

1951

Kenya

No. 17229

SUBJECT

C0533/413

Labour Supply

Recommendation of Administrative Officers

Previous

13162/57

Subsequent

On page 12 of the Annual Report for 1929 of the Provincial Commissioner, Ukamba, occurs the following passage :-

"No opportunity is lost by District Officers of urging the young men of the tribe (the Wa-Taita) to seek employment outside the Reserve."

This was, of course, written before the Native Policy Memoranda was issued, but it would never have been deemed desirable to consider what is the present position in Kenya regarding the encouragement of natives to work by Administrative Officers.

In 1921 Mr. Winston Churchill sent the Governor a despatch (No. 1353 of the 5th September, printed as Cmd. 1509) in which the following passage occurred:-

"The principle to which Administrative Officers and Native Chiefs are to take every opportunity of inculcating and by which natives habits of industry, whether inside or outside the Reserve, is obviously right and not open to criticism, but care being taken to place at the disposal of natives any information which they may possess as to where labour is required, and at the disposal of employers information as to the source of labour available for voluntary recruitment, the Government officials will in future take no part in recruiting labour for private employers."

In 1925 the labour supply was falling short of the requirements, and it was necessary to recruit compulsorily

On page 12 of the Annual Report for 1929 of the Provincial Commissioner, Ukamba, occurs the following passage:

"No opportunity is lost by District Officers of urging the young men of the tribe (the Wa-Teita) to seek employment outside the Reserves".

This was, of course, written before the Native Policy Memoranda, was issued, but it would never have been desirable to consider what is the present position Kenya regards the encouragement of natives to work by Administrative Officers.

In 1921 Mr. Winston Churchill sent the Governor a despatch (No. 1353 of the 5th September, printed as Cmd. 1509) in which the following passage occurred:-

"The principle of Administrative Officers and Native Chiefs shall take every opportunity of inculcating and promoting habits of industry, either inside or outside the Reserves, is obviously right and not open to criticism, but as to taking steps to place at the disposal of natives any information which they may possess as to where labour is required, and at the disposal of employers information as to the source of labour available for voluntary recruitment, the Government officials will in future take no part in recruiting labour for private employ~~ment~~."

In 1925 the labour supply was falling short of the requirements, and it was necessary to recruit compulsorily

compulsory labour for contractors on the rail-  
ways. At the same time a circular was issued to  
Administrative Officers instructing them to  
encourage labour, especially of young unmarried  
men, to go out of the Reserves.

8869/25

At the same time the Colonial Office  
took up the general question of labour policy  
in East Africa, and a memorandum was prepared  
which was discussed at the first Governors'  
Conference.

41236/25

The Governors' Conference them-  
selves drew up a brief statement which was to  
form the basis of policy in East Africa, but it  
was decided that conditions varied so much in  
different territories that this statement would  
have to be supplemented by a separate circular  
to Administrative Officers in each Territory.

As a result of this decision a circular  
was eventually issued with the Secretary of State's  
approval to all Administrative Officers in Kenya  
in February 1927. This circular is presumably  
still in force. A copy of the memorandum is attached  
opposite. There is an instructive précis of the  
terms of reference on 8137/251.

The Native Policy Memorandum of June 1926  
refers to the question in the passages:

"The main objective to be kept in view is  
the improvement of the general conditions of  
the natives by encouraging them to make  
the most efficient use of their own  
resources for purposes of production, full  
regard being had to the principle that the  
native should be in fact effectively free

P. 8, para. 2

P. 12, para. 1

to work, as he may wish, either in his own  
tribal area or his own individual holding  
of land, or . . . in labour for wages outside  
the tribal area".

"Reference has already been made . . . .  
to a principle to which His Majesty's Govern-  
ment attach great importance, namely, that  
the native should be effectively and economically  
free to work in accordance with his own wish,  
either in production in the Reserves, or as an  
individual producer upon his own plot of land,  
or in employment for wages".

Article 6 of the recent Forced Labour  
Convention reads as follows :-

"Officials of the Administration, even  
when they have the duty of encouraging the  
populations under their charge to engage on  
some form of labour, shall not put constraint  
upon the said populations or upon any individual  
members thereof to work for private individuals,  
companies or associations"

In the light of the above facts, I think the  
remark by the Provincial Commissioner Ukamba, can  
hardly be allowed to pass without comment, as it is  
scarcely in accordance with the 1927 circular attached  
opposite.

The further and more important question  
arises as to whether the 1927 circular itself is in  
conformity with the Native Policy Memorandum and the  
Forced Labour Convention. The circular emphasises  
the importance of the development of the Reserves,

but I think it is fair to say that its general tone reflects the fact that there was at the time of its issue a shortage of labour. (I believe this shortage no longer exists). Apart from this the circular <sup>contains</sup> consists only two passages of which I am doubtful. One is a quotation from the report of the Conference of East African Governors to the effect that in areas where "production in his own Reserve" is "not within the reach" of the adult able-bodied male, he should be definitely encouraged to go out to labour. The phraseology is a trifle ambiguous and everything would seem to depend on how it is interpreted. In the present case it seems to have been interpreted that no native could have been employed in the Teita Reserve in production on his own account.

The other doubtful passage is paragraph 5.

"..... The Government further desires all natives to understand that ..... able-bodied men and in particular the younger unmarried men, should use their opportunities to go out to work and to learn in alienated areas in the greatest numbers possible".

Neither of these passages seem to me to be in conformity with the present policy, and I would suggest that a despatch be sent to the Governor saying that the Secretary of State's attention has been called to this extract from the report of the P.C., Ukamba; invite his attention to the 1927 circular, ~~and~~ <sup>and the</sup> passages from the Native Policy Memorandum <sup>and the</sup> Forced Labour Convention quoted above, and say that the passages would not appear to be in conformity with them.

them.

Go on to say that the Secretary of State has been led to consider in this connection whether the circular of 1927 is itself in conformity with the White Paper of 1930 or the Forced Labour Convention. Draw attention in particular to the two passages mentioned above, and say that the Secretary of State finds these passages hard to reconcile with the declaration that natives should be effectively and economically free to work in accordance with their own wish either within or without the Reserves, and if it is fact that "production in his own Reserve" or on his own individual holding is "not within the reach of" any adult able-bodied male, every effort should be made to bring it within his reach by the development of Reserves, and until this has been done he can hardly be said to have an effective choice as to the form of labour which he should undertake. Say that the Secretary of State considers that on the whole it would be best that the whole circular should be withdrawn, but ask that if it is thought that the Native Policy Memorandum has not removed all possibility of misunderstanding similar to that indicated in the extract from the Ukamba Report for 1929, steps should be taken to re-issue the circular in a modified form. In this case the Secretary of State would be glad to see the draft.

*E. Eastwood*  
18.6.31

I do not think the two sentences referred to by Mr. Eastwood at A and B can fairly be considered apart from the context. Being at the time in departmental charge of the Kenya work (Mr. Parkinson had

had not then rejoined the Department and Sir J. Bottomley was in East Africa) I have a vivid recollection of what occurred when the circular in its original form was submitted by the Governor of Kenya and of the difficulty there was in ridding it of certain objectionable features, the mere mention of which would be calculated to make every page of the Native Policy Memorandum stand on end. I was myself responsible for suggesting the incorporation in the circular of the report of the Governor's Conference, since it did clearly bring out that the Native was to be left to choose to work in whatever way pleased him and paid him best, and I felt that this way of doing it really ~~was a good thing~~ <sup>was a good thing</sup>. ~~It is also to be remembered~~ <sup>It is also to be remembered</sup> that he was disposed to raise objections in connection with the circular.

It is to be remembered that the circular really represented a statement of the dual policy which was the accepted policy of the Government at the time. It is also to be remembered that although Kenya is whipping boy of East Africa, the above circular is not the only one that has to be considered, since circulars relating to the dual policy were also issued in the other dependencies. Further, I rather think that the present Secretary of State has accepted the dual policy as a policy, though not necessarily the details of its application which commended themselves to his predecessor. In addition it seems likely that the Joint Select Committee's report may deal with this policy. In any case, even

If the despatch is sent now I do not think it should be founded on an isolated passage extracted from a Provincial Report, but rather should follow on the investigation of the Kenya Legislation in the light of the Native Policy Memorandum, although the passage from the Ukamba Report could, I think, be usefully quoted in view of the use of the word "arguing" instead of "encouraging", a distinction, however, which in <sup>fact</sup> may not signify any serious difference. Although the latter of the circular is important, I think the spirit in which it is carried out is even more important, and before any direction is given to withdraw the circular, or even to imply that it has not been properly carried out, it would be well to ascertain how it has been applied in practice. But I would suggest the whole matter should be deferred for the present and be brought up again when the Joint Select Committee has reported.

*minutes sent on paper 29/10/50*

*well*

*well*

*W. H. Bottomley*

*The passage quoted by Mr. Goodland comes in the report for 1950. There can be no help in it, if it is to be taken up in any way, unless Mr. Bottomley's report is produced. It is, I think, the Joint Committee which will discuss it.*



published before Christmas.  
I agree with Dr. S. Wilson  
that it would be better not  
to inflict another despatch  
on the Governor just now. But  
a suitable despatch had  
better be prepared ~~now~~  
now, a circumstance  
may lead to its being wanted  
at short notice, and in any  
case it should, after proper  
reconsideration, be sent in  
October. It might be best  
to bring it on the Forest Labour  
Convention (but not to the  
exclusion of the other matters  
mentioned)

Draft letter I have added a so.  
taken to Dr. J. Wilson from 21.10.31  
16.8.31

The attached draft was duly  
prepared, but the position is now  
altered by (1) the change of Govt.  
(2) the publication of the Joint Ctee's  
Report.  
The Govt. is being overhauled

note despatches regarding the Joint  
Ctee's Report & a number of controversial  
subjects connected with Native Policy.  
In addition, Govt. is heavily preoccupied  
with financial concerns. In the  
Circumstances, perhaps this has may be  
advised to return to the former  
from which I readily ~~started~~ <sup>started</sup> it  
The point was raised on a  
letter written nearly two years  
ago by an officer who has not  
retired - when there was another  
Governor.

Perhaps the matter could  
be mentioned to Mr. Moore  
& part from this to file  
2 part of  
J. Wilson  
15.12.31

As in various respects the situation  
has altered very materially since Lord Passfield  
wrote his minute of the 29th July, I assumed  
(I hope correctly) that it was no use bringing  
this forward again in October pending the receipt  
and consideration of the Report of the Joint  
Committee.

1. This was coming  
along much later  
than anticipated.



Committee. That report in effect endorses the dual policy, although with caution as regards future settlement, and as pointed out in my minute of the 20th of June, this circular was intimately connected with that policy.

I have, as a matter of fact, taken an opportunity to ask Mr. Moore what is really the position in regard to this circular and he is under the impression that it is a dead letter. He also thinks that a despatch on the subject which would go before the Executive Council and therefore before the unofficial members on that Council, would create serious difficulties as it would be interpreted, or misinterpreted as <sup>considered a violation of</sup> ~~an interference with~~ the dual policy. It was for this reason that I suggested in my earlier minute that we should at any rate get further information as to how the circular was working in practice, and I now venture to suggest that I might be authorised to arrange with Mr. Moore to look into the matter on his return to the Colony and let us know the position semi-officially when further consideration may be given to the question of taking action in regard to the circular.

T. Allen

27/11/31

I agree, but Lord Passfield's minute is definite. Mr. Moore might take out a copy of the draft after usual debate to fix the ideas; the passage in the last para. showing that until the

the matter can satisfactorily provide for export, and get a reasonable market for the produce, to be as effective as possible. It is fundamental, and I do not think any action short of the action, action, & so forth. The alteration is essential.

On the other hand, with prices as they are, it is not much good "boasting" before production is stopped and money found supplies.

G.O.S.  
24.12.31

Des R. Hamilton

Dafne

P.H.C.

30.12.31.

Might I suggest that this should be held up until the approval of C.A.C. is made?

W.H.H.  
4.1.32

T.W. Allen

When you see Mr. Moore you might ask him to let you know whether the circular is (A) in existence or (B) operative. Nothing more, except better for further action than a C.A.C. has been

for may have a P.O.

I was assured today I asked him accordingly. L.R. 7/1/32

selected

WCS

4.1.32

advance

Bring up 1.4th

11/32

advance

advance

4/17/32

finds that the N.P.D. Circular No. 207/32 has never been cancelled, but would say that it is no longer a live issue.

She is making a report on the appl. of a Chem. Nat. Com. is a case.

4/17/32 - bring up a list of 10 items of a selection made.

11/32

23/32

212 attached

Mr. Priestman

has been just been appointed C.N.C.

RHP 13/7/32

This question is somewhat academic at the present time for the reason given in the 2nd part of 1.

The development of native norms is being actively pushed by Sir J. Byrnes and the institution of a

Native Settlement Fund will assist

this policy

The point seem to be that it is a matter of the physiology of the circles.

It may be considered sufficient to note so far as suggesting the revision of the circles by the C.N.C. due to the fact that it is in accord with the spirit of the new

Native Policy, adding that Sir Byrnes's active encouragement of the development of products and

Research has affected the form considerably since the issue of the circles and that it will be a great

benefit to the physiology of the circles and to the development of the

11/32

21/32

That the subject was raised

Paifield made was written and the present moment is most important for action to the Government's embarrassment.

It is an order of nothing to give regard to the suggestion that there is any present need for anything as originally proposed and until something comes to our notice analogous to the important revision

The President P.C. in 1919

R. Hamilton  
1919

Sayre. It is understood

that when the demand for

control of our business

arrives, the Govt. of England

will by our vote of 1919 Congress

and put it into operation

by our vote of 1919 that has

happened since

Wed. Dec 7. 32

\* If my heart is full with

love for the American people

and the world, I will

support through to the end

of the struggle for the

liberty of the world

and the peace of the world

and the happiness of the world

For R. Hamilton

August 15. 1919

R.H.

15.7.32.



THE SECRETARIAT,  
NAIROBI,  
KENYA.

*Received*  
*14/2/32*

WHEN REPLYING  
PLEASE QUOTE  
No. S  
AND DATE

18th February, 1932.

Dear *Alex*

You asked me in London to let you know the position as regards N.A.D. Circular No. 4 of the 20th January, 1927 (A.1/2/1/40). If I remember aright, you wanted to know (a) if the Circular was still officially in existence, and (b) if so, how far it was operative.

As regards (a), I find that the Circular has never been cancelled or modified by any subsequent Circulars, and is therefore presumably on the files of all Administrative Officers.

As regards (b), I should say that it is no longer a live issue. It had already disappeared into the "archives" of the Native Affairs Department, and I have no doubt it is residing in a similar position in District Offices. The issue at the moment is, as you are aware, in no sense a live one inasmuch as owing to the general depression there is more labour offering than there is at present a market for.

On the other matter which you asked me to look into, viz. the question of the confiscation of arms, I cannot give you a definite reply at the moment for the reason that it was throughout the subject of demi-official correspondence which I handed over to Maxwell. I am now told that he has taken away all his demi-official correspondence with him and it will therefore require a little tracing up. At the present moment Wade is away on safari

*Evans*  
*15/2/32*

with the Governor in the Northern Frontier Province and I have not been able to speak to him about it, but I think he and I together will probably be able to give you the answer you want from our recollection of what transpired at the different Provincial Commissioners' meetings.

3. I have returned to find the depression here is as marked as it is at home; the sisal industry in particular is likely to be very hardly hit unless the tariff policy at home can be adjusted in some way.

I trust you all flourish and that I may have brighter news to give you in a few months' time.

Yours sincerely,

*H. T. Allen*

H. T. ALLEN, ESQ.

X 10162/27 KENYA 3

COLONY AND PROTECTORATE OF KENYA

NATIVE AFFAIRS DEPARTMENT

No. A. 1/2/1/40

NAIROBI

CIRCULAR No. 4

20th January, 1927

TO ALL ADMINISTRATIVE OFFICERS

DUAL POLICY OF DEVELOPMENT

I have to draw your attention to the Governor's recent speech upon the policy of dual development, copies of which have already been circulated and to direct that you will take without delay all practical steps - make this policy understood by the Official Headmen and leaders of the native population. Two points require immediate emphasis:

(a) that the boundaries of the Reserves have now been finally fixed, and that the Government is providing blocks for an increase of native cultivation throughout the large fertile areas which have been reserved to the native population.

(b) that the increased cultivation has taken place in other parts of the Colony, that much larger crops are becoming ready for harvesting, and that the prosperity of all communities in the Colony will be seriously affected if these crops are not realised.

In many parts of the Colony the native population appreciates these facts and is acting accordingly; but in others the young men who should be usefully employed are giving themselves up to idling, drinking, amoral dancing, and unrestrained license, so that their manhood is wasted, and through their demoralisation the future of their people jeopardized. It is of the utmost importance that all Administrative Officers should use their influence and authority to check these practices and to make the native population in all parts understand that active co-operation by all able-bodied men in the development of the Colony, whether in the Reserves or outside them, is as essential to the welfare of the native races as to that of the other communities.

2. The Dual Policy of Development was defined in the following terms by the East African Governors' Conference held at Nairobi in January and February 1926:

"Steady progress cannot be secured in some areas unless every able-bodied native who shows no tendency to work in prison understands that the Government expects him to do a reasonable amount of work, either in production in his own Reserve or in labour for wages outside it.

In areas where the first alternative is not within his reach, the native should be definitely encouraged to go out to labour. In others, where both alternatives are open to him, the Government is not concerned to impose either upon him, but simply to ensure so far as it can that he shall work in the cultivation of his own land, if he pleases, or else as a wage-earner on alienated land, if he prefers it. In all areas where these two alternatives exist, the natural play of human preference and economic impulse should be allowed to take its course, so that the native may choose to work in whichever way pleases and pay him that.

It is the intention of the Government that these principles shall be applied forthwith, and that the native leaders throughout the Reserves shall be acquainted with the desire of the Government that, in accordance with these principles, all able-bodied men should do a reasonable amount of work, either in the Reserve or without.

3. The Governor accordingly directs that barazas be regularly held in every location and that the following considerations be impressed upon the Official Headmen and people:

EAST AFRICA

The first essential is that sufficient crops should be grown in all Reserves to provide the necessary local food supply. Administrative Officers are responsible for seeing that this is done and also for warning natives against any premature sale of their food supplies, which may lead to shortages later in the year. It should further be explained that since the boundaries of the Reserves have now been finally fixed, and the natives made secure in the rich lands which they occupy, Government desires to see all these lands gradually put to proper use. In their own interest and for the progress of their tribe, natives must be encouraged to develop the large areas in their possession which are at present only cultivated in scattered patches or not cultivated at all.

Government further desires all natives to understand that development in the Reserves is not the only form of industry required for the progress of the Colony, and that in the interests of the native peoples themselves, as well as in that of the Colony as a whole, able-bodied men, and in particular the younger unmarried men, should use their opportunities of going out to work and learn in alienated areas in the greatest number possible. In the years of Government this has been training for young natives in both in pastoral and agricultural pursuits to be found upon the farms of good employers. It is therefore required that all Official Heads of the Reserves generally should understand that Government desires all those able-bodied men who are not engaged in agriculture within the Reserves to assist in production in the alienated areas, that every Reserve has a right to gain by securing out the largest possible number of men to earn wages and expenditure by labour under skilled direction, whereas all use is made of the soil and that such labourers invariably benefit both financially and otherwise by the facilities for the medical care, the education and other advantages which they enjoy upon good farms.

Natives should be reminded further that the Government although very labour-loving, does not expect that a labourer is not to be remunerated for his physical labour, and that if labour is not to be remunerated, their physical strength is wasted, their families must necessarily be supported with the maximum of expense, and they will not be in a position to earn and pay their own way at intervals of other periods, and a steady source of revenue on which the native population greatly depends for its requirements will thus be seriously diminished.

His Excellency desires in sum that you will impress upon Headmen and people alike that the policy of Government in this connection is a dual policy, namely, both economic development by natives in the Reserves and general development of the country as a whole, and that steady competition in both is expected of the native population.

With a view to implementing the Dual Policy in its full efficiency, it is desired that Administrative Officers should make the wishes of Government as widely as possible understood through personal contact and explanation with the Headmen of the Reserves, and further that they should take every opportunity of bringing their districts away from the native habit of the mere observation of natives are in fact working in their Reserves, and the extent to which they are enjoying the benefits of the Government without probably contributing to the development of the Colony.

Natives who are definitely showing idleness, either within the Reserves or in the labour for wages, should on all occasions receive every encouragement, formal and informal, and assistance from all officers of Government.

"Extract from the Native Commissioner's Report  
for 1927"

32. The Teita have been placid and contented throughout the year. They are a progressive race, and though numbers of them leave their Reserve for work on local estates, and on the coast, they are a particularly home-loving people, and are less subject to race disintegration than are the majority of the tribes of the Colony.

33. Their particular vice is drink, and to this vice the younger generation has shown itself to be increasingly addicted. An endeavour is being made to suppress this evil by definite action under the provisions of the Native Authority Ordinance. Numbers of the able-bodied continue, as in the past, to frequent Mombasa as casual labourers, and to return from that town penniless and wasted by disease having spent their money on prostitution and riotous living. This evil, however, is reported to be not quite so prevalent as it was in the past.

G. V. MAXWELL,  
Chief Native Commissioner.