

EAST AFR. PROT

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REC'D
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PRINTED FOR PARLIAMENTS

Native Labour

1919

Enclosed memorandum rec'd from
Bishops East & Uganda & others on
press of problem of Native Labour
especially as regards Compulsory Labour.

With Mr. Stanley [unclear] [unclear] [unclear]

Mr. Stanley handed to you
the original of this to see.

These had copies made
for record as they will be

needed in connection
with compulsory labour
for [unclear] [unclear]

Yours truly

Very truly yours
[unclear] [unclear] [unclear]
attached a copy of [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear]

Unprinted Paper

15/10/19

memo attached.

Oct 15, 1929

122

15, 211

Ch. Jones

Agon moderate +

Stimulate ... Couper ...

to ...

S.A.P.A. Healdick G.P.H. L.W.
NATIVE LABOUR IN EAST AFRICA. 28/1/20

784

Much correspondence has been provoked by a Circular issued last autumn by the Chief Native Commissioner of the East Africa Protectorate with the approval and indeed the inspiration of the Governor. A copy of the Circular together with the Governor's covering memorandum is annexed. It has not been received officially from the Protectorate but we have asked for it and for the Acting Governor's views.

The Governor's case is not so much that it is essential for European interests that a reasonable native supply of labour should be available, but that the African native will deteriorate hopelessly unless he is employed. On this point he has the support of the local Bishops and leading Missionaries, whose only objection to the Circular is that it operates through the Native Chief of each man, who is expected to induce his men to go out to work. The Bishops, whose views are attached, are in favour of compulsion for Government work, but they would leave the provision of labour for private employers entirely untrammelled.

The agitation on this side which has been active in the House of Commons, dwells on the description of the Circular as amounting to forced labour. This amounts to giving the description a hard name and then condemning it. If the policy of the Government is to stimulate industries among the natives it must take some active steps. If the District Officer gives the local Chief the impression that he does not care whether the young men work or not the native Chief will have this as his cue and will do nothing. If, on the other hand, the local Administrative Officer is keen on

impressing

Impressing the Chief that the young men ought to work, the men will certainly be forthcoming, unless the Chief is himself slack in his regard for the wishes of the Government.

It is on this point, i.e. impressing on native Chiefs that the Government's view of their work will be gauged by their activity in inducing their men to work, that the Circular is generally criticised. But there is a great difference between this and any definite system of forced labour for ordinary purposes.

There is, as a matter of fact, little that is new in the Circular. For many years there have been a number of Administrative officers who have taken a keen interest in inducing industry in the natives under their charge. The local officers of the Districts have also been the most active officers who have taken an interest in this matter, and whose activity has not only been satisfactorily affected the native population.

The inclusion of work by women and children in the Circular has been seized upon here. This work is of the lightest possible description, consisting of picking coffee, etc. as a regular way of earning a little money. It is a good thing, whatever it may be.

The system of compulsory service for Government, which has already been introduced in a mild form, natives being required to put in a certain number of days' work required in the course of the year in which they reside.

Sir Edward Northey's views are set out in the letter of the 26th of March of which a copy is attached.

13 Cantfield Rd, S.W.7.

20/2/20

CPY
PRIVATE

Dear Sir Edward

An attack is being organised in the House
 on your Native Labour Ordinances and is being
 planned by the Associations at Alexander House,
 Vauxhall Bridge Road (about 100 yds. from your house).
 Lord Henry Cavendish Bentinck and Mr. Koffen are asking
 the first question and the attack is based, presumably
 on the points in the underlined sentences which one
 of the supporters of the Company gave me to-night
 knowing that I represent the U.A.S. I do, but I
 am not sympathetic to this campaign and you ought to
 know about it. Would you mind returning the leaflet
 when you have finished with it.

Very faithfully, etc.

JAMES WATNEY.

A very significant memorandum of policy in regard to native labour was published in the East African Standard of November 1st, last, which was described by the Governor, Sir Edward Northey, as "shortly embodying (his) views as to native administrative policy and labour, with a copy of circular which Mr. Ainsworth is issuing to administration officers."

POLICE

CIVIL ADMINISTRATION

There should be a Native Affairs Department with a Chief Commissioner responsible direct to the Governor to carry out the policy of the Government. The purely native areas should be divided into provinces or districts whose administrative officers receive the orders of the Governor through the Chief Native Commissioner.

The native provinces should be Nyasa, Kikuyu, Transvaal, and Swaziland, under which Tanganyika would form a separate district. The Suk-Kwasio-Sijoyo-Karakwet areas and the Masai should each be placed into a separate native district. The districts which are known as the European settled areas should be administered as European settlements under Colonial Magistrates. The administrative structure of the Transvaal should be similar to that of the other districts. The military force should be organized into a separate military force.

NATIVE POLICE

As regards native police, it is recommended that

the first place that no hard and fast rules can be laid down as applicable to each and every tribe. We can only lay down a general policy allowing for elasticity to suit the various conditions of tribes. Our ideal must be to combine the progress and progress of the Protectorate with the welfare of the natives. The policy must be uniform. The best possible education must exist, and the paramount and subject races. We must make the natives useful to the country, playing a large part in the development of the country; this has been the aim of the Protectorate since its inception.

We must give the natives accessible education, especially technical, industrial and agricultural. The Government and the same should be the schools for education; Government should encourage the assistance of the well-organized missions. Co-operation between the Government and missions is also essential in medical matters, our policy being directed towards keeping the native population healthy. The pastoral tribes, as apart from the agricultural, must be taught to make the best use of their land and cattle, so that their surplus will be not only a useful asset to themselves, but a source of revenue for the Government, instead of being squandered on the liquor trade.

In regard to native labor, we are the only ones who require it. But native labor is required for the proper development of the country, and

secondly that we must educate the native to come out of his reserve and work, for his own sake, because nothing can be worse for the young native than to remain, according to his inclination, idle in the reserve. Those that do so are likely to become vicious and effete.

In the old days the native was constantly on the warpath and led a healthy life of outdoor activity; nowadays, unless he works, he has no compensation for the loss of the exciting raids and fights of those old days. For the good of the country and for his own welfare he must be brought out to work. We should firmly encourage voluntary work; this should come about by creating wants and making the native see the advantage of earning money; as he becomes more civilised, he will learn to live and clothe himself better, and seeing the power of money will want to earn it; but he learns this slowly, and must be helped. Some such legislation as was recently brought into the Uganda Protectorate, whereby natives can be called out for urgent public work may be found necessary in this Protectorate.

From some recent plenty of good voluntary labour has been and is far exceeding; let this be chiefly to private plantations and farms. Work on large Government enterprises such as railways and roads is popular; for this Government should, I believe, have the power to call out the idlers. I believe there should be some increase of tax on young and idlers and if this policy, then, I believe, should be to encourage voluntary work in the first place, and to

provide power by legislation to prevent idleness. 789

Having got the native to work we must see that he is properly looked after by initial medical examination and subsequent care; by proper feeding and housing, and by the provision of reasonable comfort when travelling by rail or water; that decent accommodation on the trains, rest camps, and main roads, and lodgings in country towns should be guaranteed in case of emergencies; that employed general conservation of health, and prevention of employment of immature youths on work likely to be injurious to their future physical development.

On the other hand we must assist and protect employers by a system of registration of natives universally, applied as early as possible. Subsequently, a central bureau should assist us in the maintenance and distribution of labour.

October 1st 1913.

NATIVE LABOUR REQUIRED FOR NON-NATIVE FARMS AND OTHER PRIVATE UNDERTAKINGS.

There appears to be still considerable shortage of labour in certain areas and the Government wish of the Government that they should do so. His Excellency desires once again to bring the matter to the notice of Provincial and District Councils and at the same time to state that he sincerely hopes that by insistent advocacy of the Government's wishes in this connection an increasing supply of labour will result.

2. His Excellency trusts that those officers who are in charge of what is termed labour supplying districts are doing what they can to induce an augmentation of the supply of labour for the various farms and plantations in the Protectorate, and he feels assured that all officers will agree with him that the larger and more continuous the flow of labour from the reserves the more satisfactory will be the relations as between the native people and the settlers and between the latter and the Government.

3. The necessity for an increased supply of labour cannot be brought too frequently before the various native authorities, nor can they be too often reminded that it is in their own interests to see that their young men become wage earners and do not remain idle for the greater part of the year. They should be informed that the Government is now taking steps to keep all native labourers while out of their reserves under supervision, and the conditions of camps, etc., regularly inspected.

4. In continuation of previous communications on this very important subject, His Excellency desires to reiterate

reiterate certain of his wishes and to add further instructions as follows:-

1. All Government officials in charge of native areas must exercise every possible lawful influence to induce able-bodied male natives to go into the labour field. Where farms are situated in the vicinity of a native area, women and children should be encouraged to go out for such labour as they can perform.

2. Native chiefs and elders must at all times render all possible ^{lawful} assistance on the fore-going lines. They should be repeatedly reminded that it is part of their duty to advise and encourage all unemployed young men in the areas under their jurisdiction to go out and seek employment. They should be encouraged to visit plantations where their people are employed.

3. District Commissioners will keep a record of the names of those chiefs and head-men who are helpful and of those who are not helpful and will make reports to His Excellency from time to time for the information of His Excellency. The nature of these reports will be commensurate to the chiefs. In cases where there is evidence that any Government head-man is unresponsive to His Excellency's wishes, such fact should be reported to me for His Excellency's information together with any recommendations you may desire to make.

4. District Commissioners will, as often as the occasion requires, hold public meetings at convenient centres to be attended by the native authorities. At these meetings labour requirements, places at which labour is offered, nature of work and rates of pay must be explained. District Commissioners will invite employers or their agents to attend such meetings.

5. Employers or their agents requiring native labour

labour will be invited and encouraged to enter freely any native reserve and there get in touch with the chiefs head-men, and natives.

5. Requirements of native labour for Government Departments should be met as far as possible from the more remote areas which do not at present supply an appreciable number of men for labour on plantations.

6. His Excellency instructs me to state that constant endeavours will be made by this Government to obtain native labour from adjacent conquered territory in order that the supply of native labour in this country may be augmented. The native authorities might be informed of this and it be pointed out to them that should any considerable number of natives be so introduced into this country it will probably mean less money going into our native districts.

7. It is hoped that the recent Native Ordinance 1916, and the Natives Registration Ordinance 1915, will soon become operative. The provisions of these Ordinances should help to ameliorate the position.

8. Should the labour difficulties continue it may be necessary to try in other and special measures to meet the case. It is hoped, however, that the steps on the foregoing lines will have appreciable effect.

CHIEF NATIVE COMMISSIONER

Copy.

C.O.
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Recd
Dec 12 1919

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Bishopsbourne,

Nairobi, E.E.A.

November 1st 1919.

Dear Sir Edward Northey,

I enclose a memorandum drawn up by the Bishop of Uganda, Mr J.W. Arthur, Canon Burns and Rogers, and myself in consultation, relating to the present position of the Native Labour question in E.E.A., especially in view of the circular of the Chief Native Commissioner which appeared in the local press of October 27th. I must apologise for the numerous corrections which appear in the copy I send, but we were unable to get the typeset this afternoon, and it was impossible to get it retyped before 10 o'clock, and as you are leaving for Nairobi, I feel you would prefer to have a rough copy at all rather than wait for a better copy, especially as Stanley W. M. and I have both leave for Mombasa on Monday, before 11 o'clock, and I am nevertheless

As the matter has been already publicly ventilated we propose to send your memorandum to the local press, as we would like to have this copy beforehand.

According to your suggestion I am complying with you in supplying with this important and difficult problem.

(Signed) ...

W. H. ... (General)
 Sir Edward Northey, K.C., M.P., ...
 Nairobi.

NAIVE-LABOUR.

A recent memorandum, from the Chief Native Commissioner, published in the East African papers, October 27, 1910, gives rise to serious thought.

With the main purpose of their memorandum, the prevention of idleness, and the meeting, by all legitimate means, of the demand for necessary labour, we are in entire accord. Labour must be forthcoming if the country is to be developed as it should.

2. There are, however, certain features in the memorandum, which seem to us to be open to grave objection.

"Forced Labour" - like Slavery - is an ugly term, and suggests a great deal more than it necessarily involves. "Compulsory Labour" has a less repugnant sound to British ears - but even this term - causes suspicion, and is therefore generally avoided. It is carefully avoided throughout this memorandum. But while the term nowhere finds a place, how far the thing is suggested is certainly open to question.

3. The Government is up against an undoubted difficulty. On the one hand the country has been thrown open to settlers. They have poured in, are pouring in, and will pour in in increasing numbers. Every one of these settlers is a potential employer of labour, many of them on a large scale: all of

them

them depend, for their very existence as farmers, on native labour. On the other hand there is the native population, a large but limited source of supply, living in their own Native Reserves, hardly as yet accustomed to travel outside in search of employment.

4. Hitherto the Government has stood between the natives and its proper role of Governor of both, has granted facilities to employers of labour to recruit, but has steadily refused to compel natives to work for the private benefit of European settlers.

5. Where difficulty has become acute, increasing pressure is being brought to bear upon the Government to induce it to reconsider its native policy, and use its influence in inducing the native population to meet the demand of the labour market.

6. In the present Memorandum technically no "Compulsion" is to be exercised, but "It is the wish of the Government that natives should come out into the labour field." In the native mind a hint and an order on the part of the Government are indistinguishable, particularly when the official hierarchy calls upon the Administrative Officials, Provincial Commissioners, and District Commissioners to exercise "an insistent advocacy of the Government's wishes in this connection." No District Commissioner can mistake the significance of these terms.

7. If any doubt should remain, the "wishes" of para. 1, have, in para. 4, developed into definite "instructions"

"instructions" - "All permanent officials in charge of native areas must exercise every possible lawful influence to induce the natives to go into the labour field. Some of the natives in a quarter, some of the natives in a quarter, must be unquestionably induced to go into the labour field."

But if the work of thus influencing potential labour is now confined to British Officials, little harm might be done. It is when the further step is taken, and native chiefs are charged with the business of recruiting labour, that the door is flung wide open to almost any abuse. In the words of the memorandum, "The necessary for an increased supply of labour cannot be brought to the attention of the various native authorities". It says, "Native chiefs and elders must at all times render every possible lawful assistance on the recruitment of labour. They should be reminded that it is their duty to induce the natives to go into the labour field and work as plantation." The italics throughout are our own; but no one who knows anything of native life can have a moment's doubt as to what will be the effect on a native chief who is told by his District Officer that he must do a certain thing, and that it is very of his duty as a chief to do it. The words "advise" and "encourage" will, in such circumstances, require a very sinister meaning. The advice given and the encouragement afforded by the native chiefs, will take a very practical form.

...the fact should be reported to me for His Excellency's consideration, together with my recommendation as to what should be done. It would be a bold chief, who in the face of the foregoing, refused to carry out the Government's "wishes" in such matters. The suggestion as to "my recommendation" is that the District Commissioner may desire to make in the case of any prominent chief suggests that the manner in which he would may into the labour market is to be the result of the efficiency or inefficiency of a chief. We confess we do not like this.

10. Nor does the memorandum confine itself to ...-headed ... The farms are situated in the vicinity of ... area, and the children should be ... for ... as their own parents. All farms ... the instructions issued by the Government to its officials. Such instructions cannot be ... a circular, issued by the District

Commissioner

Commissioner Kyambu, 17th October, 1919, shows that his anxiety is only too well formed. The circular reads as follows: "As I understand that a considerable amount of additional labour will shortly be required to get into the coffee crop, and as in view of this "I intend to arrange for a temporary supply of child labour from the Reserves, I shall be glad if the coffee growers who may like to employ these children will write me some reason, stating the number required, the time for which they may be most needed." Against such temporary employment of such children as voluntarily go to the plantations, to help in the picking of coffee, we have not a word to say, but we may fairly ask whether it is the business of the district officer to arrange for such supply of child labour, what will be the effect on native education of such action, and what actual steps would be taken by the district officer or by the native authorities to secure the services of these children.

11. With regard to the whole memorandum there are certain observations which should be made.

It introduces compulsory labour. Whether this is a good thing or a bad thing, we are not now concerned to say. We confine ourselves for the moment to the fact. Labour may be made compulsory in one of three ways: by force of circumstances, as in civilized countries: by law, as with ourselves during the war; or by official pressure, which stops short of actual command, but aims at securing the identical results. Without the sanction of definite

...the enactment. No native Chief, who is told that it is the wish of the Government that he should find labour - who has the matter insistently brought before him, who is reminded that this is part of his official duty, and who is periodically reported as one who is helpful or not helpful to the Government in this regard, can or will resist the Government's will, to have his powers of control over his people to go out to work. Technically, there is no compulsion; practically, compulsion could hardly take a stronger form.

12. The memorandum apparently assumes that the choice lies between useful work done for the European, and idleness in the Reserves. No one who has lived in a native Reserve will deny that there are days or months of practical idleness; but no one who has lived in a Reserve, and had the opportunity of closely watching native life, but will realise that the native has also his months of strenuous work, cultivating and planting, harvesting, building, etc. The native has also his home, his crops, and his plans for development. The demands on his time may not be constant, but they are insistent. To leave his own plantation, perhaps at a critical time, for the benefit of some one else's plantation; to leave his house unwatched, his crops unreeped, his wife unguarded perhaps for months at a time, in return for cash which he does not want, on the "advice" of his Chief which he dare not disregard - is not a prospect calculated to inspire loyalty to the Government from whom the

advice

advise emanates. That Government must needs, in fairness, look at the native as well as at the European side of the question. No measure can be justified which involves, or may involve, injustice to the individual. It is earnestly to be hoped that the economic development of the native areas of the Protectorate...

13. The desirability of encouraging women and children to labour, leading to the meaning that will inevitably be read into the word "encourage", appears to us a dangerous policy. The children below a certain age, should be at home or at school. The women must work at home the plantation, the supply of the daily food, the cooking the care of the children and of the home, depend upon the mothers, and wives. To "encourage", as a native headman with the fear of dismissal behind him, would "encourage" women and girls to go out from their homes into neighbouring plantations, would be to countenance physical and moral. Whatever labour legislation is introduced for women and children...

14. No doubt... to the tenting, but as to the practical effect of this memorandum.

...when we have said this, we recognize that... this memorandum is good, and indeed necessary. Compulsory labour is not in itself an evil, and we would favour some of compulsion, at any rate for work of national importance and provided...

that

that -

(a) It is frankly recognized as compulsion, and legitimized as such, not veiled under such terms as advice, wishes, encouragement. The native understands a definite order; he does not understand Government wishes as distinct from command.

(b) It is confined to able bodied men, for in no case could it be tolerated that employers should indent for the labour of women and children. Certainly no British law will sanction this.

(c) The work is done under proper conditions, guaranteed by the Government. It is clearly the government intention to be so informed that the Government is taking steps to keep all native labourers out of their reserves, under supervision and provision of camps etc. "Naturally expected," and "other," native chiefs are encouraged to visit plantations where their people are employed.

(d) It is not the work of settlers, but of the Government, for labour, and on the part of the Government, with inspection of conditions. The Government will see that the work is done at the best of the labourer's interest. The time of employ on plantations is limited. A man will not have full share of work on the plantation, and be free from the further pressure of the Government, always for the willing hands to be used, and the best to be free. We will suggest a maximum period of compulsory service of three years.

Compulsory labour may be regarded as taxation paid in the form not of cash but of labour; and it would be all the more followed the same general lines. Taxation in the form of cash is legally imposed, and is often fixed and known amount, paid evenly on all, and when the amount has been paid in full the man who has paid it is free. It would be disastrous were the Government, in need of money, and in the absence of legal sanction, to attempt to induce the native chiefs to supply the deficiency by "encouraging" their people to contribute, with the knowledge that such chief would be reported on, favourably or unfavourably, according to the amount of money he had succeeded in collecting, and a policy would make native life an intolerable burden. A known and fixed obligation is understood, and it is as necessary in questions of labour as in questions of cash. Each able bodied man should have definite and definite extent of his liability in the State, and when that has been discharged he should be free to attend to his own affairs.

(e) Compulsion be started uniformly and the willing tribes, to the Kingdoms of Likiep, be not pressed, and the unwilling, as the Nasse be excluded. That the working of the law be those who are connected with the State, be not sent to the Government, and their obligations to the chief retained. Nothing short of a complete system, checked and checked by the chief of each district, reported to the Government, will prevent this.

(f) The

(f) The labourer be free to choose his sphere of service, or at least that no man be compelled to work for any European or Indian employer who has proved himself incapable of managing native labour.

(g) Reasonable exemptions be allowed. All in regular employment, such as headmen, teachers, shop assistants, Hausa boys etc. should be exempt, and all whose work, while done for private gain, is of national economic importance. In this respect it must be remembered that an increasing number of Africans as well as Europeans are interested in the commercial development of the country.

(h) As far as possible compulsory labour be used for Government work, leaving voluntary labour available for work on private estates. This policy is foreshadowed in the Memorandum.

15. With these provisions we would favour compulsory labour, as long as it is clearly a necessity. But we feel that the memorandum, as it at present stands, is liable to grave abuse, and places the Administrative officers working in the Reserves, to whom the welfare of the people under their care is a primary consideration, in a very difficult position.

In any case it will be necessary to watch carefully the actual working of the present policy, and to see that compulsion, so long as it is practically necessary, shall be limited to a minimum of hardship.

16. We realise the difficulty in which both

the Government and the settlers are placed. We have no wish to add to that difficulty. We do not believe that there is the least intention, on either side, of exploiting natives for private ends. But experience has shown that it is highly dangerous to place in the hands of Native Chiefs and headmen vague and undefined powers and still more dangerous to expose to these powers not only men but women and children:

17. Any form of compulsory service is certain to be intensely unpopular with the natives. There is no more fruitful source of native discontent in any country than the force. As a form however, of compulsory service we believe, in present conditions, to be a necessity. It remains to find the best form in which the compulsion may be exercised. We believe that the straightest road is the best and that the work will be best done directly, by Europeans, rather than indirectly through the native headmen and finally, by definite enactment, under which each man knows his obligations and their limits rather than by incessant appeals and demands which leave the natives in a state of bewildered imitation, and will, we believe fail to reach the desired end.

SUMMARY

We believe that ideally all labour should be voluntary. We recognise that, at present, this is impossible, and that some form of pressure must be exerted if an adequate supply of labour, necessary for the development of the country, is to be secured.

We are convinced that the present proposal for securing labour, which is short of definite enactment, but put large, undefined powers in the hands of native chiefs, will lead to very unsatisfactory results, and that these powers will inevitably be abused.

We are strongly of the opinion that compulsory labour, so far as it is clearly necessary, should be definitely legalized. Such a legal obligation would, from the native point of view be more satisfactory than indirect pressure brought to bear through native chiefs.

It should be applied to able bodied men. No Government pressure should be brought to bear on women and children. When the work of plantations it should be of their own accord.

All compulsory labour should be done under proper regulations, and subject to the oversight and secured by regular inspection and visitation.

The labour obligation of each man should be clearly defined, and the man be free on the completion of his time to follow his own business.

Such work should be exacted uniformly, from each tribe, and each individual man in the tribe.

tribe.

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6. Each man should be free to choose his own employer, none being forced to any particular plan against his will.

7. Reasonable exceptions should be allowed; of all these in permanent employment, as well as in work of seasonal nature.

The Mission has a long and excellent general policy, as expressed in his recent recommendations, and reasonable in his labour proposals, the earnest effort to meet by all possible constitutional means a great and pressing need. Nevertheless, that is placed far too great a power in the hands of a few individuals, and we therefore desire to see it modified in the lines above suggested.

Signed: J. G. SIMON
Chairman of Scotland Mission

NATIVE LABOUR.

77, PARLIAMENT SQUARE,
WESTMINSTER, S.W.

22nd March 1920

Sir,

I have the honour to acknowledge receipt of your Letter No. 12040/1920 of the 17th instant enclosing copy of letter from the Aborigines Protection Society, with regard to Native Labour in the East African Protectorate.

I should be very glad to meet representatives of the Society at any convenient time, in fact, I should welcome an opportunity of explaining to them exactly what the Policy of the Protectorate Government is, and what is being done, in connection with Native Labour.

3. I will now take the points brought forward by the Society in detail.

(a) The Society, quotes former Secretaries of State - "That labour secured by force for private profit amounts to Slavery" - etc. Not only is the word "force" nowhere used in the Circular complained of but as a safeguard, the express qualification "lawful" was inserted. Force is unlawful and directly contrary to the Government's policy with regard to labour for private concerns.

(b) Chiefs are instructed to cooperate in inducing natives to lead a life of industry. It is only those Headmen who prove unresponsive to the wishes of the Government who are to be reported to the Government servants and must carry out the Government's orders.

3. (c) I cannot understand why the Committee of the Society should demand with special urgency any facilities given to employers to get into touch with labour; on the contrary, I consider that it is a great advantage to

PHOTOGRAPHED BY THE
C.O.
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COPY OF THIS DOCUMENT IS TO BE
RETURNED TO THE
OFFICE OF THE
C.O. OFFICE, LONDON.

to both employers and possible employees and they should be brought together in every convenient way; nature of work, wages, food, situation of place of employment, and all such details can be explained and discussed before engagements are entered into; this is greatly to the native's benefit, and much better than the customary system of engagement through paid recruiters.

(d) I have seen no objection to natives of the mandated Tanganyika Territory working in the neighbouring British Protectorates: there are about seven million splendid natives in the mandated country, lately German East Africa, many of them accustomed and ever anxious to work for Europeans. At present the Policy of the Officer administering that Territory is not to allow recruiting of labour for work in the contiguous Protectorates, but I would suggest that this policy be modified.

(e) The whole matter is one of Imperial Policy in the British Empire which includes these Territories on proper lines. It is the policy of the Government to encourage white settlement in the Protectorates and raw materials East Africa. It is not white settlement was a waste of time and money. It is a futile unless we do all that we can to open the native to the labour market and to give him work; his work under good European supervision, and with proper training, is many times more productive than if he is left to his own methods, and he improves physically and mentally; very quickly, with regard to the exercise; left to his own resources he does little. He makes his women and children do a little. He does a little effort in turning up the rich soil, grows a few crops with sufficient food, left alone, the majority of a million in the native Reserves live a miserable life of idleness, drunkenness and vice, encouraged and taught to

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work, he soon sees the advantage of earning money. 809
lives better, becomes more intelligent, and dresses
himself more decently.

For the good of the Empire which requires our
raw materials - for the good of the Protectorate which
must advance along progressive lines, and for the good
of the natives whom we protect, I am convinced that
we must do all that is justly and legally possible to
encourage and induce the idle native to come out and work.

3. (d) The Society particularly criticise our
suggestions as to the encouragement of women and children
to work, but the methods of such employment and the
intention of the circular in this respect are not under-
stood. It is urged "that where farms are situated
"in the vicinity of a native area, women and children
"should be encouraged to go out for such labour as they
"can perform".

This labour, in almost every case means coffee
picking, paid by results of piece work popular among
the women, who earn good wages by light work in the
morning or afternoon, which does not take them away for
many hours from their adjacent homes.

There can be no more objection to it than
there is to the encouragement of English women and
children to go hop-picking - indeed, here - for the
"ikuyu" women, or who ever the natives may be -
large parties of women and children, and beyond the
farm manager or overseer, they are not mixed up with a
lot of strange men, and have no temptation to immodesty
they return home at night.

4. In conclusion. - When I took over the Govern-
ment of the Protectorate there was no declared Native
Policy; the status of The Chief Native Commissioner,
and the precise duties of his Department lacked defini-
tion. After nine months of careful study I

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with Mr. John Ainsworth, I propounded a Policy, the publication of which has met with universal acclamation from Civil Servant and Settler alike, and, except in one respect, the approval of the leading Missionaries. My declaration of Policy should be read with the Circular signed by Mr. Ainsworth: they were published together and I take full responsibility for them. The sole tone and intention of the Circular is to ensure abundance of labour for the people who are not able to do the work on their own. They cannot appreciate the situation and see it, but are ever ready to rush in and do it.

So far from advocating a method by which natives are to be forced to work for unpopular employers in a state of semi-slavery, I intend to induce the natives for his own advancement to work for a fair wage, where he likes, instead of idling. There is no idea of inducing particular natives to work for particular masters unless they wish to. The employer must reap his ways before he can hope to get, much less keep, Labour.

The Bishop and the Missionaries published a letter or memorandum, which was intended to follow with the main purposes of the memorandum, the prevention of idleness and the getting by all legitimate means of the demand for necessary labour. It was an entire accord: Labour must be forthcoming if the country is to be developed as it should be. This letter went on to object to the use of chiefs as a means of inducing Natives to work, on the ground that chiefs might use their powers unfairly. I am fully alive to the possibility of chiefs and Healers abusing their powers if proper supervision is not exercised. All possible steps are being taken by Administrative Officers to ensure that individual natives are not victimised by arbitrary or illegal action on the part of the chiefs.

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...power of the Courts of British Guiana, and would not hesitate to appeal to them, if aggrieved, with the ready assistance of firms of European Solicitors. Abuse of authority will thus quickly come to light.

I have, etc

(Sgd) Edward Northey,
Governor, F.A.P.

Under Secretary of State for the Colonies
Downing Street, S.W.1.

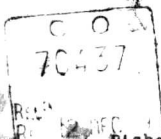
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Bishopsbourne,

Nairobi, B.E.A.

November 1st 1919.

Dear Sir Edward Northey,

I enclose a memorandum drawn up by the Bishop of Uganda, Dr J.W. Arthur, Canons Burns and Rogers, and myself in consultation, relating to the present position of the Native Labour question in B.E.A., especially in view of the circular of the Chief Native Commissioner which appeared in the local press on October 27th. I must apologise for the numerous corrections which appear in the one I send, but we only got it from the typist this afternoon, and it is impossible to get it retyped before Monday, and as you are leaving so soon we feel you would prefer to have this corrected copy at once rather than wait for a fair copy, especially as Bishop Willis and myself both leave for Mombasa on Monday, he for England and I for Darassalam.

As the matter has been already publicly ventilated we propose to send copies of this memorandum to the local press and we wish you to have this copy returned.

Assuring you of our fullest sympathy and interest in everything with this important and difficult problem.

I am, etc.,

(Signed) K.S. MOMBASA

H.F. Major-General

Sir Edward Northey, K.C.M.G., C.B.,

Nairobi.

A recent memorandum, from the Chief Native Commissioner, published in the East African papers, October 27, 1919, gives rise to serious thought.

With the main purpose of that memorandum, the prevention of idleness, and the meeting, by all legitimate means, of the demand for necessary labour, we are in entire accord. Labour must be forthcoming if the country is to be developed as it should.

2. There are, however, certain features in the memorandum, which seem to us to be open to grave objection.

"Forced Labour" - like Slavery - is an ugly term, and suggests a great deal more than it necessarily involves. "Compulsory Labour" has a less repugnant sound to British ears; but even this term rouses suspicion, and is therefore generally avoided. It is carefully avoided throughout this memorandum. But while the term nowhere finds a place, how far the thing is suggested is certainly open to question.

The Government is up against an undoubted difficulty. On the one hand the country has been thrown open to settlers. They have poured in, are pouring in, and will pour in in increasing numbers. Every one of these settlers is a potential employer of labour, many of them on a large scale: all of them

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them depend, for their very existence as farmers, on native labour. On the other hand there is the native population, a large but limited source of supply, living in their own Native Reserves, hardly as yet accustomed to travel outside in search of employment.

4. Hitherto the Government has stood between the two, in its proper role of arbiter of both, has granted facilities to employers of labour to recruit, but has steadily refused to compel natives to work for the private benefit of European settlers.

5. The difficulty has become acute, increasing pressure is being brought to bear upon the Government to induce it to reconsider its native policy, and use its influence in inducing the native population to meet the demand of the labour market.

6. In the present Memorandum technically no "Compulsion" is to be exercised, but "It is the wish of the Government that natives should come out into the labour field." To the native mind a hint and an order on the part of the Government are indistinguishable, particularly when the Governor himself calls upon the Administrative Officials, Provincial Commissioners, and District Commissioners, to exercise "an insistent advocacy of the Government's wishes in this connection." A District Commissioner can strike the significance of these terms.

7. If any doubt should remain, the "wishes" of para. 1, have, in para. 4, developed into definite

"instructions"

"Instructions" - "All permanent officials in charge of native areas must exercise every possible lawful influence to induce able bodied male natives to go into the labour field." Such influence, from such a quarter, acting on a primitive people, will unquestionably induce natives to go into the labour field.

But the influence thus influencing potential labourers were confined to British Officials, little harm might be done. It is when the further step is taken, and native chiefs are charged with the business of recruiting labour, that the door is flung wide open to almost any abuse. In the words of the memorandum, "The necessity for an increased supply of labour cannot be brought too frequently before the various native authorities". Again, "Native Chiefs and elders must at all times render all possible lawful assistance on the foregoing lines. They should be reminded that it is part of their duty to advise and encourage all unemployed young men in the areas under their jurisdiction to go out and work on plantations." The italics throughout are our own: but no one who knows anything of native life can have a moment's doubt as to what will be the effect on a native chief who is told by his District Officer that he must do a certain thing, and that it is part of his duty as a chief to do it. The words "advise" and "encourage" will, in such circumstances, acquire a very sinister meaning. The advice given and the encouragement afforded by the native chiefs, will take a very practical form.

9. If any chief should show any reluctance to carry out his instructions, he too is to be induced, in a very practical way, to take action. "District Commissioners will keep a record of the names of those chiefs and headmen who are helpful, and of those who are not helpful and will make report to me (the Chief Native Commissioner) from time to time, for the information of His Excellency. The nature of those reports will be communicated to the chiefs. In cases where there is evidence that any Government headman is impervious to His Excellency's wishes, the fact should be reported to me for His Excellency's information, together with any recommendation he may desire to make. "He would be a bold chief, who, in the face of the foregoing, refused to carry out the Government's "wishes" in this matter. The suggestion as to "any recommendation" the District Commissioner may desire to make in the case of any recalcitrant chief suggests that the capacity to send men into the labour market is to be the test of the efficiency or inefficiency of a chief. We confess we do not like this.

10. Nor does the memorandum confine itself to able-bodied men. "When farms are situated in the vicinity of a native area, women and children should be encouraged to go out for such labour as they can perform." This forms part of the instructions issued by the Government to its officials. Such instructions cannot but give rise to anxiety.

A circular, issued by the District Commissioner

Commissioner Kwambu, 17th October, 1919, shows that his anxiety is only too well formed. The circular reads as follows: "As I understand that a considerable amount of additional labour will shortly be required to get down the coffee crop, and in view of this I intend to draw for a temporary supply of child labour from the reserves, I shall be glad if any coffee growers who may like to employ these children will write his name hereon, stating the number required, the time for which they may be most needed." Against such temporary employment of such children as voluntarily go to the plantations to help in the picking of coffee, we have not a word to say, but we may fairly ask whether it is the business of the district officer to arrange for such supply of child labour, what will be the effect on native education of such action, and what actual steps would be taken by the district officer or by the native authorities to secure the services of these children.

11. With regard to the whole memorandum there are certain observations which should be made.

It introduces compulsory labour. Whether this is a good thing or a bad thing, we are not now concerned to say. We confine ourselves for the moment to the fact. Labour may be made compulsory in one of three ways: by force of circumstances, as in civilized countries; by law, as with ourselves during the war; or by official pressure, which stops short of actual command, but aims at securing the identical results.

definite

definite enactment. No native Chief, who is told that it is the wish of the Government that he should find labour - who has the matter insistently brought before him, who is reminded that this is part of his official duty, and who is periodically reported as one who is helpful or not helpful to the Government in this respect, can or will mistake meaning of it all, however well, to the limit of his power, compel his people to go out to work: technically, there is no compulsion; practically, compulsion could hardly take a stronger form.

12. The memorandum apparently assumes that the choice lies between useful work done for the European, and idleness in the Reserve. No one who has lived in a native Reserve will deny that there are days or months of practical idleness: but no one who has lived in a Reserve, and had the opportunity of closely watching native life, but will realize that the native spends his months of strenuous work, cultivating and planting, harvesting, building, etc. The native has also his home, his crops, and his plans for development. The demands on his time may not be constant, but they are insistent. To leave his own plantation, perhaps at a critical time, for the benefit of some one else's plantation: to leave his house unthatched, his crops unready, his wife unguarded perhaps for months at a time, in return for cash which he does not want, on the "advice" of his Chief which he dare not disregard - is not a prospect calculated to inspire loyalty to the Government from whom the

advice

advice emanates. That Government must needs, in fairness, look at the native as well as at the European side of the question. No measure can be justified which involves, or may involve, injustice to the individual, and threatens seriously to hinder the economic development of the native areas of the Protectorate.

13. The decision to "encourage" women and children to labour, bearing in mind the meaning that will inevitably be read into the word "encourage", seems to us a dangerous policy. The children below a certain age, should be at home or at school. The women must work at home; the plantation, the supply of the daily food, the cooking, the care of the children and of the home, depend upon the mothers and wives. To "encourage", as a native headman (and the fear of dismissal behind him) would "encourage", women and girls to go out from their homes to neighbouring plantations, would be to count disaster, physical and moral. Whatever labour legislation is introduced, the women and children at any rate must be left out.

14. We do not disguise our anxiety to draw attention to the fact that as to the practical effect of this memorandum.

Yet, when we have said this, we recognize that much in this memorandum is good, and indeed necessary. Compulsory Labour is not in itself an evil, and we would favour some of compulsion, at any rate for work of national importance and provided

that

that -

(a) It is frankly recognized as compulsion, and legalised as such: not veiled under such terms as advice, wishes, encouragement. The Native understands a definite order, he does not understand Government wishes, he recoils from command.

(b) It is unwise to able bodied men, for in no case could it be tolerated that employers should indent for the labour of women and children. Certainly no British law will sanction this.

(c) The work be done under proper conditions, guaranteed by the Government. This is clearly the Government intention. Chiefs should be informed that the Government is now taking steps to keep all native labourers, while out of their Reserves, under supervision, and the condition of such persons regularly inspected; and further, native chiefs are to be encouraged to visit plantations where their people are employed.

It would be unwise on the part of settlers who depend on the Government for labour, and on the chiefs for their good will, to resent such inspection or visitation. The more open the whole thing can be, the more easy will the labour question become.

(d) The time of employment be limited and defined. A man who has done his full share of work on the plantations should be free from the further pressure. The tendency is always for the willing horse to be worked to death, and the rest to go free. We would suggest sixty days, as a maximum period of compulsory service in each year.

Compulsory

Compulsory labour may be regarded as taxation paid in the form not of cash but of labour, and it would be well if it followed the same general lines. Taxation in the form of cash is legally imposed, and is of a fixed and known amount. It falls evenly on all, and when the amount has been paid in full the man who has paid it is free. It would be disastrous were the Government, in need of money, and in the absence of legal sanction, to collect it, to induce the native chiefs to supply the deficiency by "encouraging" their people to contribute, with the knowledge that each chief would be reported on, favourably or unfavourably, according to the amount of money he had succeeded in collecting. Such a policy would make native life an intolerable burden. A downward fixed obligation is understood, and it is as necessary in questions of labour as in questions of cash. Each able-bodied man should know definitely the extent of his liability to the State, and when that has been discharged he should be free to attend to his own affairs.

(e.) Compulsion be exerted uniformly and the willing tribes, as the Kavirondo or Kikuyu, be not pressed, and the unwilling, as the Masae be excused. That the weaklings of a tribe, or those who are unpartnered with the Chief, be not sent out and the best of the younger men, and the favourites of the Chief retained. A complete list, kept and checked by the District Commissioner in each District, regarding the labour of each man, will prevent this.

(f) The labourer be free to choose his sphere of service, or at least that no man be compelled to work for any European or Indian employer who has proved himself incapable of managing native labour.

(g) Reasonable exemptions be allowed. All in regular employment as headman, teachers, shop assistants, house boys etc. should be exempt, and all whose work, while done for private gain, is yet of national economic importance. In this respect it must be remembered that an increasing number of Africans as well as Europeans are interested in the commercial development of the country.

(h) As far as possible compulsory labour be used for Government work, leaving voluntary labour available for work on private estates. This policy is fore-shadowed in the memorandum.

15. With these provisions we would favour compulsory labour, as long as it is clearly a necessity. But we feel that the memorandum, as it at present stands, is liable to grave abuse, and places the Administrative officers working in the Reserves, to whom the welfare of the people under their care is a primary consideration, in a very difficult position.

In any case it will be necessary to examine carefully the actual working of the present system, and to see that compulsory labour, so long as it is practically necessary, shall be attended by a minimum of hardship.

16. We realize the difficulty in the
the

the Government and the settlers are placed. We have no wis-³⁰³dom to add to that difficulty. We do not believe that there is the least intention, on either side, of exploiting natives for private ends.

But experience has shown that it is highly dangerous to place in the hands of Native Chiefs and headmen vague and undefined powers and still more dangerous to expose to these powers not only men but women and children.

17. Any form of compulsory service is certain to be intensely unpopular with the natives. There is no more fruitful source of native discontent in any country than the Carves. Some form, however, of compulsory service we believe, in present conditions, to be a necessity. It remains to find the best form in which the service may be exercised. We believe that the least objectionable is the best: that the work will be best done directly by Europeans, rather than indirectly through the native, restricted legally, by definite enactment, under which each man knows his obligations and their limits rather than by incessant appeals and demands, which leave the natives in a state of bewildered irritation, and will, we believe fail to reach the desired end.

SUMMARY

We believe that ideal labor should be voluntary. We recognize that at present, this is impossible, and that some form of pressure must be exerted if an adequate supply of labour, necessary for the development of the country, is to be secured.

We are convinced that the present proposals for securing labour, which, in short of definite enactment, will, in large measure, be in the hands of native officers, will lead to very unsatisfactory results, and that these powers will inevitably be abused.

We are strongly of the opinion that

1. Compulsory labour, so long as it is clearly necessary, should be definitely legalized. Such a legal obligation should be imposed in such a way as to be more satisfactory to the workers, and should be made to benefit the community.

2. It should be limited in its application. No Government pressure should be applied to women and children. The Government should also see that it should be as fair as possible.

3. All compulsory labour should be done under regulations, enforced by the Government, and supervised by regular inspection and visitation.

4. The labor obligation of each man should be clearly defined, and he should be free to do his own business. The Government should be exacting in its demands, and should see that the law is strictly enforced.

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6. Each man should be free to choose his employer, none being forced to work on any particular plantation or in any particular work.

7. Reasonable exceptions should be allowed of all these in permanent employment or engaged in work of national importance.

8. The compulsory labour should be directed primarily to State work, leaving the voluntary labour available for work on private estates.

The Division is in accordance with His Excellency's general policy, as expressed in his recent memoranda, and especially in his letter of the 11th inst. The earnest effort to meet all possible conditions of labour is a great and pressing need. We believe, however, that the places for the most essential work in the hands of native chiefs and headmen, and we therefore desire to see it modified on the lines to be here suggested.

WALTER R. ...

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