

1938

38232/

CO 533/498  
KENYA

38232/

5A

5A

White Settlement  
Settlement of German Jewish Refugees  
Indian Interests

Previous

SF 5

303

25/11

298 309 30/11

Kularkin 8/12

M. Hunter 9

R. Green 10/12

Subsequent

A. 303 13/1

1939

① A. 299 15/10

② ~~298~~

c.d. 20/12

~~299~~ 25/10

298 22/1

A. 98

297

5/9

M. Popham

10/9

Sir J. Shewell

14/10

R. 298

16/9

R. 297

303

2/9

299

23/9

297

2/1

309

24/1

293

31/10

99P

2/11

M. D...

9/11

309

11

299

18/11

297

24/11

FILE A

PRINTED BY THE GOVERNMENT OF KENYA

~~Handwritten notes and signatures~~  
Handwritten notes and signatures, including a large 'H' and some illegible text.

1. India Office

24.9.38

Tr. c/ tel. from Govt. of India d/23.8.38 re  
statement <sup>reported</sup> in press, to have been made by  
Lord Winterston.

The statement to which the I.O. refers,  
which I have marked on page 15 of no 5 in  
YC 31/9A/38, was not the only statement  
relating to Kenya which Lord Winterston  
made at the Evian Conference. He made the  
further statement marked on page 42 of  
the same volume containing the report of  
the proceedings of the Conference.

We should draw the attention of the I.O.  
to this further statement. Esdapt will  
perhaps advise what further comment we  
should make in replying to the I.O.

Lofting  
30/8

2. F.O. N11452/104/95

29.8.38

Incl. copy of reply to I.O. to similar  
letter as in no. 1.

The matter raised in No. 1 is essentially  
one of Kenya-India politics so I thought it desirable  
to have it transferred from the General file. The  
position

position is that neither the Indian community in Kenya nor the Government of India are satisfied with the policy of the reservation of the Highlands for European occupation and they lose no opportunity of agitating against that policy. In particular there has been a lot of correspondence and many speeches in the Legislative Council in Kenya and in the Legislative Assembly in India, in connection with the issue (which is now imminent) of the Order-in-Council which is to define the boundaries of the Highlands. Partly in deference to the views of the Government of India it has been decided not to give statutory effect, by a provision in the Order-in-Council, to this policy of reservation, but at the same time various public statements have been made in Parliament and elsewhere to the effect that there is no intention of making any change in the administrative practice which has been followed in this matter for more than thirty years.

Recently the protests of the Indians have taken the line that it is wrong that in a British Colony access to the land should be denied to British Indian subjects while it is not denied to foreigners such as Germans and Italians. I am afraid that the decision to permit the settlement of a number of German Jews in the Kenya Highlands will add fuel to the fires of this controversy.

It will be recalled that the "administrative practice" mentioned above is based on a provision in the Crown Lands Ordinance which confers on the

3

Governor a right to veto transfers of land in the Highlands between persons of different races, and the veto has invariably been exercised to prevent the acquisition of land by Asiatics. It would perhaps not now be altogether surprising if the Indians should attempt to argue that, by permitting the settlement of Jews in the Highlands, the Government are now themselves departing from this policy, and claim that the Indians should also have the benefits of such an apparent change of policy. The answer to such an argument would, of course, be that the Jews who are being allowed to settle in Kenya are European Jews who will be specially selected for their personal suitability. It will be recalled that in his despatch of the 18th June (No. 15 on 36232/5/36) in which the Governor intimated that he would have no objection to the carefully regulated admission of a number of Jews of the right type, he used the curious phrase "Nordic from Germany or Austria".

Having regard, however, to the potentialities for further controversy with the Government of India which are afforded by the decision to permit the settlement of a limited number of Jews in the Highlands, I am inclined to think that the reply to No. 1 on this file should be as brief as possible and should do no more than to acquaint the India Office and the Government of India with the scope of the scheme. The most convenient way of doing this would be to send to them copies of our despatch of the 17th August,

and I submit a draft letter to the India Office accordingly on this basis.

J.J. Cassin

10.9.38.

14/9/38  
at one

3 to I.O. (Ans) (D/C Kenya Cont 17/8) 16.9.38  
2 copies.

Mr. Cassin (20) has read the  
draft in the light of a Tel. with  
my proposal to send to the Govt  
of India. I enclosed in the 17th  
subject to an alleged misunderstanding.

J.J. Cassin  
19/9.

Kenya brief (7/1, and 2 & 3 7/1 notes) 1/11 22.9.38

5 Extract from The Times 20/9/38

24/9/38  
at one

6 Govt Dep 196. Conf 21/10/38 4  
Forwards memo on subject of "Immigration of Jewish  
Refugees into Kenya", submitted by Executive  
Committee of the East African Indian National  
Congress, with covering letter and obsons. thereon.

The German organisations who are  
sponsoring the scheme for the settlement  
of a small number of German Jews  
in the Highlands have now been  
authorised to go ahead.

It will, I think, be sufficient  
to request the Gov. to inform the  
Congress that in S. of S. has  
been asked the views  
expressed therein.

J.J. Cassin  
2/11

I think that we might also ask the  
Governor to explain in the reply to the Executive  
Committee that they are under a misapprehension  
in thinking that there is going to be any "economic  
subsidy".

Draft for conson. A copy of the  
correspondence with a copy of the memo. should go  
to the India Office for information l.f.

A.M.  
9.11.1938  
At one

2 Kenya brief (2) - 6 Answer 18.11.38  
DESTROYED UNDER STATUTE

complaints against non-representation of Indian community in Kenya Immigration Advisory Committee.

To H.S.L. Polak & Co. - Back - 23/11/38  
Mr Paskin

~~DESTROYED UNDER STATUTE~~  
9

attach a letter which the S of S has received from Mr H.S.L. Polak, of the Indians Overseas Association, regarding the constitution of the Immigration Advisory Committee in Kenya. An interim acknowledgment has been sent, and perhaps you would be good enough to advise Mr MacDonald as to the further reply?

J. Casey  
22.11.38

10 To H.S.L. Polak & Co. - Back - 23/11/38  
Action re; the press cutting on subject of settlement of Jewish refugees.

~~DESTROYED UNDER STATUTE~~

To H.S.L. Polak & Co. - Back - 24/11/38

(in ref. to Executive's minute opposite)  
Colonel Keaggs has not yet had an answer from Kemp. he is going to let us know as soon as he does.

Flagged  
in  
3607/24/38

No 14. The "immigration advisory cttee", the composition of which Mr Polak criticises, is presumably the Board which in (8) we were told had been set up to advise the Comm<sup>r</sup> of Police on such matters as may be referred to it in connection with immigration in practice. This will mean Jewish immigration. The Board is made up of the Comm<sup>r</sup> for Lands & Settlement as chairman and one representative each

of the Kenya Association & of the Association  
 of Chambers of Commerce of E.A. The  
 unofficial nature of the Board so  
 composed, and also the fact that it  
 is to advise only on questions which  
 Govt chooses to refer to it, should  
 perhaps be stressed in the reply.

Clotworthy 24/11

(LF action on 7 outstanding)

The cuttings were a considerable  
 number of subjects in all of wh.  
 the cases of Indians in East of  
 E. Africa were well known, they  
 naturally seized on the Jewish  
 immigration scheme, & the effect of  
 an Immigration advisory Bd (which  
 was appointed largely in consequence  
 of the flood of applications from  
 political refugees - Europe, for permission  
 to go to Kenya) as handle for their  
 agitation.

As regards the exclusion of  
 Indians from the Kenya Territorial  
 & Defense forces, there was a good  
 deal of talk given by the Indian  
 members & also in Bill some before

leg. a. Largely in consequence of  
 this, & with a view to removing the  
 ground for prejudice, the Govt recently  
 proposed that one of the companies of  
 volunteers wh. is to be raised for the  
 defence of Hong Kong shd. consist of  
 Indians.

Mr J.G. took the view however  
 that the kind of Indians who are  
 to be found in Hong Kong are of no  
 military value whatever. It was  
 accordingly arranged that he shd.  
 discuss the matter with the Govt during  
 his tour, now in progress, with a view to  
 (a) to evolving an efficient unit for  
 the defence of Hong Kong;  
 (b) to finding some other outlet (?)  
 (warranted corps) for an alleged  
 military section of the Kenya Indians.  
 I - the crisis - he has said about  
 this, for the time being, the better.

J.G. Cassin  
 8/11

(I regret the delay in sending on this file,  
 wh. disappeared from my table for some days)

12 To Polak 100  
 13 To Kenya 775 (1/2 8 1/2) + 10 = 4/1. 21. 12. 58  
 14 To I.O. (1/2 6) + 10 = 1/1. 21. 12. 58  
 (and 2/7)

12. 1

31 JAN 1939

15. H. S. L. Polak.

10/2/68

Actura 12.

Put by

Clark Wyle

6/2/39

BB Rank

7/2/39



Chairman of Executive Committee:  
H. H. THE AGA KHAN.

M. M. 7  
Hon. Secretary and Treasurer:  
Hy. S. L. POLAK.

# Indians Overseas Association

Telegrams: Kaloph. Estrand, London.  
Cables: Kaloph, London.  
Bulley's Code.  
Telephone: Holborn 385.

Danes Inn House,  
265, Strand,  
London, W.C.2.

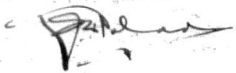
12th December 1938.

Dear Mr. MacDonald,

12. I am much obliged to you for your letter of the 10th instant and for writing concerning the appointment of the Advisory Committee appointed by the Governor of Kenya to advise the Commissioner of Police on the matters connected with immigration arising out of the refugee problem.

I regret that it has not been found possible for the Governor to seek the advice of the Indian community in this matter, in view of the difficulties that may arise both in Kenya and in India in connection with the vexed problem of differential treatment between the white and the Indian settlers in the Kenya Highlands.

Yours sincerely,



The Rt. Hon. Malcolm MacDonald,  
Colonial Office,  
S.W.1.



12

C. O.

- Mr. Costley-White 30/11/38.
- Mr. Paskin. 8/12
- Mr. ~~Reardon~~ 9
- ~~Mr. G. Tomlinson~~
- ~~Sir G. Tomlinson~~
- ~~Sir J. Shackburgh~~
- ~~Parly. U.S. of S.~~
- ~~Parly. U.S. of S.~~
- ~~Secretary of State.~~

For the Secretary of State's signature

10 Dec.  
November, 1938.

**DRAFT** *Current*

H. B. L. POLAK, ESQ.

Thank you for your letter

(15) of the 15th of November in which you sent me some Press cuttings concerning Indian opinion on certain colonial questions. My Private Secretary has also shown me some further Press cuttings which you sent to him on the 23rd of November.

Copy to Mr. Paskin (15)

(15) In your earlier letter you referred to reports in the Press of the appointment of an "immigration ~~and~~ advisory committee" in Kenya ~~from which~~ *does not include* representatives of the Indian community ~~had been excluded~~. These reports relate no doubt to the Board which the Governor informs me

FURTHER ACTION.

Copy of this (15)  
to Gov. Lt. for inf.

has been set up to advise the Commissioner

of Police on certain matters connected with

immigration, ~~This Board is not one which~~

has general powers to advise on all aspects

of immigration: it is, on the contrary,

merely required to give advice on such

matters as may be referred to it by the

Government. ~~The composition is largely~~

unofficial, and consists of the Commissioner

of Lands and Settlement as chairman and one

representative each of the Kenya Association

(1932) and of the Association of Chambers of

Commerce of Eastern Africa, ~~/P./ I think you will~~

agree that the fact that no Indian representative

is included in this small Board of limited

functions scarcely amounts to an omission so

serious that the Governor should be

asked to reconsider the manner in

which ~~the Board is composed.~~

*Notes say the appointment  
of this Centre was a matter within the  
Gov's competence & I shd. not feel  
justified in making suggestions as  
to its composition.*

*great number of  
applications, wh. are  
being received from  
political refugees  
in Europe - to be  
permitted to  
emigrate to Kenya.  
The Board*

(SIGNED) MALCOLM MAC DONALD

# Indians Overseas Association

Telegrams: Kaloph, Estrand, London  
Cables: Kaloph, London.  
Hemley's Code  
Telephone: Holborn 265

Danes Inn House,  
265, Strand,  
London, W.C.2


23rd November 1958.

The Private Secretary to  
The Secretary of State for the Colonies,  
Colonial Office, S.W.1.

Dear Mr. Creary,

14 Thank you for your letter of the 22nd instant on behalf of Mr. Macdonald. I should be glad if you would bring to his notice the two articles from the "Leader" enclosed that have just come to hand. The one entitled, "The Emigrant's Return", as you will see, deals with the question of repatriation of Indian emigrants particularly with reference to the recent British Guiana episode; and the other entitled, "Government prefer aliens?" deals with the proposal to settle Jewish refugees in Kenya where they would automatically receive, as Europeans, privileges denied to British and British-protected Indians.

Will you please thank Mr. Macdonald for his kind message regarding the constitution of the Immigration Advisory Committee of Kenya. I shall look forward to his letter on the subject as soon as he receives the necessary information. Yours truly,





G.R.



10

PHOTO RECORD OFFICE

Reference

**C.O. 533**

**498**

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# The Leader

MONDAY, OCTOBER 31, 1938.

*Imperial self-sufficiency is not a practical policy.*—PROF. ALFRED ZIMMERN.

## GOVERNMENT PREFER ALIENS?

THE proposal to settle in the highlands of Kenya Jewish refugees from Europe formed the subject of an interesting discussion in the Bombay Legislative Council last week. Prof. Dávar moved a resolution asking the local Government to convey to his Majesty's Government through the Government of India the emphatic opinion of the house that the proposed scheme was detrimental to Indian interests and that it should not be permitted. A local Government is not in a position to influence foreign affairs. But we have read with interest the statement which the Bombay Government were able to elicit from the Government of India with whom they got into touch when they received notice of the resolution. It will be recalled that at the Refugees Conference held at Evian-les-Bain in July last Earl Winterton said that the possibilities offered by Kenya for small scale settlements of Jewish refugees were under consideration. It appears from the statement of the Government of India that the scheme has passed the stage of consideration and is about to be put into effect. A company which will acquire land in Kenya and arrange for the training in farming and settlement of intending Jewish immigrants has been formed. We are assured that the total number of settlers will not be large and that there is no intention of forming a Jewish farming conclave in the highlands. We do not know what the Government of India think of the scheme, but we consider it to be objectionable.

Indians have for the last 60 years been protesting against their exclusion from the highlands. The Imperial Conference too recognized that 'there is an incongruity between the position of India as an equal member of the British Empire and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire' and expressed the opinion that those disabilities should be removed. That was in 1921. Though 17 years have passed, the disabilities remain. Is it not curious that while Earl Winterton and his compatriots feel so deeply for alien communities, the grievances of Indians who are their fellow-citizens leave them unmoved? Not that we do not sympathise with the Jewish refugees, but in any scheme for the colonization of Kenya, or for the matter of that of any British possession, Indians are British subjects have prior claims to outsiders. It should also be borne in mind that at present the demand of British settlers in Kenya is not very large. Only about 10 per cent of the alienated area is under cultivation. Just now the exclusion of Indians is defended on the ground of 'administrative convenience'. If the highlands are thrown open to Jewish refugees, and if there is a large influx of them, as in Palestine, there would be another ground for keeping out Indians, viz., lack of available land. Also we shall not be surprised if the entry of Jews accentuates racial prejudice against Indians. We cannot forget what has been happening in South Africa. Prof. Berriedale Keith writes with regard to the situation in that dominion that many of the Europeans who oppose the success of Indians as traders so bitterly are really Jews of very low and undesirable class. We do not want that the history of South Africa should be repeated in Kenya. We do not attach

any value to the assurance that the total number of Jewish settlers will not be large. The authorities of the Colonial Office may change their mind, as they have done so often in the past, in regard to so many matters. For instance, we had been assured that Aden would not be separated from India without consulting Indian wishes. It has been separated but we have yet to learn that it was the wish of Indians that India should be deprived of her only overseas possession after she had spent crores of money on it.

Lastly we may remind the Colonial Office of the principle of paramountcy of native interests which is supposed to guide their policy. Is it in accordance with that doctrine that not content with depriving the natives of their best land and transferring them to white settlers, those in power may now invite aliens to share in the loot? Indians will not object to any amount of land being reserved for natives, but if any land is to be set apart for immigrants, Indians have as much right to it as Europeans. Certainly they have more right than alien communities.

**THE EMIGRANT'S RETURN**

It is reported from Calcutta that about 900 emigrants from British Guiana have arrived there. The report adds that 'arrangements are being made to send them to their homes'. We wish this very obliging news agency which gathered so much useful information regarding the arrangements for the reception of the repatriated emigrants also enlightened us as to what prospects await them in their 'homes'. In the past when emigrants who had spent their whole lives in the colonies have gone back to their 'homes' they have found that the people of their 'home' knew them not. The punch of the caste to which they belonged did not recognize them. The climate of the 'home' also did not agree with them. But more serious than anything else was the fact that they could find no occupation. The little money that they had saved was soon exhausted, and they became tired of their 'home'. In view of these circumstances Indian public opinion has for years been suggesting that the Government of British Guiana should be persuaded to take steps to facilitate the settlement of Indians on land in the country of their adoption and to discourage their return to their 'homes'. In February last it was reported that 600 Indians in British Guiana were awaiting repatriation to India. Sir Jagdish Prasad then said in the course of a speech in the Council of State that the Government of India had asked the colonial Government to postpone their departure as they proposed to make a representation in the matter. The Government of India can further point

out that as the British Government have appointed a commission to inquire into the condition of labourers in British Guiana and other British colonies in that part of the world, the colonial Government should await their report. The case is, so to say, *sub judice*. How is it that in spite of all this the colonial Government continue to unload large contingents of emigrants in India where nothing but poverty and misery await them? We think if the Government of India adopt a firm attitude, the colonial authorities will not flout their justice in this way. The presence of an Indian member in the West Indies Inquiry Commission will have been very helpful just now. But the British Government have appointed only an 'Indian observer'. And even that 'Indian observer', who is an Englishman, will take some weeks to reach the West Indies and take up his post of observation. Meanwhile the investigations of the Commission have commenced. We have to say that the Indian point of view in regard to the labour situation in British Guiana is not receiving the attention it deserves.

# Indians Overseas Association

Danes Inn House,  
265, Strand,  
London, W.C.2.

Telegrams: Kaloph, Estrand, London.  
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Bentley's Code.  
Telephone: Holborn 385.

PERSONAL

16th November 1938.

The Rt. Hon. Malcolm Macdonald,  
Colonial Office, S.W.1.

Dear Mr. Macdonald,

I enclose herewith two editorial articles from a recent issue of the "Leader", Allahabad, which, I think, pretty accurately represents Indian opinion generally on these subjects. The articles deal with the subject of the German colonial claims and Indians, and the exclusion of Indians from volunteer defence forces in some of the colonial territories respectively.

I have noticed, too, much adverse criticism in the Indian press of the appointment of an immigration advisory committee in Kenya Colony, from which, so far, representatives of the Indian community have been excluded. I hope that this is merely an oversight and that early steps will be taken to appoint representative Indians to serve on this committee.

Yours sincerely,

2 ENCLS.

*Copy into Le Lange (2)*  


## GERMAN COLONIAL CLAIMS AND INDIANS

HERR HITLER said the other day that the demand for Sude-tenland was his last demand for territory in Europe. That remains to be seen. But his demand for colonies is yet to be satisfied. Is it impossible that just as in order to avert war in Europe, Czechoslovakia was compelled to part with some of her most valuable territory, a similar fate may befall some of the colonies? Naturally there is great anxiety among the people of the colonies concerned. The question interests India, because apart from other rights and wrongs of the matter, one of the colonies demanded by Germany, namely, Tanganyika, contains a considerable Indian population. Now the colony was occupied by Britain after the great war is well known. As it was to be a peace without annexations, the ex-enemy lands were confiscated from those vanquished nations who were declared to have proved themselves unfit to administer them, and were taken over in each case by one of the victorious powers who were to administer them as 'a sacred trust of civilization' in the name of the League and under its supervision. Does the record of the Nazi Government during the last few years that it has been in power, show that it has established its fitness to resume the administration of those colonies? The colonists concerned do not think so.

Reuter cables from Dar-es-Salam that statements reported to have been made during the negotiations at Munich regarding Germany's colonial claims, have caused considerable consternation among all sections of the community, and that as a result the movement which was formed to conduct a campaign against any transfer of the colony has been reorganized. The central committee, which represents Europeans and Indians, have decided as a preliminary measure to send a cablegram to the Joint East African Board pointing out their serious alarm at the prospect of an early development regarding Germany's claims and asking the Board to obtain from Mr. Malcolm MacDonald an immediate assurance, in view of repeated pledges, that Tanganyika territory was an essential part of the British Empire. There are those who tell us that the salvation of Indians lies in severing their connection with the British Empire. Evidently the Indians of Tanganyika have different views on the subject. We may not be enamoured of the methods of administration of the Colonial Office. But their regime in spite of all its defects is far more preferable to that of the Nazis. Moreover, the control of the Permanent Mandates Commission has a

very wholesome influence on the Colonial Office. There is practically no colour bar in Tanganyika. Germany on the contrary has severed her connection with the League of Nations, and she will not recognize the authority of the Permanent Mandates Commission. But even if she promised to do so, what value can be attached to her promises? What is happening in Germany should be enough to convince the powers that be as to the fitness of the Nazi Government to assume charge of the Government of Tanganyika as 'a sacred trust of civilization'.

It is such in the House of Commons on the international situation the British Premier said that the dominions had the right to be consulted before Britain took any steps which might have incalculable consequences to them. Since the surrender of Tanganyika to Germany will affect Indians among others, may it be hoped that the British Government will consult Indian opinion before taking such a step? Not that we believe in the policy of Empire expansion. But we do maintain that people cannot be transferred from one government to another, like goods and chattel from one owner to another, without regard to their wishes and interests.



INDIANS are excluded from the Straits Settlement Volunteer Force. The community greatly resent this. In a speech at the annual meeting of the Singapore Indian Association, the president said that that was unwarranted discrimination and appealed to the Government to reconsider its decision. It is curious that in times of danger the British Government have sent for troops from India for the protection of their colonies. If they have no objection to Indian soldiers being employed in the colonies, why should they object to the fellow-countrymen of those soldiers serving in the volunteer force. It may also be noted that in Kenya even Germans and other white aliens who owe no allegiance to the King are allowed to enlist in the Defence Force. But Indians who are his Majesty's subjects are excluded from the Force. The fact that Kenya was conquered with the help of Indian soldiers seems to make no impression on the Colonial Office.

KENYA  
No. 196



GOVERNMENT HOUSE  
NAIROBI  
KENYA

CONFIDENTIAL

ED  
C. C. [unclear]

24 October 1938.

Sir,

I have the honour to refer to your Confidential despatch of the 23rd September, on the subject of the settlement of Jewish refugees in Kenya, and to forward a Memorandum submitted by the Executive Committee of the East African Indian National Congress on the "Immigration of Jewish Refugees into Kenya", together with the covering letter addressed to you by the Hon. Secretary of the Congress.

2. Since you are fully conversant with the position, it appears unnecessary for me to comment in detail on the points raised in the Memorandum, and I would merely suggest that the Memorandum adduces no arguments such as to justify any alteration of the proposals which are at present in train.

I would add that paragraph 4 is founded on the premises in that it is not the intention that an "economic subsidy" in any shape or form should be furnished by this Government, which is taking all possible steps to provide that the entry into Kenya of the persons concerned shall result in no charge falling on public funds.

3. The matter of the precautions necessary to ensure due regulation and control of the rate of immigration formed the subject of paragraphs 1 - 7 of Kenya Confidential despatch No. 149 of the 5th August, and I would take this opportunity of informing you that the Governor has established a Board for the purpose of advising the Commissioner of Police on such matters as may be referred

to/

THE RIGHT HONOURABLE,  
SIR JOHN MACDONALD, M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET.

*(Handwritten notes and signatures on the left margin, including a circled '12' and a signature that appears to be 'John Macdonald')*

to it for consideration in connection with immigration into Kenya. The Board consists of the Commissioner of Local Government, Lands and Settlement as Chairman and one representative each of the Kenya Association (1932) and the Association of Chambers of Commerce of Eastern Africa, and although it will not in form deal only with Jewish immigration, only such cases will be referred to it in practice.

I have the honour to be,  
 Sir,  
 Your most obedient,  
 humble servant,



GOVERNOR'S DEPUTY.

THE E. A. INDIAN NATIONAL CONGRESS

Act. 9/9/38

19

TELEPHONE NO.  
2738.



EXECUTIVE COMMITTEE'S OFFICE:  
DESAI MEMORIAL  
P.O. Box 186  
NAIROBI,  
KENYA COLONY.  
8th August 1938.

The Secretary of State for the Colonies,  
Whitehall, London.  
Through The Chief Secretary,  
Secretariat, Nairobi

Sir,

I have been directed by the Executive Committee of the East African Indian National Congress to submit to you the memorandum prepared by it on the problem of the Immigration of Jewish Refugees into Kenya. I have the honour to enclose herewith the memorandum in triplicate and to request you most respectfully to bring the views of the Indian Community of Kenya to the notice of His Majesty's Government before any steps are taken to assist such Immigration into this Colony.

I have the honour

to be

Your most obedient Servant,

Honorary Secretary.

EAST AFRICAN INDIAN NATIONAL CONGRESS.

8

# Memorandum

SUBMITTED BY  
**THE EXECUTIVE COMMITTEE**

OF THE  
**East African Indian National Congress**

TO THE  
Secretary of State for the Colonies

on the  
**"Immigration of Jewish Refugees  
into Kenya."**

*Nairobi*  
7th September, 1938.

# Memorandum

SUBMITTED BY

**THE EXECUTIVE COMMITTEE**

OF THE

**East African Indian National Congress**

TO THE

Secretary of State for the Colonies

on the

**"Immigration of Jewish Refugees  
into Kenya."**

The passing of Austria under German control and the consequent persecution of the Jews in Austria has made many Jews homeless and destitute. Hundreds of Jews are seeking admission to various countries. The European countries are opposed to any immigration of a large number of Jews in their countries. Even England which has always been hospitable to refugees has allowed a very restricted number of Jewish refugees to settle in England. The Refugees Settlement Committee has, therefore, announced its intention of settling a large number of these refugees in various parts of the British Empire. Such a scheme has been suggested for Rhodesia as well as Kenya. The protest of the former has been so vigorous that it is believed that it will not be forced on Rhodesia. The European settlers in Kenya seem to be approving of the scheme, not out of love for the destitute Jews, but mainly to swell the number of white settlers to such an extent as to justify and bring about a statutory reservation of the Highlands to be able to exploit more vigorously the natural resources of the land.

2. The Indian Community in Kenya has a great deal of sympathy with the plight of the Jews. As a subject race, Indians all over the world are in a better and more sincere position to offer their sympathy to an oppressed race. This is why in India itself there is no opposition or restriction to the immigration of Jews. A very large number of Jews have been settling down in India since the advent of Hitler to power. While having a very sincere sympathy for the Jewish refugees, the Indian community in Kenya cannot but oppose any scheme for settlement of Jews in Kenya.

3. A large part of the best lands of Kenya are in fact and partially by law reserved for Europeans of any nationality as against non-Europeans including the Indians and the Africans. Indians in Kenya have protested most energetically against this vicious and unjustifiable discrimination against non-European British subjects in favour of even those Europeans who owe no allegiance to the British Crown. This discrimination is at present justified by the Colonial office on the flimsy ground of "administrative convenience". Moreover, in law there is nothing even now to prevent a transfer of land by an European to an Indian so long as the Governor does not veto the transfer. The European settlers are demanding that the Highlands should be absolutely and permanently reserved for them by an order in Council. But this demand has not yet received the assent of the Colonial office mainly because the European settlers are few in numbers and only about 10% of the alienated portions of Highlands are under actual cultivation. An influx of a large number of European Jews will strengthen the hands of the settlers in trying to perpetuate a glaring injustice against British subjects. Indians in Kenya, therefore, cannot approve of the admission of Jewish refugees unless the present administrative practice by which Indians are debarred from the Highlands is permanently abolished and an assurance is given by the Colonial Government that there will be no racial or other discrimination against Indians. It is outrageous to allow a large number of foreigners driven out from their own lands to enjoy privileges which are denied to British Indians who have actively helped the development of this Colony at a time when their help was most needed. Such an open affront to the self respect of Indians is bound to have repercussions in India and may, in the end, prove harmful to the Jewish refugees themselves.

4. The position goes further than that as it is also proposed that in addition to permitting these Jews to immigrate into this Colony, they are to be given economic subsidy in the shape of facilities for acquiring land, financial assistance and waiving of deposit or security under the Immigration Restriction Ordinance. Ultimately these concessions mean either directly or indirectly a charge on the finances of the Colony. The Indians and the Africans happen to be important sections of the tax payers, and considered in relation to their capacity to pay they are proportionately already more heavily taxed than the European Community. The iniquity of assisted immigration would mean that the coloured people will be making a financial contribution for the extension of an iniquitous practice based on racial difference. It would virtually mean that we would be 'buying evil' and permanently imposing upon ourselves detrimental political and economic consequences.

5. Those who support the immigration of Jewish refugees in Kenya out of sympathy for their misfortunes are guilty of introducing worse misfortunes on three million natives in Kenya. It is most significant that these Jews are not acceptable to any country in Europe obviously because their influx would dislocate the economic life of the inhabitants of the country. It is most unfair that the Colonies, particularly Kenya where the natives have no voice in their own affairs should be obliged to receive refugees who are not wanted in countries where public opinion is reflected. The free consent of the natives of Kenya should first be obtained as their interests are bound to be affected adversely. Otherwise, what is happening in Palestine would in course of time happen in Kenya with much less justification. In course of time the natives will require more land. In fact, there is already such a shortage of land fit for cultivation that there are dangers of soil erosion and the natives are being compelled by law to sell off their cattle even at very unfair prices. The settlement of Jewish immigration will create new vested interests which may result in a forced partition of Kenya, as in Palestine, with the consequent unrest and misery for millions. The natives are too backward and passive to protest effectively against this proposed dumping of white men in their lands. It is the duty of those who called themselves their trustees to see that the trust is not betrayed, nor their loyalty to the British Government abused.

6. There are many dominions in British Empire which do not allow Asiatics and Africans to settle in their territories. It is for these Dominions to invite the Jewish refugees to their lands. In Australia there is a real demand for white settlers. It would be in the best interests of Kenya as well as Australia to divert Jewish immigration from Kenya to the latter country. It would be nothing short of a crime against the races of Kenya to give any lands or rights to white aliens whose traditions, culture and interests differ from theirs at the expense of the sons of the soil. To give these foreign refugees a privileged position denied to the Indians and the Africans is an insult to the honour of India and an irreparable injury to three million Africans. Such a defiant violation of all principles of justice and humanity under the pretext of giving refuge to the persecuted will bring not only trouble in this unhappy country but will weaken the very foundations of the British Empire.

*Nairobi,*  
*7th September, 1938.*



The executive of the East African Indian National Congress have addressed to the Secretary of State for the Colonies a memorandum opposing any scheme for settling Jews in KENYA.

C.O.

38232/5<sup>A</sup>/38. Kenya.

Mr. Paskin. 10.9.38.

Mr.

Mr.

Mr. A. J. Dawe.

Sir H. Moore.

Sir G. Tomlinson.

Sir J. Shackburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

C 7  
R 14 SEP  
D 15

Downing Street.

16 September, 1938.

Sir,

I am etc. to acknowledge the

**DRAFT.**

THE UNDER SECRETARY OF STATE

INDIA OFFICE.

(1) receipt of your letter No. P. & J.

1014/38 of the 24th August transmitting

a copy of a telegram from the

Government of India regarding the

statements made by Earl Winterton

at the Evian conference in regard to

the proposed scheme for the

settlement of Jewish refugees in

Kenya. It is observed that full

particulars of the various public

statements which have been made on

this matter have already been

communicated to your Department in

the letter from the Foreign Office

20 Kenya Conf 17/8  
(2 copies L.W.)

Copy this to Kenya

FURTHER ACTION.

Copy with conf  
no. 11/12  
to 2 CS Kenya  
Conf. Jf.

No.

No. W 11452/104/98 of the 27th

(2)

August.

2. As regards the scope of the scheme I am to enclose, for the information of the Marquess of Zetland, copies of a despatch which was addressed to the Governor of Kenya on 17th August. There is no objection to a copy of this despatch being communicated to the Government of India. It will be observed that the scheme is of a very limited character and in the first instance involves the acquisition of sufficient land (which is already in private ownership) in the Highlands, by a company which has been formed for the purpose, for the accommodation of no more than 25 German Jews, who will be specially selected with regard to their suitability, and ultimately of members of their families.

I am, etc.

Recd

275

Any further communication on this subject, please quote  
No. W 114 52 / 104 / 98  
and address—*not to any person by name*, but to—  
"The Under-Secretary of State," Foreign Office, London, S.W. 1.

*dupl. Encl.*

THE Under-Secretary of State for Foreign Affairs presents his  
compliments to *the Under-Secretary of State*  
*for the Colonies* and, by direction of the Secretary of State,  
transmits herewith copies of the under-mentioned paper.

Foreign Office,  
29 AUG 1938



Reference to previous correspondence:

*Letter from India Office to C.O. No P & J 4014/38*  
*of 24<sup>th</sup> Aug*  
Description of Enclosure

Name and Date	Subject.
<i>To the India Office of 29<sup>th</sup> August</i>	<i>Proposal for Settlement of Jewish refugees in Kenya.</i>

*copy sent to Kenya*

Similar letter sent to H.O.

27th August, 1938.

Sir,

With reference to your letter No. F. and J. 4014/38 of the 24th August concerning Earl Winterton's statements at the Evian Meeting on the subject of proposals for Jewish settlement in Kenya. I am directed by Viscount Halifax to inform you that, in addition to the statement mentioned in your letter under reference, Lord Winterton alluded to the proposals in his speech at the final meeting (see page 42 of the Verbatim Record).

2. I am also to call attention to Lord Plymouth's remarks on the subject in the course of his speech in the House of Lords on the 27th July (see columns 1248 and 1249 of Hansard for that date).

3. Lord Halifax attaches importance to the provision of emigration facilities for Jewish settlers in the Colonial Empire, where this is practicable, on political and humanitarian grounds. In this connexion I am to observe that His Majesty's Government have already undertaken to co-operate to the fullest extent possible in the work which was begun at the Evian meeting on the initiative of the United States Government, and is being continued by the Intergovernmental Committee set up in London under the Chairmanship of the Chancellor of the Duchy of Lancaster. Lord Halifax considers that His Majesty's Government should endeavour to make a serious practical contribution to the solution of the problem with which the Committee is confronted, and he regards the scheme for the settlement

The Under-Secretary of State,  
India Office.

settlement of a limited number of Jewish families in Kenya as a useful step in this direction. The terms of the reply to the Government of India are however primarily a matter for the Colonial Office, to whom a copy of this letter has been sent.

4. A copy has also been sent to the Home Office, and I am to suggest that a copy of your letter under reference should be forwarded to that department.

I am, etc.,

(Sgd.) D.F. Howard.

Any further communication on this subject should be addressed to—  
The Under Secretary of State for India, Department, India Office, London, S.W. 1.  
Public & Judicial and the names of persons quoted—  
P. & J. 4014/38.

INDIA OFFICE.

WHITEHALL,

LONDON, S.W. 1.

24 August, 1938.



RECEIVED  
28 AUG 1938  
C. O. REGY

Telephone:— Whitehall 8140. I.O. Ext. No  
Telegrams:— Relaxandum, London.

Sir,

I am directed by the Secretary of State for India to forward for the information of the Secretary of State for the Colonies copy of a telegram from the Government of India regarding a statement, reported in the Indian Press to have been made by Earl Winterton at the Evian Conference, to the effect that His Majesty's Government were considering a scheme for the settlement of Jewish refugees in Kenya. It is presumed that the statement referred to is that made at the first public meeting on Wednesday, July 6th a report of which appears at the top of page 15 of the "Proceedings of the Intergovernmental Committee at Evian".

5 cc  
4081/90/38

Lord Zetland would be glad to learn whether he is correct in thinking that this is the only statement made by Lord Winterton on the point raised by the Government of India, and also to receive at an early date the views of Mr. MacDonald, as to the reply which should be returned to the Government of India's inquiry as to the intentions of His Majesty's Government in this matter, which has no doubt been the subject of further examination since the speech referred to by the Government of India was made.

A similar letter is being addressed to the Foreign Office.

I am, Sir,

Your obedient Servant,

The Under Secretary of State,  
Colonial Office,  
S.W. 1.

on his 3  
copy to Kenya (H)

P & J  
4014  
1938

LJS/UYD

( 87 groups)

3298

DE CYPHER OF TELEGRAM.

(COPIES  
CIRCULATED)

From Government of India, Department of Education, Health and Lands, to Secretary of State for India.

Dated Simla, 5.40 p.m., 23rd August 1938.

Received 2.45 p.m., 23rd August 1938.

X

1354.

Department of Education, Health and Lands.

Press reports to the statement attributed to Earl Winterton at the Refugee Conference at Evian-les-Bains regarding intentions of His Majesty's Government to promote scheme for the settlement of Jewish refugees in Kenya Highlands and the representation on same subject from East African Indian Congress, have given rise to the question in the Legislative Assembly to which ad interim replies will be given. Government of India would be grateful if they could be furnished urgently with copy of statement that Earl Winterton may have made and particulars of intentions of His Majesty's Government in the matter, so as to enable them to deal with the Assembly question fully and also to consider whether any representations on their part are called for to safeguard Indian interests in Kenya.