1930.
11. Memorandum of Native Policy in East Africa, 1930.

~~DESTROYED UNDER STATUTE~~

regd for record.

? put by, pl.

W. Neale
20.9.30.

12. Note on the origins of the proposals for Closer Union in East Africa.

This note was prepared on Sir C. Bottomley's instructions. The original has been sent on for circulation to Sir Samuel Wilson and the Secretary of State. These copies are registered for record.

Put by. ✓

W. Neale
9/10
atacc

Copies of House Election Manifesto Jan 1927 circulated to Joint Com at request of Chairman. Put & all in

(Handwritten scribble)

(Handwritten scribble)

(Handwritten scribble)

Kenya Election, January 1927.

Following is the text of a letter from Lord Delamere to the Editor of the "East African Standard" dated 28th December 1926:-

Sir, - We, the undersigned Elected Members who are seeking re-election, crave the indulgence of your columns to place the Manifesto which follows before the country as our unanimous political programme.

Major Ward authorises us to state that he is in wholehearted agreement with the two first items in the Manifesto but desires further time for consideration with respect to the remainder.

It has been impossible to obtain the signatures of Captain Conroy and Major Robertson Bustace as they are both out of the country.

We have every reason to believe that had they been here their signatures would have been added.

Yours, etc.,

- DELAMERE.
- CONWAY HARVEY.
- W. McCLELLAN WILSON.
- H. B. SCHWARTZ.
- T. J. O'SHEA.
- P. VAUGHAN KENEALEY.
- FRANCIS SCOTT.

Nairobi,
December 28th, 1926.

Following is the text of the Address:-

1. To press by any constitutional means for a European elected

4

elected majority over all parties in the Legislative Council.

2. To give favourable consideration to a scheme of co-ordination of the Northern East African Territories (Kenya, Tanganyika and Uganda) and possibly Nyasaland, with the hope of a possible co-ordination with the Rhodesias in the future when their position towards each other and between them and Nyasaland is defined by their own acts; provided that a consideration of any such scheme is conditional on an elected majority having been granted and that the following essential safeguards are included:

(a) Each State to remain a separate entity with its own Constitution and Government.

(b) No hindrance to any of the states advancing towards self-government on constitutional lines.

(c) Each State to have complete control of its own finances through its Legislative Council.

(d) The seat of the High Commissioner to be in Nairobi.

(e) The present Protectorate of Kenya to become an integral part of the Colony.

It is to be clearly understood that the Colony reserves to itself complete liberty of action, and that no change in the Constitution of Kenya on such lines shall be brought into force unless and

until

14
elected majority over all parties in the Legislative Council.

2. To give favourable consideration to a scheme of co-ordination of the Northern East African Territories (Kenya, Tanganyika and Uganda) and possibly Nyasaland, with the hope of a possible co-ordination with the Rhodesias in the future when their position towards each other and between them and Nyasaland is defined by their own acts; provided that a consideration of any such scheme is conditional on an elected majority having been granted and that the following essential safeguards are included:

- (a) Each State to remain a separate entity with its own Constitution and Government.
- (b) No hindrance to any of the states advancing towards self-government on constitutional lines.
- (c) Each State to have complete control of its own finances, through its Legislative Council.
- (d) The seat of the High Commissioner to be in Nairobi.
- (e) The present Protectorate of Kenya to become an integral part of the Colony.

It is to be clearly understood that the Colony reserves to itself complete liberty of action, and that no change in the Constitution of Kenya on such lines shall be brought into force unless and

until

5

until any proposed scheme has been published and submitted to the Electorate with full opportunity of discussion and approved by them through the medium of a General Election.

NOTE ON THE ORIGINS OF THE PROPOSALS FOR
CLOSER UNION IN EAST AFRICA.

2769.

The East Africa Commission discussed the question of federation in the introduction to their Report dated the 17th April, 1925, (Cmd. 2387). The Commission stated that they were impressed with the need for greater co-operation and understanding not only between the five administrations, but between unofficial residents in the Territories as well. They found little, if any, support in East Africa for the idea of immediate federation, and in some quarters they found definite hostility. But apart altogether from this expression of opinion they came definitely to the conclusion that any attempt at federation would be premature. Further, they formed the opinion that without a federal Government the federation of the existing services would prove impracticable on administrative grounds. While feeling bound to reject the idea of federation at that time, they referred to a suggestion that a step in the direction of federation might be taken by the appointment of advisers, particularly in such services as medical, veterinary or agricultural to two or more of the East African Governments. They referred to an experiment made in this direction by the appointment of Veterinary Advisers to the Governments of Tanganyika, Kenya and Uganda, but they were of the opinion that that experiment had failed, and they could not recommend its continuance nor its institution in connection with other Departments.

7

Departments. They were therefore driven back to explore other alternatives, and the only one which seemed practicable to them at that stage was co-ordination by conference. The Commission suggested that there should be regular periodical conferences of Governors, and also of the responsible officials of the various Departments. They expressed the view that in this way co-ordination and co-operation should be achieved without impairing in the least the individual rights and interests of each of the Territories. They were satisfied that any further development in the direction of federation, whether it be unification of particular services or ultimate political federation will come, if it comes at all, as a result of local discussion of local needs and common problems - federation cannot be imposed from without.

33897/20

As a result of these recommendations, a despatch was addressed ^{on the 25th August 1922} by Mr. Amery to the Officers Administering the Governments of Kenya, Uganda, Tanganyika, Nyasaland, Northern Rhodesia and the High Commissioner for Zanzibar (now "British Resident"), stating that the Secretary of State was much impressed with the desirability of frequent communication between both Governors and Government Departments; that he proposed to take an early opportunity of convening a first Governors' Conference to be held in Nairobi, and that it would be up to the ^{Governors} at that Conference to make their arrangements with regard to future conferences, and with regard also to departmental conferences. The

despatch

8

despatch also laid down that there should be a standing secretariat (situated in Nairobi) which would carry out the detailed work in connection with the meetings of conferences, and preparation and circulation of papers for discussion, and the arrangements to be made for giving effect to the decisions arrived at. A secretariat was accordingly established the expenses being met by contributions from the various Governments concerned, including the Government of the Sudan which, however, is now withdrawn. The Secretary to the Governors' Conference is also Secretary to the High Commissioner for Transport. Two Governors' Conferences have been held at Nairobi, the first in January and February, 1926, and the second in January 1930. Departmental conferences have also been held from time to time.

In 1925, Sir Edward Grigg was appointed Governor of Kenya, in succession to the late Sir Robert Coryndon, and assumed the duties of the office on the 4th October of that year. Chronologically it may be mentioned here that on the 16th December, 1927, an Order-in-Council was passed constituting the office of High Commissioner for Transport for the Colony and Protectorate of Kenya and Protectorate of Uganda, and providing that the person holding the office of High Commissioner shall be the Officer Administering the Government of Kenya.

An election was held in Kenya on the 22nd January 1927, and on the 28th December 1926 an Election Address, signed by seven of the European Elected Members, who were offering themselves for re-election,

election, was issued, placing a political programme before the electors. As regards constitutional questions, the programme asked for support

- (i) in pressing, by constitutional means, for a European elected majority over all parties in the Legislative Council;
- (ii) in giving, subject to certain conditions, favourable consideration to a scheme of co-ordination of Northern East African territories, (Kenya, Tanganyika and Uganda,) and, possibly, Nyasaland.

The whole text of the relevant part of the address is attached for convenience of reference, together with a copy of the covering letter to the press, in which it was claimed that the programme had the support of the remaining three European Elected Members. It will be seen that the conditions on which the signatories to the Address were prepared to give favourable consideration to any scheme of co-ordination include -

- (i) the establishment of an elected European majority in Kenya Colony;
- (ii) the seat of the High Commissioner to be Nairobi;
- (iii) no measure of co-ordination to be adopted until the scheme has been approved by the European Electorate in Kenya at a General Election.

It is stated that all the candidates returned at the Election stood by the terms of the Address, and asked that they should be endorsed by their constituencies. Sir Edward Grigg was

accordingly

Home note
let 4/1/26(2)
(Case 1)

accordingly requested by the Leader of the European Elected members to lay the Address before the Secretary of State as representing the feeling of a very large majority of the European Electorate, and to support, if they could conscientiously do so, the proposals which it contained.

Sir Edward Trigg had been granted permission to proceed to England to discuss matters with the then Secretary of State, Mr. Amery, and in March 1927 he submitted a memorandum in which he stated that

No. 1 17126/27

- (1) subject to certain conditions, including the establishment of a Central East African Authority he would not only recommend the establishment of an Unofficial (though not wholly Elected) majority in the Legislative Council of Kenya, but would press it upon His Majesty's Government as urgently desirable;
- (2) the creation of a Central East African Authority empowered to co-ordinate the main lines of policy and administration in the four territories, of Kenya, Tanganyika, Uganda and Zanzibar, should be treated by His Majesty's Government as a matter of urgency.

Reabs.

Para 10.3 & 10.5

In July 1927, as a result of the discussions between the Secretary of State and the representatives of the Territories and British Central and East Africa who attended the Colonial Conference in that year, His Majesty's Government decided to appoint

11

appoint the Hilton Young Commission as a preliminary step towards closer co-operation between the different Governments of those Territories.

1012

STATEMENT OF THE CONCLUSIONS OF HIS MAJESTY'S GOVERNMENT
IN THE UNITED KINGDOM AS REGARDS CLOSER UNION IN EAST
AFRICA, 1930.

Page 3.

1. His Majesty's Government in the United Kingdom have for some time past had under their consideration the question of the future of the Eastern African Dependencies, with particular reference to the question (a) of what measure of Closer Union, if any, between these Dependencies might be desirable, and (b) of what changes, if any, should be made in the constitution of Kenya. The circumstances from which these two questions had their origin, together with a short account of their history up to the present time, are set out in the Annexure to this Memorandum.

2. His Majesty's Government, in considering these problems, have had before them, amongst other documents, the Report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa, and the Report of Sir Samuel Wilson, G.C.M.G., K.C.B., K.B.E., on his Visit to East Africa, 1929. The circumstances which led to the setting up of this Commission and to the visit of Sir Samuel Wilson to East Africa are set out in the Annexure.

3. His Majesty's Government have based their decisions as regards these problems on the principles expounded in the following passage from the Memorandum "Indians in Kenya" which was published in 1931:-

(The paper then quotes the extract from "Indians in Kenya" beginning "Primarily Kenya" and ending "will be done").

Page 4.

5. In these circumstances, His Majesty's Government propose to adopt the following scheme for Closer Union in East Africa:-

I. For the purpose of the social and economic development of the Colony and Protectorate of Kenya, the Protectorate of Uganda, and the Mandated Territory of Tanganyika, there shall be established a High Commissioner whose duties shall be of a two-fold character.

(A) As Chief Adviser on native and other policy to the Secretary of State under Royal Instructions covering the followings:-

(a) He shall receive drafts of all Bills about to be introduced into any of the Legislative Councils of the above-mentioned territories.

(b) He shall receive drafts of each year's Budget proposals with full particulars of proposed changes in native taxation and in all forms of welfare work.

(c) He shall receive outlines of all proposed changes in administration affecting the natives.

(d) He shall receive copies of all important despatches from or to the Secretary of State.

(e) He shall receive copies of the annual and other reports of the Chief Native Commissioner and the Education and Health Departments.

(f) He shall make such criticisms, suggestions and proposals to the Governors of the above-mentioned territories as he may think fit.

(g) He shall be permanent Chairman of the Conference of Governors, for which he will furnish

14
the secretariat and agenda.

(h) He shall suggest or order local enquiries and investigations called for by complaints or reports of abuses.

(i) He may send one of his own officers to look into such complaints or reports of abuses, and the officer may report to him without publicity or formality.

(j) If in any case he is of opinion that a proposed measure is contrary to the declared policy of His Majesty's Government, or is likely adversely to affect the social or economic progress of the native population or any racial minority, he shall direct suspension of acting pending further consideration and shall within three months give a decision on the proposed measure.

(k) In the event of his suspending a measure, he shall forthwith report the matter to the Secretary of State.

(l) He shall be empowered to require any of the Governors to initiate any legislation which he may, with the approval of the Secretary of State, deem necessary.

(m) He shall carry out any directions of the Secretary of State which may be imposed upon him by Additional Instructions amending the original Instructions.

FUTURE POLICY IN REGARD TO BARTERN AFRICA, 1927.

Page 1.

The above extract

Primarily, Kenya is an African territory
best for the country." *is quoted*

Page 2.

The growth of European and other settlements in the East African dependencies raises the problem of the part which these communities must play in the political as well as the economic life of the several territories. Their claim to share progressively in the responsibilities of government cannot be ignored. These responsibilities, however, cannot be limited to the representation of their own community interests; and if clashes between these interests and those of the vast native populations are to be avoided, their share in the trusteeship for the progress and welfare of the natives must be developed.

Quite apart from this necessity, the dual policy in regard to economic development should have its counterpart in the political evolution of the territories. Every year we are providing more educational facilities for the natives, and although in some places it may be many years before the native can take a direct part in the central Legislatures, his place in the body politic must be provided for, and steps taken to create the machinery whereby native self-government, at first purely local, and later over larger areas, can be developed.

In the event of investigations proving that some, at any rate, of the East African territories are ripe for the creation of a federal Constitution, consequential changes may be required in the powers and composition of the

16

existing Legislatures. In any such changes it will be essential to maintain the principle that the administration of the East and Central African territories is based on the exercise by His Majesty's Government of a trust on behalf of the African population, and that, while they may now be prepared to associate with themselves in that trust the members of the resident immigrant communities, they are still under an obligation to ensure that the principles of this trusteeship will be observed.

Page 7.

In making the declaration of policy involved in setting up a Commission with these terms of reference, His Majesty's Government wish to make it clear that they adhere to the underlying principles of the White Paper of 1923 entitled "Indians in Kenya" (Cmd. 1921), both in regard to the political status and other rights of British Indians, resident in East Africa, and also as regards the Imperial duty of safeguarding the interests and progress of the native population as trustees for their welfare until such time as they can take part more fully in their own Government and in the common affairs of all races inhabiting the territories. At the same time they wish to place on record their view that, while these responsibilities of trusteeship must for some considerable time rest mainly on the agents of the Imperial Government, they desire to associate more closely in this high and honourable task those who, as colonists or residents, have identified their interests with the prosperity of the country.

17
that is possible for the advancement and development of the Africans, both inside and outside the native reserves, will be done.

His Majesty's Government desire also to record that in their opinion the annexation of the East Africa Protectorate, which, with the exception of the mainland dominions of the Sultan of Zanzibar, has thus become a Colony, known as Kenya Colony, in no way derogates from this fundamental conception of the duty of the Government to the native races. As in the Uganda Protectorate, so in the Kenya Colony, the principle of trusteeship for the natives, no less than in the mandated territory of Tanganyika, is unassailable. This paramount duty of trusteeship will continue, as in the past, to be carried out under the Secretary of State for the Colonies by the agents of the Imperial Government, and by them alone.

Future Constitutional Evolution.

Before dealing with the practical points at issue directly connected with the claims of Indians, it is necessary, in view of the declaration of policy enunciated above, to refer to the question of the future constitutional evolution of Kenya.

It has been suggested that it might be possible for Kenya to advance in the near future on the lines of responsible self-government, subject to the reservation of native affairs. There are, however, in the opinion of His Majesty's Government, objections to the adoption in Kenya at this stage of such an arrangement, whether it take the form of removing all matters affecting Africans from consideration in the Council, or the appointment of the Governor as High Commissioner for Native Affairs, or provision for a special

veto by the Crown on local legislation which touches native interests; and they are convinced that the existing system of government is in present circumstances best calculated to achieve the aims which they have in view, namely, the unfettered exercise of their trusteeship for the native races and the satisfaction of the legitimate aspirations of other communities resident in the Colony.

His Majesty's Government cannot but regard the grant of responsible self-government as out of the question within any period of time which need not be taken into consideration. Nor, indeed, would they contemplate yet the possibility of substituting an unofficial majority in the Council for the Government official majority. Hasty action is to be strongly deprecated, and it will be necessary to see how matters develop, especially in regard to African representation, before proposals for so fundamental a change in the Constitution of the Colony can be entertained. Meanwhile, the administration of the Colony will follow the British traditions and principles which have been successful in other Colonies, and progress towards self-government must be left to take the lines which the passage of time and the growth of experience may indicate as being best for the country.

8 19
—

INDIANS IN KENYA, 1928

(The "Devonshire Declaration").

Primarily, Kenya is an African territory, and His Majesty's Government think it necessary definitely to record their considered opinion that the interests of the African natives must be paramount, and that if, and when, those interests and the interests of the immigrant races should conflict, the former should prevail. Obviously the interests of the other communities, European, Indian or Arab, must severally be safeguarded. Whatever the circumstances in which members of these communities have entered Kenya, there will be no drastic action or reversal of measures already introduced, such as may have been contemplated in some quarters, the result of which might be to destroy or impair the existing interests of those who have already settled in Kenya. But in the administration of Kenya His Majesty's Government regard themselves as exercising a trust on behalf of the African population, and they are unable to delegate or share this trust, the object of which may be defined as the protection and advancement of the natives races. It is not necessary to attempt to elaborate this position; the lines of development are as yet in certain directions undetermined, and many difficult problems arise which require time for their solution. But there can be no room for doubt that it is the mission of Great Britain to work continuously for the training and education of the Africans towards a higher intellectual moral and economic level than that which they had reached when the Crown assumed the responsibility for the administration of this territory. At present special consideration is being given to economic development in the native reserves, and within the limits imposed by the finances of the Colony all

that

COVENANT OF THE LEAGUE OF NATIONS.

ARTICLE 22 (extracts from)

To those colonies and territories, which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation, and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases, and of military training of the natives for other than police purposes

purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

ARTICLE 22. (extract from)

Subject to and in accordance with the provisions of international Conventions existing or hereafter to be agreed upon, the Members of the League -

- (a) Will endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations.
- (b) Undertake to secure just treatment of the native inhabitants of territories under their control.

6 22

CONVENTION OF SAINT-GERVAISE-EN-LAINE, 1919.

ARTICLE 10.

The Signatory Powers recognise the obligation to maintain in the regions subject to their jurisdiction an authority and police forces sufficient to ensure protection of persons and of property and, if necessary, freedom of trade and of transit.

ARTICLE 11.

The Signatory Powers exercising sovereign rights or authority in African territories will continue to watch over the preservation of the native populations and to supervise the improvement of the conditions of their moral and material well-being. They will, in particular, endeavour to secure the complete suppression of slavery in all its forms and of the slave trade by land and sea.

They will protect and favour, without distinction of nationality or of religion, the religious, scientific or charitable institutions and undertakings created and organised by the nationals of the other Signatory Powers and of States, Members of the League of Nations, which may adhere to the present Convention, which aim at leading the natives in the path of progress and civilisation. Scientific missions, their property and their collections, shall likewise be the objects of special solicitude.

Freedom of conscience and the free exercise of all forms of religion are expressly guaranteed to all nationals of the Signatory Powers and to those under the jurisdiction of States, Members of the League of Nations, which may

become

23

become parties to the present Convention. Similarly, missionaries shall have the right to enter into, and to travel and reside in, African territory with a view to prosecuting their calling.

The application of the provisions of the two preceding paragraphs shall be subject only to such restrictions as may be necessary for the maintenance of public security and order, or as may result from the enforcement of the constitutional law of any of the Powers exercising authority in African territories.

.

524

BRUSSELS GENERAL ACT, 1890.

Preamble.

(The Powers assembled).

Equally animated by the firm intention of putting an end to the crimes and devastations engendered by the Traffic in African Slaves, protecting effectively the aboriginal populations of Africa, and insuring for that vast continent the benefits of peace and civilisation.

Wishing to give a fresh sanction to the decisions already taken in the same sense and at different epochs by the Powers, to complete the results obtained by them, and to draw up a collection of measures guaranteeing the accomplishment of the work which is the object of their common solicitude;

ARTICLE I.

The Powers declare that the most effective means for counteracting the Slave Trade in the interior of Africa are the followings:-

1. Progressive organisation of the administrative, judicial, religious, and military services in the African territories placed under the sovereignty or protectorate of civilized nations.

2. The gradual establishment in the interior by the Powers to which the territories are subject of strongly occupied stations, in such a way as to make their protective or repressive action effectively felt in the territories devastated by slave-hunting.

3. The construction of roads, and in particular of railways, connecting the advanced stations with the coast, and permitting easy access to the inland waters, and to such

of the upper courses of the rivers and streams as are broken by rapids and cataracts, in view of substituting economical and rapid means of transport for the present means of carriage by men.

4. Establishment of steam-boats on the inland navigable waters and on the lakes, supported by fortified posts established on the banks.

5. Establishment of telegraphic lines, insuring the communication of the posts and stations with the coast and with the administrative centres.

6. Organisation of expeditions and flying columns, to keep up the communication of the stations with each other and with the coast, to support repressive action, and to insure the security of high roads.

7. Restriction of the importation of fire-arms, at least of modern pattern, and of ammunition throughout the entire extent of the territories infected by the Slave Trade.

ARTICLE II.

The stations, the inland cruisers organised by each Power in its waters, and the posts which serve as ports of register for them shall, independently of their principal task, which is to prevent the capture of slaves and intercept the routes of the Slave Trade, have the following subsidiary duties:-

1. To support and, if necessary, to serve as a refuge for the native populations, whether placed under the sovereignty or the protectorate of the State to which the station is subject, or independent, and temporarily for all other

other natives in case of imminent danger; to place the populations of the first of these categories in a position to co-operate for their own defence; to diminish inland wars between tribes by means of arbitration; to initiate them in agricultural works and in the industrial arts so as to increase their welfare; to raise them to civilization and bring about the extinction of barbarous customs, such as cannibalism and human sacrifices.

2. To give aid and protection to commercial undertakings; to watch over their legality by controlling especially contracts of service with natives, and to lead up to the foundation of permanent centres of cultivation and of commercial establishments.

3. To protect, without distinction of creed, the Missions which are already or are about to be established.

4. To provide for the sanitary service, and to grant hospitality and help to explorers and to all who take part in Africa in the work of repressing the Slave Trade.

47
27

BERLIN ACT, 1895.

ARTICLE 6. Provisions relative to Protection of the Natives, of Missionaries and Travellers, as well as relative to Religious Liberty.

All the Powers exercising sovereign rights or influence in the aforesaid territories bind themselves to watch over the preservation of the native tribes, and to care for the improvement of the conditions of their moral and material well-being, and to help in suppressing slavery, and especially the Slave Trade. They shall, without distinction of creed or nation, protect and favour all religious, scientific, or charitable institutions, and undertakings created and organised for the above ends, or which aim at instructing the natives and bringing home to them the blessings of civilisation.

Christian missionaries, scientists, and explorers, with their followers, property, and collections, shall likewise be the objects of special protection.

Freedom of conscience and religious toleration are expressly guaranteed to the natives, no less than to subjects and to foreigners. The free and public exercise of all forms of Divine worship, and the right to build edifices for religious purposes, and to organise religious Missions belonging to all creeds, shall not be limited or fettered in any way whatsoever.

ARTICLE 7. Declaration relative to the Slave Trade.

Seeing that trading in slaves is forbidden in conformity with the principles of international law as recognised by the Signatory Powers, and seeing also that

the operations, which, by sea or land, furnish slaves to trade, ought likewise to be regarded as forbidden, the Powers which do or shall exercise sovereign rights or influence in the territories forming the Conventional basin of the Congo, declare that these territories may not serve as a market or means of transit for the trade in slaves, of whatever race they may be. Each of the Powers binds itself to employ all the means at its disposal for putting an end to this trade and for punishing those who engage in it.

②

3
29

Extract from Hansard of 27th March, 1929.

EAST AFRICA (COMMISSION'S REPORT).

MR. GILLETT asked the Secretary of State for the Colonies whether he proposes to send to East Africa any Colonial Office official or other person to inquire into the questions arising out of the Report of the East Africa Commission; if so, whom he proposes to send and when; into what subjects the inquiries are to be made; and whether such person will have power to negotiate on his behalf as well as to make inquiries?

MR. AMERY: I hope to make a statement on this matter at the end of questions.

MR. J. H. THOMAS (by Private Notice) asked the Secretary of State for the Colonies what action is contemplated by the Government with regard to the recommendations of the Report of the recent Commission on Closer Union in East Africa (Cmd. 3234), and what machinery is proposed for giving effect to his undertaking that local opinion in East Africa will be consulted before any final commitments are entered into.

MR. AMERY: I propose to ask Sir Samuel Wilson, the Permanent Under Secretary of State at the Colonial Office, to proceed to East Africa as soon as possible in order to discuss the recommendations of the Hilton Young Commission for the closer union of Kenya, Tanganyika and Uganda, and such possible modifications of these proposals for effecting the object in view as may appear desirable, with the Governments concerned and also with any bodies or individuals representing the various interests and communities affected, with a view to seeing how far it may be possible to find a basis of general agreement. It will be his task to ascertain

ascertain on what lines a scheme for closer union would be administratively workable and otherwise acceptable, and to report the outcome of his consultations. His report obviously will not be available until after the General Election, but any proposals for action arising out of it will, in so far as the present Government are concerned, be submitted to Parliament before any final decision is taken.

MR. THOMAS: Do I gather that that answer means clearly that Sir Samuel Wilson will have no power to commit the Government in any way and that the one object of his mission is merely to ascertain local facts; and, further, is it clearly understood that the proposed residence of the High Commissioners is not to be a subject of his inquiry?

MR. AMERY: Sir Samuel Wilson will not commit the Government or Parliament in any way. His object is merely to ascertain, as I have already stated, on what terms closer union could be made workable and could be ^{made} acceptable. No particular question like that of the whereabouts of the capital is excluded from his consideration.

MR. THOMAS: The position then is clear, that, when the new Parliament reassembles, nothing arising out of Sir Samuel Wilson's mission will prejudice in any way the action of any Government called upon to deal with it, and that, before even the Government deals with it, Parliament will have an opportunity of considering it?

MR. AMERY: The liberty of action of any government is quite unfettered.

MR. SAKLATVALA: May I ask whether the present investigations will also cover the question of the franchise;

131
as to whether it should be a common franchise or a communal franchise?

MR. AMERY: That question may be brought to the notice of Sir Samuel Wilson, but the hon. Member is aware of the policy of His Majesty's Government on that matter.

MR. SAKLATVALA: Do I understand that if representations are made to Sir Samuel Wilson, he will also cover in his investigation local feeling with regard to the franchise?

MR. AMERY: Yes, local feeling in every community concerned, but a change of policy can only result from general agreement.

KENYA. (INDIANS)

MR. MILLS asked the Secretary of State for the Colonies whether he is in a position to make any statement with regard to the representations which have recently been made to him on certain matters affecting Indians in Kenya by the India Committee under the chairmanship of the hon. Member for Taunton (Mr. J. Hope Simpson)?

MR. THOMAS: I will take the subject in the order raised by the Committee:

(1) Immigration: My position is that if the danger ever arises of such an influx of immigrants of whatever class, race, nationality or character as may be likely to be prejudicial to the economic interests of the natives, I hold myself entirely free to take any action which may be necessary. The conflicting statistics which have been laid before me have not enabled me to reach a definite conclusion as to the extent of the net Indian immigration. Accordingly, steps will be taken to create a statistical department to obtain accurate information with regard to persons of all races arriving in or departing from Kenya. Meanwhile the Kenya Immigration Ordinance will not be enacted.

(2) Franchise: I have given careful consideration to the representations in favour of a common roll, but I am not prepared to resist the conclusion arrived at in Cmd. 1,922 of July, 1923, that in the special circumstances of Kenya, with four diverse communities each of which will ultimately require electoral representation, the communal system is the best way to secure the fair representation of each and all of these communities.

(3) Highlands: I consider that the Secretary of State for the Colonies has no alternative but to continue the pledges expressed or implied which have been given in the past, and I can hold out no hope of the policy in regard to agricultural land in the highlands being reconsidered.

(4) Lowlands: It was proposed to reserve an area in the lowlands for agricultural immigrants from India. The Committee made it plain that it is averse from any reservation of land for any immigrant race. Subject to that it suggested that before applications for land in the lowland areas are invited the opportunity should be taken of sending an officer, experienced in Indian settlement and agricultural methods, to report on the areas. At present any consideration of the matter is in suspense, pending the receipt from the Colony of reports from the native and agricultural points of view on the areas in question.

34
EXTRACT FROM "THE TIMES", SATURDAY JANUARY 28TH, 1922.

INDIANS IN EAST AFRICA.

Mr. Churchill on Equal Rights.

THE FEDERATION SCHEME.

Mr. Winston Churchill was the Chief guest last night at a Kenya Colony and Uganda dinner, held at the Hotel Victoria.

Lord Dewar, who presided, welcomed Mr. Churchill as Secretary for the Colonies and as one who had lent the weight of his ability to assist the Government in solving the problems of peace and reconstruction.

Mr. Churchill, in his speech, said he had found himself accused that morning of versatility by a noble lord of whose quotation he would only say, in words applied by Mr. Disraeli to the quotations of Sir Robert Peel, that they had previously gained the meed of Parliamentary approbation. (Laughter). He felt, however, that versatility was pardonable in a Colonial Secretary.

After referring to the success of the Kenya loan, Mr. Churchill continued:-

These are times when we feel a strong sense of sympathy with those Britons who have crossed the seas and in the midst of native populations are carrying on the pioneer work of the British Empire or endeavouring to sustain its position. It is curious that on the morrow of the greatest of our victories we should be confronted in some African and Asiatic countries for which we are responsible with so many evidences of unrest. One would almost think for a moment that our old power of guiding the fortunes and commanding the loyalties of native races was under an eclipse.

2

GOOD MANNERS OR FINE THEORIES.

There seems to be an impression that all the discontented elements in these countries have to do is to express a wish that the British should depart bag and baggage and that we should immediately comply. I think you will agree with me that it is high time that we made it clear that that is not the rule we are going to follow. (Cheers.) Do other countries follow that rule? I look around and see African and Asiatic territories administered by other great and friendly Allied Powers where these ideas are in no way countenanced. I see along the north African shore a series of great territories in the hands of European Powers, where no one for one moment suggests that discontented elements in the population have but to wave their hands and the European Protecting Power will immediately depart. Let me say it would be a great mistake to suppose that France, for instance, maintained her position in Algeria, Morocco, and Tunis simply by what is called a firm policy. There is a firm policy as there must necessarily be, but is it not also true ^{that} there is very great care taken intimately to understand the feelings and wishes of the native population, intimately to study their feelings, and that the French administrators and officials are accustomed to mingle with the population and associate with them in a way that our more aloof and stand-off British officials perhaps have latterly become unaccustomed to do?

At any rate it seems to me that we ought to ask ourselves whether good manners may not help us as much as fine theories; whether a careful understanding of the view of the native populations may not be just as helpful to the

maintenance

maintenance of good relations as the promulgation in the most magnificent language of the democratic principles of Europe. The democratic principles of Europe are by no means suited to the development of Asiatic and African people. There could be no worse way of dealing with native populations than to combine haughty manners with attempts at the logical application of principles and theories based on the needs and experience of Western democracy.

INDIANS IN KENYA.

I make these general remarks because they have a wider application than they have to the Kenya Colony. They lead up, however, to what I wish to say about the Colony. You have an Indian question there, which is a burning question. No doubt you know that we have laid down the principle that, so far as is practicable throughout the whole range of the British Empire, colour is not by itself to be a bar. We must ask you, who represent the interests of Kenya, to help us as much as you can in the general interests of the British Empire. The great Empire of India, with its enormous population, has entered as a partner in the British Empire, and we must be very careful not to shape the laws of the Empire in any one part in such a way as needlessly to inflict an invidious distinction upon those who may be held, in some way, to represent that enormous mass of subjects of the British Crown who are gathered in the land of Hindustan. Therefore I ask, as Secretary of State for the Colonies, that you, who are interested in East Africa, should try to take a broad Imperial view of the position of the Indians who are at the present time in the two countries of Kenya and Uganda.

Let me make one statement which will, I trust, limit the anxieties which are felt by the white population. I am now in communication with my friend Lord Delamere on the general question of what is to be done to regulate the position of Indians in East Africa. We consider we are pledged by undertakings given in the past to reserve the highlands of East Africa exclusively for European settlers and we do not intend to depart from that pledge. That must be taken as a matter that has been definitely settled in all future negotiations.

X

We wish to apply broadly and comprehensively and so far as is practical, Mr. Rhodes's principle of equal rights for all civilised men. That means that natives and Indians alike, who reach and conform to well-marked European standards, shall not be denied the fullest exercise and enjoyment of civic and political rights. The standard to be adopted is obviously a matter of the greatest importance, and is certainly a matter in which the European community have a right to be fully consulted.

We consider that the interests of British settlers and the native population alike require that all future immigration of Indians shall be strictly regulated, and that the same principle of equal rights and conditions for all civilised men shall rule in respect of immigration laws as in all others. We recognise that the laws relating to immigration and the administration of these laws more than almost any other matter must be a subject of the closest consultation between the official Government and the existing residents in the country. We do not contemplate any settlement or system which will prevent British East Africa, or Kenya, as it has now become known, becoming a characteristically and distinctively British Colony, looking forward

forward in full fruition of time to complete responsible self-government.

AN EAST AFRICAN FEDERATION.

There is one other question I will touch upon.

That is the scheme which has been in so many minds, to amalgamate the four countries of Kenya, Uganda, Tanganyika and Zanzibar. This would make a magnificent whole and there is no doubt that many of the problems - railway problems, financial problems, which present themselves today in each of these four countries, can be solved on a higher plane and with greater advantage if there were a united superior organisation for the whole of those regions. I have been directing my advisers to study this matter in detail, and if no action has yet been taken it is not that I have any doubt that this is the ultimate conclusion which we shall reach and reach in a few years. I have delayed action for one reason and one reason only, that we are going through bad times and that we cannot afford to discard the existing order at the present moment. We have just to hold on until times get better. I look forward undoubtedly to a day when a great East African Federation, almost an Empire, will be created, with a common energy and with massed and pooled credits and resources, by which ever member of that Federation would be benefited. I look forward to the day when such a Confederation will take its place in the Crown Colonies of the British Empire on equal terms with the great West African Colonies which are so prosperous and with which Sir Frederick Lugard, who is here tonight, has been so successfully associated.

Mr.

Mr. Churchill, in conclusion, wished all success to Uganda and the Kenya Colony in the coming years.

In the course of the evening Lord Dewar presented a cheque and an illuminated testimonial to Mr. D. G. Longworth, a pioneer in Uganda, and the founder of the Globetrotting newspaper there.