

1933

Kenya

PART IV END
1

5006.

SUBJECT

CO 533/428

Parliamentary File. - House of Lords Debate

Goldfields in the Kaverondo District

Previous

Main File.

Subsequent

On balance, the Cabinet came to the conclusion that it would be inadvisable to suspend action owing to the forthcoming Debate in the House of Lords. The result of that Debate might well be to establish the Government's case so firmly that no Debate would be necessary in the House of Commons.

If any Question was asked on the subject the reply would be that the procedure had followed the ordinary routine, that the Ordinance was issued with the authority of the Governor last December, and that, in accordance with the usual custom, the formal assent was given as soon as the Ordinance was received.

The Cabinet agreed --

That the Secretary of State for the Colonies should be authorised, in accordance with the normal practice, to notify that the King did not disallow the Kenya Ordinance referred to in this Conclusion.

Extract from Conclusions of a Meeting held on Monday, 30th January, 1933, at 3.0 p.m.

KENYA.

Gold Discovery in Native Reserves.

The recent Ordinance.

2. The Secretary of State for the Colonies raised as a matter of urgency a question relating to the recent Ordinance issued in connection with the discovery of gold in the Native Reserves in Kenya Colony. The Government's case on this question, he explained, was a very strong one, which had the support of everyone in Kenya and was not seriously challenged by persons with knowledge of the conditions. The Ordinance had been issued last December, with the approval of the Governor of the Colony. One formality remained, namely, for the Secretary of State for the Colonies to intimate that His Majesty did not disallow the Ordinance. Normally this intimation would be given at once. There was, however, to be a Debate in the House of Lords on the subject on February 8th, and the question arose as to whether the intimation should be held up until after the Debate.

deals only with existing for the purposes

of leases. It is obviously ~~extremely~~ desirable

that the possible gold areas should be ~~prospected~~

thoroughly ~~prospectively~~ ^{in prospectively} manner, and it will be

an additional advantage for the Carter Commission

to be able to ~~investigate~~ ^{survey} as far as possible

the extent of probable mining development

before they make their final Report.

P. C. L.

Island Office,

February 13th 1971

Changes in the provisions of the Land Trust Ordinance should not be carried into effect until Parliament has had an opportunity of discussing the Report.

There is one other matter which was hardly raised in the House of Commons, but with which Lord Hailsham dealt fully in the House of Lords.

On the question of prospecting, the Government of Kenya has had the advice of Sir Albert Kitson; and they could not have had a better man to advise them.

He has conducted a very complete survey and has made definite recommendations as to the course which should be followed in granting prospecting licences; and he has set out what further areas he considers should be open to general prospecting and what areas should be

This report has been published.

reserved for example for large undertakings. On these matters the Governor desires to follow Sir Albert Kitson's advice. I have discussed the whole position very fully with Sir Albert Kitson, and I have told the Governor that I concur in his view that Sir Albert's advice should be followed. I have, however, laid down the condition, in which the Governor fully concurs, that the Governor must be satisfied that his administrative arrangements are complete and satisfactory before prospecting is allowed in any area. I should add that prospecting is dealt with under the existing Mining Ordinance, which is not affected by the recent Amendment of the Native Lands Trust Ordinance, that

(1) Parliament will certainly be given full opportunity of discussing the Carter Report:

(2) It would be unreasonable to say that no action of any kind should be taken in advance of a Parliamentary debate, which might not be immediately possible, ^{for example} ~~eg.~~ it would clearly be undesirable to hold up all action in connection with any additions to the Reserves which the Carter Commission may recommend. Again, there may be small matters of administrative convenience which everyone would agree should be dealt with rapidly.

(3) I should draw attention to the proviso governing the terms of reference in regard to the Native Lands Trust Ordinance, but say that notwithstanding this, if the Report recommends any

to the Reserves, and where. I know

that Sir Morris Carter in private

talks with the Governor has indicated

that the present idea of the Commission

is to recommend the addition of a block

of land (probably on lease) to the

Kavirondo Reserve, equivalent to the

total area which they estimate may be

temporarily excised for mining purposes.

I think it is obvious that the Government

of Kenya ought not to be precluded from

taking prompt action to give effect to

a recommendation of that kind. It should

also be remembered that the reference to the

Carter Commission to report on the working

of the Native Lands Trust Ordinance is

conditioned by the proviso "without involving

any departure from the principles of the

Ordinance." In these circumstances I

think that the answer ought to be as follows:-

1000 1000
CP 11 (11)

CADWELL

Kenya: For ... in Native Reserves
handover by the Government of the Colonies

- Mr. P. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...
- Mr. ...

DEPT.

[Handwritten scribbles]

There was one question raised in

the debate in the House of Lords on which

I should like to have Cabinet de

M.P. →

The Archbishop of Canterbury asked for an

undertaking that no action should be taken

on the Report of the Carter Commission

(the Land Commission which is enquiring

into the adequacy of the Native Reserves

and the working of the Land Trust

(Ordinance) until Parliament has considered

the Report. I think it would be unwise

and contrary to native interests to give

so comprehensive a pledge. It would

preclude us from taking prompt action

though everyone would agree that such

action should be taken. *In example* of the Commission

will report on what land should be added

to

①

7

has conducted a very complete survey and has made definite suggestions as to the course which should be followed in granting prospecting licences, and he has set out what further areas he considers should be open to general prospecting and what areas should be reserved for exclusive licences to large undertakings. This report has been published. On these matters the Governor desires to follow Sir Albert Kitson's advice. I have discussed the whole position very fully with Sir Albert Kitson, and I have told the Governor that I concur in his view that Sir Albert's advice should be followed. I have, however, laid down the conditions in which the Governor fully concurs, that the Governor must be satisfied that his administrative arrangements are complete and satisfactory before prospecting is allowed in any area. I should add that prospecting is dealt with under the existing Mining Ordinance which is not affected by the recent Amendment of the Native Lands Trust Ordinance, which deals only with excision for the purposes of leases. It is obviously desirable that the possible gold areas should be thoroughly prospected in an orderly manner; and it will be an additional advantage for the Carter Commission to be able to envisage as far as possible the extent of probable mining development before they make their final Report.

F. C.-L.

Colonial Office,
February 13th, 1933.

a recommendation of that kind. It should also be remembered that the reference to the Carter Commission to report on the working of the Native Lands Trust Ordinance is conditioned by the proviso "without involving any departure from the principles of the Ordinance". In these circumstances I think that the answer ought to be as follows:-

(1) Parliament will certainly be given full opportunity of discussing the Carter Report:

(2) It would be unreasonable to say that no action of any kind should be taken in advance of a Parliamentary debate, which might not be immediately possible. For example it would clearly be undesirable to hold up all action in connection with any additions to the Reserves which the Carter Commission may recommend. Again, there may be small matters of administrative convenience which everyone would agree should be dealt with rapidly.

(3) I should draw attention to the proviso governing the terms of reference in regard to the Native Lands Trust Ordinance, but say that notwithstanding this, if the Report recommends any changes in the provisions of the Land Trust Ordinance these should not be carried into effect until Parliament has had an opportunity of discussing the Report.

There is one other matter which was hardly raised in the House of Commons, but with which Lord Hailsham dealt fully in the House of Lords. On the question of prospecting, the Government of Kenya has had the advice of Sir Albert Kitson; and they could not have had a better man to advise them. He

has

Secret

Copy No. 47

C.P. 31 (33)

CABINET.

Kenya: Gold-mining in Native Reserves

Memorandum by the Secretary of State for the Colonies.

There was one question raised in the debate in the House of Lords on which I should like to have a Cabinet decision.

The Archbishop of Canterbury asked for an undertaking that no action should be taken on the Report of the Carter Commission (the Land Commission which is enquiring into the adequacy of the Native Reserves and the working of the Lands Trust Ordinance) until Parliament has considered the Report. I think it would be unwise and contrary to native interests to give so comprehensive a pledge. It would preclude us from taking prompt action though everyone would agree that such action should be taken. For example the Commission will report on what land should be added to the Reserves, and where. I know that Sir Morris Carter in private talks with the Governor has indicated that the present idea of the Commission is to recommend the addition of a block of land (probably on lease) to the Kavironde Reserve, equivalent to the total area which they estimate may be temporarily excised for mining purposes. I think it is obvious that the Government of Kenya ought not to be precluded from taking prompt action to give effect to

EXTRACT FROM CABINET CONCLUSIONS 9(33) of 15th February 1933

KENYA
Gold
Mining
in
Native
Reserves.

8. The Cabinet had before them a Memorandum by the Secretary of State for the Colonies (C.P. 31(33)) on the subject of Gold Mining in Native Reserves in Kenya.

X X X X X X X

The Cabinet agreed:-

- (a) To approve the proposals of the Secretary of State for the Colonies as set forth in C.P. 31(33), and
- (b) To suggest that the Secretary of State for the Colonies should invite the Archbishop of Canterbury to visit him in connection with a letter from the Governor of Kenya which the Secretary of State had read to the Cabinet.

*(b) in Army
arranged
End
14/2*

The Board
S. C. B. Study

Vol: 2 13 on 2003 Sent etc

X

give the Cabinet decision that action might
be taken if necessary on the Mwan Carter
Report, before discussion of the Report by
Parliament

J. H. H. H.
20/3/34

Yes, this gives full authority. It is almost certain the
report will be approved, if it is, and the S. H. is
able to say that the Gov. of Kenya is going ahead to
implement its more pressing recommendations - such as
adding land to the Kikuyu or Kaniado reserves - then
adverse criticism will be forestalled to that extent. It
will take people weeks to read it.

J. H. H. H.
20.3.

Sir J. H. H.

X For your information. There is
of course no need to send on to the
S. H. who is without well aware
of the position. I understand that
he is preparing a memo. for the
Cabinet on the subject.

W. H. H.
20.3.34

J. H. H.
21/3

1. Cabinet

31 Jan. 1955
2

Extract from Minutes of Meeting
on 30th Jan. 1955.

R'd for record. Action taken on
3006/1

Director
1/2/55.

Dir

2

Memorandum by the Staff.

Secret
C.P. 31(33)

13. 2. 55.

5 spare copies
in Secret
Cup board

3. Cabinet

15 Feb. 1955

Extract from Minutes of Meeting
on 30th Jan. 1955.