

1938

38240

C0533/498
KENYA

38240

Territorial Force.

Position of Germans serving in -

Previous				
Subsequent				

29/6
 Mr. Smith 7/10
 Mr. Parker 2/10
 Col. Bishop 15/10
~~General Bishop~~
 Mr. Howard 14
 Mr. Collier 14/10
 Mr. Bond 15/10
 Mr. Davis 15
 309 19
 297. 3/11
 R 309. 4

C1. Territorial
Defence.
Gamans.

Extract from minutes of meeting with
representatives of F.O., W.O. & Treasury on 19 Sept. 38.
(orig. at No 52 on R2022/3011)

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It is important to distinguish between the Kenya Defence Force and the Kenya Regiment (Territorial Force).

Under Section 9 of the Kenya Defence Force Ordinance (at 2 on 38090/3/37: the substance of this section has not since been amended) provision is made for the compulsory enrolment of every male British subject, both of whose parents are of European origin or descent, between certain ages. It is also provided that with the Governor's permission any male person who is not a British subject may volunteer to serve in the Defence Force.

Under Section 4 of the Kenya Regiment (Territorial Force) Ordinance (at 2 on 38240/2/37: the section has not since been amended) it is provided that every member of the regiment shall be a British subject of European race or origin between certain ages. (Membership of the regiment is voluntary.) It is therefore not possible for foreigners to become members of the Kenya Regiment. At the time of the passing of the Ordinance through Legislative Council, exception was also taken by the Indian members to the provision that only British subjects "of European race or origin" should be allowed to be members, and an amendment was moved to delete those words (see page 876 of the attached copy of the debates for December 18th to 29th, 1936).

The question of the voluntary enrolment of foreigners in the Defence Force has been considered in the correspondence on 6671/2/37 and -/38. In No. 1

on the latter file (letter from Mr. Pilling to Mr. Dawe of 4.2.38.) it is stated that the Governor had already authorized the voluntary enrolment of fourteen Germans. At the time this was done the question of the enrolment not only of Germans but also of Italians was considered, and the Governor reached the conclusion that it would be difficult to refuse on general grounds to enrol any foreigners in the Defence Force. The present policy is, therefore, that all applications for enrolment in the Defence Force from Germans and Italians are closely scrutinized and if there are no obvious and definite reasons for refusing them they are approved. There has been no further correspondence on this point and the Governor has no doubt by now assumed that the Secretary of State does not wish to question the decision.

As far as action on this file is concerned it would therefore seem that, from the Department's point of view, it would be best to let sleeping dogs lie and allow Germans and other foreigners to continue to enrol in the Defence Force.

From Mr. Pilling's letter of 4.2.38 it would seem that Colonel B. M. S. suggests in his letter "judicious discrimination" should be used in enrolling foreigners & already being acted upon.

Clatworthy
7/10/38

The question of the enrolment of foreigners in the Kenya Defence Force was discussed in Leg Co during the passage of the KDF Amendment Ordinance (38090/3/38) in May this year. Unofficial members wished to exclude foreigners from the KDF altogether (see Col's 189, 202 attached set of Debates). In reply it was pointed out, on behalf of Govt, that prior to 1937 women (in the speaker's memory) objected to foreigners serving, up to 70 of whom had at some time done so. It was also pointed out that in the event of their nationals of enemy states would not be called out but that, unless they decided to leave the country, they would probably be interned. (Col's 202 and 245)

Clatworthy
8/10

Then the position is as follows:-

- (1) aliens cannot join the Kenya Regt (K.D.F.)
- (2) they can join the K.D.F. with

the Govs. permission, wh. is only given after careful scrutiny.

(3) In the event of war, every alien poss. be interned, so as to cease to belong to the K.D.F.

(4) Having regard to the fact that the primary rôle of the K.D.F. is internal security, Kenya considers it desirable that aliens shd. be allowed to enrol. This seems to me to be sound.

If this view is accepted, it will presumably be necessary to inform the representatives of the other Depts. who were present at the meeting on an '9th Sept.

J.J. Pascoe

I am not sure that under the present state of affairs the primary rôle of the K.D.F. is still internal security. I think it would be desirable to prohibit Germans & Italians from joining the force if this were possible. However, since the papers issued by Mr. Parker, that such a prohibition would be most difficult to bring about, it will be no alternative to the course of action recommended in the last paragraph of Mr. Parker's minute.

"I think it is a great pity that aliens were never allowed to enrol in the K.D.F., but, since it has been done, it is very difficult to stop."

In view of the fact that aliens would be interned on the outbreak of war, I think we can proceed as suggested by Mr. Pascoe.

I presume Kenya will be very careful when scrutinizing the applications of aliens to join the K.D.F.

J. H. Haldes
11/10/38

The Attorney-General's report on the K.D.F. Bill (1st ed. to No 2 in 1809 of 1937) states that the main function of the Force is to train all citizens not in the Kenya Regt. to defend the Colony in the event of internal disturbance.

In the Defence Scheme it is stated that the Police Force & K.D.F. will be responsible for internal security, coast watching, & the protection of places of vital importance. It is permitted the employment of the K.D.F. in active operations. But in certain circumstances the force would be available for active operations.

Having regard to X, it is perhaps not surprising that aliens were permitted with the approval of the Governor to volunteer to serve in the K.D.F. and be responsible for their selection sent to the Governor.

as Mr. Parker proposes
J. H. Haldes
14/10

This question was raised at the meeting by Mr. Haldes (W.O.), but his view is representative of S.A. Dept. based on the Government had been arranged to... I agree with Mr.

Parkin's suggestion as "A" (a
list of those present at the meeting will be
found in the F. Y. file "Nazi activities")

Est Lloyd

15. X. 38

(1) once

17. 10

15. 10

It might be advisable to write DC to the
General Kanya on telling him that the question
of the treatment of aliens in the R.D.F. was raised
at a meeting in London & say that it is presumed
that the admission of aliens will be very carefully
controlled.

A copy of the letter to the members of the Committee
at which this was raised might be sent to General
at the same time

[Signature]

10

2. J. Spraight (F.O.)

3. I. Boyd Hiddell (W.O.)

} 2 11 38

me for action
10 minutes

EDIBUTED with ~~Attitude~~ In a Wade. sp (info 3 as indicated)
only. 16. 11. 38.

38240/G/38. Kenya. Secret.

2-3

C. O.

Mr. MacDougall. 19.10.38

Mr. Paskin. 26.10.

Mr. Colonel Bishop. 23.10.

Mr. General Giffard. 27/10.

Mr. Boyd. 21.10.38

Mr. A. J. Dore.

Sir H. Moore.

Sir G. Tomlinson.

Sir J. Shackburgh.

Perth. U.S. of S.

Perth. U.S. of S.

Secretary of State.

S.O. for Mr. Boyd's signature.

Downing Street,

2 November 1938.

DRAFT.

Dear Speaight,
Dear Liddell,

(1) R.L. Speaight, Esq.,
Foreign Office.

(2) Captain G.M. Liddell,
Room 68,

You will remember that at our meeting in this Office on the 19th September (German activities in Tanganyika) the question of Germans serving in the Kenya Territorial Force was raised. This question has now been examined, and I understand that the position is as follows:

- (1) Aliens cannot join the Kenya Regiment (Territorial Force);
- (2) They are permitted to join the Kenya Defence Force with the Governor's permission, which is only given after

careful

FURTHER ACTION.

Recircu. for further action as in I.-G.'s minutes.

E.E.B.

careful scrutiny.

When the Bill to amend the Kenya Defence Force Ordinance (by providing, inter alia that aliens who are permitted to enrol shall not be required to take an oath) was before the Legislative Council in May last, some of the Unofficial members represented that it was undesirable to have aliens in the Force. The Government spokesmen, however took the line that since

(a) The primary rôle of the Kenya Defence Force is the safeguarding of internal security, and

(b) In the event of war enemy aliens would be interned and would therefore cease to belong to the Kenya Defence Force.

it was reasonable that suitable aliens ^{shall} may be allowed to enrol in the Force.

In the circumstances, the view taken in the Colonial Office is that it would now be very difficult to reverse this policy, and that there is not sufficient reason for attempting it.

I am writing also to Liddell at the War Office.
Speaight at the Foreign Office.

Yours sincerely,

(signed) E. B. Boyd.

Extract from minutes of a meeting
with representatives of F.O., W.O. & Treasury
on 13th Sept.

6
END

(No. 52 on 42022/38 T.T)

The question was also raised of Germans serving in the Kenya Territorial Force. Captain Liddell said that the enlistment of foreigners in the local Defence Force had been banned by the Hong Kong Government. Colonel Bishop thought that any similar prohibition would be legally impossible in Kenya, but suggested that some judicious discrimination should be exercised by the authorities in the selection of applicants from the waiting list. The question whether Germans already in training in the Kenya Defence Force should be removed was also raised, and it was decided that this point should be mentioned to the East African Department at a later stage.