

1930.

Kenya

No.

16389

SUBJECT

CO 533/404

Commission of Enquiry into

the Kenya Civil Service

Previous

See 25462/30.EA.

(Tea & Beverage Dept.)

Subsequent

17344/31.

Encloses verbatim report of debate in Legislative Council. It was noted that a Commission of Enquiry into the Kenya Civil Service has been appointed, and strongly recommends the appointment of a Commission with wide terms of reference, for reasons stated. States as to proposed representation on Commission and suggests Chairman be appointed from Colonial Office.

2. Officers.

- (1) I think that this is primarily for the Personnel Division.
- (2) In this connection, see especially Colonial Office despatch 890 of 17.12.36 (i.e. 11 in A. 25-66/30 E.R.), in which we took the point as to Colonial Service unification.
- (3) On the question of principals involved - i.e. a "local" section of the Kenya civil service - which Mr. O'Shea discussed recently with Mr. Tomlinson, Major. There will no doubt be some who feel the idea does not commend itself to those who are becoming interested in "unification" and, in any event, there seem to be objections to such a division of the service in a colony. But we cannot ignore local feelings and we must, I think, make such provision as is possible for entry of local candidates into the Government service in a manner which meets the views of the resident population, if this can be done without sacrificing anything of real importance.
- (4) If any Colonial Office official were to act as Chairman or a Commission as proposed in this

despatch

despatch it is clear (if I may say so) that
it shall be Mr. Tomlinson, as suggested by Mr.
Wilson.
I am sure that the Kenya proposal should
proceed with a general "unification"
in mind, not as the only, or any, step towards
the stage of a report for submission to
Colonial Governments. Then would come the
time for Kenya to have its local enquiry, and
then possibly the question of a "local
enquiry" for local entrants with special
service could be brushed out in the
proceedings for a unified Colonial

Declaration
31.12.53

I agree. It has been clear throughout
the discussion of unification that
the scheme primarily concerns
staff ordinarily recruited in
this country, and that each
Colony will continue to have
its local Govt. service - white
black or part coloured - to
fill the bulk of the appointments.
It has also been recognised that
the members of such services
should have the opportunity
of rising to the height of
their capacity in the service

of their own country.

In the case of a Colony
like Kenya, it will be necessary
in due course to consider what
posts should be reserved for
local candidates and what
should be open to members
of the unified service (which
would of course include
suitably qualified Kenyans).
Clearly it will be desirable to
fix this in the matter of the
unified service before we come
to deal with the local services.

J. Jeffries
2/1/54

I agree & at this stage have
nothing to add. (Major
Furse should see these papers
when he returns from leave).
P. J. P.

Seen by
P. J. P.
2/1/54

The minutes sufficiently indicate the
contents of the main draft of what
I told the other day on 20.12.53.
It would help matters if we could
give some rough ideas when the report
is on

in unification is that to be available. And he can say (though he has been known to say) that he asked no questions.

Col. 2.1.38

In regard to the first part of Sir C. Boddley's minute, I think you may say that following the resolution of the C.O. Comtee. (1.90.7 Ord 3628) that it has set up a Ctee which is actually considering the drawing up of a scheme of unification; that it is hoped that the ^{draft} scheme will be available for communication to Col. Forts during the first half of this year.

Off. Comm. G. J. P. 5/1/38
Office

the report para (f) of Mr. Parkinson's minute of 2.12.38 I seem to have explained that when Mr. O'Shea came to see me, he said that the W's party in the Kenya Reg. Co. intended to press for a Committee of Enquiry into the Civil Service. He said there was much dissatisfaction about the conditions of service that terms were too short & leave too frequent & that insufficient use was made of local men. He was in a great hurry (it was the day before he sailed) & I can hardly be said to have ~~been~~ entered into any detailed discussion with him, & he told him that questions of unification were under consideration but in fact he did most of the talking & then took his leave.

G. J. P. 15.1.38

Mr. O'Shea also mentioned the matter to me. He takes a personal interest in it as he has three sons at Dublin University and hopes that one if not two of them will get into the Kenya Service.

G. J. P. above

11.1.38

21. Co. Case 42. Answer - 21 JAN 1931

W

3. Mr. Moore % _____ 30 November
Has suggested the Commission should be Chairman
of proposed Commission of Inquiry, if not possible
state as to type of Chairman required

4. Mr. H. H. Moore % (3 sent) _____ 28 January

W

5. Mr. H. H. _____ 7 February
Requests early intimation whether approval of
proposals in (a) will be given

Mr. Moore

Re Insp. - no. 2 - vide
he was about the 20th - not before -
so - (I think) we had better

have a short telegram in reply
The Insp. for Canada - I am
not sure whether perhaps it doesn't
fall to you for you are promising a
further communication before the
middle of the year. But
the Insp. should be the substance

7. Mr. Moore

The paper must be reviewed
I think the Insp. may be required what
action if any necessary

General
9/2/31

Mr. Moore
9/1/31

Mr. Moore
9/1/31

6. To Mr. H. H. Moore No. 42

W

7. Mr. Moore 105 _____ 21st February '31
State early settlement of terms of reference in view
now urgent owing to need for drastic economic
trust submission of draft proposals of Committee set up
upon resolution of Colonial Office Conference will not be
delayed after middle of the year

Mr. Moore

As there are papers to report
the submission of your C.O.

General
16.1.31

Mr. Moore

The Committee is in process of
considering the interim report & the
drafting of the final report would not

Each to begin during the next
budget. Time must then be
allowed for it to be completed
& agreed by the Committee
(approved or otherwise) by the
the general in one sitting, and
helping in the first half of the
year for the submission of the
draft proposals to Govt.

GE Cliffe

16.3.31

Then perhaps we might reply
that the question of local services
will certainly be carefully considered
(the Sec in connection with their
deliberations on the subject of a
unified colonial service, & that
it is hoped that their ^{draft proposal} report
will be submitted for the
cause of cold gov't of the
island of the year.

And this paper might
be brought up on 1st May &
consider whether in sending them
out to Kenya any special provision
as to a local service are required.

Cliffe
17-3-31

After all Kenya is not the
only place in which it is desirable to
necessity have a local service
elsewhere the unified service, I believe
of the Committee is fully alive to this aspect
of the matter.

17/3/31

Quite so, and the Committee's
proposals are not likely to affect
the local services at all. The
only point is that until the
Govt have before them the
scheme for the people recruited
from overseas they will hardly
know where to start or to stop
in considering the local
problem.

Idea with regard to
unification are still a little fluid,
and I think it would be best
to send no further dispatch, unless
they have crystallized into a report.

Cliffe 17.3.31

P. J. O.

8 H.L. to Moore 70 18 February
states as to the need for a local commission
of inquiry.

No. 8 has now been added
with the 2 commissions, concerns
the 2 commissions were able
to find a personnel
policy to the effect that
we shall do our best
to get on with the
report on unemployment
of the Gov. Admin. Service
on into the (to be more
emphasized
that as well as
I think we might well
want to well to see
how to cope with the
the get on with the
report

All Parkline on
23.3.77
Jayce
21.7.77
23.3.77

Yes - we must not so long. And
any local protest must be based
in the light of the fact that Kenya
itself is not very experienced
over its inquiries.
Draft for 21/3/77 all well
C.S. 24.3.77

To H. M. Moore 80
(B. Answer)

8 APR 1977

In context

any action to be taken on
your minute of 17/3/77 please
thanking you
9/4/77

10 To Hon. Mr. P.P. in 17/4/77
(copy attached)

Shirley
Graham
19/6/77
Mike
10/6
at all

Handwritten signature/initials

Draft on
17174/A/31. Kenya

Copy

8
10

Telegram from the Secretary of State for the Colonies
to the Governor of Kenya.

(Sent 6.15 p.m.; 21st May, 1931.)

Important.
Private and Personal.

Following from Bottomley begins:

Your letters 22nd April and 1st May. We are inviting Sir Arthur Salter to enquire into financial and economic position of Kenya with special reference to agricultural and fiscal policy including railway finance and policy. It is doubtful however whether he will be available and no reference to him by name should be made at this stage. If you make official application for a special commissioner to visit Kenya the Secretary of State will do his best to find suitable man and you may announce to the Council if you wish your intention of making such application. The Secretary of State has in mind a one man enquiry not a local committee and you will no doubt make it clear that this is what you intend to recommend.

As to Committee on Public Services I am sorry that Tomlinson cannot visit just Africa in near future. It is difficult to say when report on unification of Colonial Service will reach you but it certainly should not be later than September. In the circumstances best plan seems to be for you now to set up local committee which is unlikely to get very far before that report is available and give up all idea of a Chairman from

the

corresponding to them. Productivity of the country not increased and its taxable capacity expanded.

Subsidies based on loans would hinder adjustments which situation demands and which constitute only permanent solution. (vii) In any event loan for this purpose

could not be raised as even if the Secretary of State were to recommend Treasury assent would not be given.

It would certainly not be to the interest of Kenya to come on the market now in order to borrow for the granting of subsidies. Such action would be unfavourably regarded in City ends.

C. O.

X. 16309/30 Kenya.

C. D.
R. -1
D. 2

Mr. Greenhill, 25/3

Mr. Gent, 26/3

Mr. Parkinson 3/3/31

Mr. Tomlinson 3/1/31

Mr. Tomlinson

Sir C. Boltonley

Sir J. Shackburgh

Sir G. Grindle

Permd. U.S. of S.

Party U.S. of S.

Secretary of State

FOR MR. TOMLINSON'S SIG.

8 April 1931

My dear Moore

DRAFT.

CONS

H. M. M. MOORE, ESQ., C.M.G.

Many thanks for your letter of the 18th February. I know that the S. of S. appreciates the need not to delay progress with the proposed Commission of Enquiry in Kenya, but until the outline of the general scheme of re-organisation for the Colonial Service is settled - a scheme to which your plans for "a local subordinate Civil Service on special terms" must be related in many respects - it is difficult to go ahead. We are doing our best to get on with the general scheme as rapidly as possible. The Committee ~~was~~ ^{is} now engaged in drawing up a scheme for the Colonial Administrative Service which

which in the nature of things presents

the greatest difficulties and

complications. If it is accepted,

it will necessarily serve as a model for

schemes of unification in other branches

of the service.

I hope that the draft proposals

will be available by the middle of the

year, but the thing is by no means simple

and your experience will suggest that

these enquiries necessarily take time.

yours sincerely

(Sgd) S. J. F. Tomlinson



THE SECRETARIAT
NAIROBI,
KENYA

128

WHEN REPLYING
PLEASE QUOTE
No. B
AND DATE

18th February, 1951

RECEIVED
20 MAR 1951
C.O.L. OFFICE

Dear Sir,

Thank you for your letter of the 28th January. I am very disappointed that we cannot go ahead at once with our Commission, but appreciate that from your point of view a home independent enquiry might appear premature. This has been further elaborated in the official despatches, and as I read them the Secretary of State has not altogether turned down the possibility of a Kenya enquiry once the general lines on which your Committee is reporting are known.

I realise that our local tempests cannot affect the stately progress of the ship of State, but I do hope that the Secretary of State's expectation that your draft proposals will be available by the first half of the year will be fulfilled. General economic conditions have become worse here than they were at the time that the decision to appoint a local Commission of Inquiry was agreed upon. Terms of Service here, as you know, have always been debatable ground and now there has been added to the question special urgency in view of the imperative necessity of cutting down Government expenditure as far as possible. I am therefore afraid that any undue delay in this Government announcing what it proposes to do in the matter may lead to much local heat.

Arrived 20.8 APR 1951

and controversy. My point all along in agreeing to such a local Commission of Inquiry was to explore locally the possibility of recruiting a sort of local subordinate Civil Service on special terms. Those terms would be applicable to posts which normally are always filled locally and do not readily permit of interchangeability with other parts of the Empire. We have here a much larger number of subordinate European officials, clerks, and so forth than I have met with in any other part of Africa. It is urged with some force that if parts of Kenya are fit for European settlement at all then the conditions of service for Government officers who are making their homes in Kenya might well be different from those who are admittedly birds of passage. That is our real problem and I very much doubt how far it will be covered by any report that your Committee on a unified Colonial Service produces. I should like you, however, to bear the point in mind as personally I feel sure that it will be much easier to obtain general local support to unifying certain posts in a general Colonial Service if a loophole is left for local ^{recruitment} ~~recruitment~~ in other cases.

My wife sends her kind regards,

Yours sincerely,

G. J. P. Tomlinson

G. J. P. TOMLINSON, ESQ., C.B.E.

KENYA

NO. 105



GOVERNMENT HOUSE
NAIROBI
KENYA

RECEIVED
18 MAR 1931
C.D.L. OFFICE

21st February, 1931.

No 2
No 6

My Lord,

I have the honour to acknowledge the receipt of Your Lordship's despatch No. 42 of the 21st January, and of your telegram No. 42 of the 10th February in which you explain that for the reasons stated therein detailed consideration of the proposals made in the Acting Governor's despatch No. 751 of the 29th November, 1930, will be deferred until the Committee set up by Your Lordship following upon the resolution of the recent Colonial Office Conference has made some progress.

2. While I appreciate the grounds on which this decision has been made, I am of opinion that any scheme for the unification of the Colonial Service is unlikely to prove generally acceptable locally, unless it also leaves a way open for local recruitment to certain subordinate posts on terms applicable to conditions which in some respects are peculiar to Kenya.

3. Owing to the need for drastic economies in Government expenditure at the present time an early settlement of the terms of service controversy has become more urgent than it was at the date of the Acting Governor's despatch of the 29th November. I trust, therefore, that the question of local Services will be carefully examined by Your Lordship's Committee.

and

THE RIGHT HONOURABLE
LORD PASFIELD, P.C.
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON S.W.

and that in any event the submission of their draft
shall will not be deferred beyond the middle of
the year.

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble servant,



BRIGADIER GENERAL
GOVERNOR.

C. O.

- Mr. S. A. S. 9/2
- Mr. Allen 9/2
- Mr. Office 9/2
- Mr. Tomlinson.
- Sir C. Holtrop
- Sir J. Shackburgh
- Sir G. Grindall
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

advance



12
 10.23/62
 Codd...
 62

(1)
 (2)

No. 42 your telegram no. 44
 re my dep. of 21st Jan. 1962
 which states that while
 appreciating reasons for
 requiring immediate consideration
 of terms of service to be
 the of an unit, any such
 inquiry would be premature
 because which is examining broad
 based / question of uniformity
 of chemical services has
 proposed draft of which will
 be available to you
 before the middle of the
 year. In the meantime I
 propose to defer detailed
 consideration of your proposals.

DRAFT. Code tel.

former
 Navidi
 for revision

DECODE

RECEIVED
-9 FEB 1931
POL OFFICE

13

Telegram from the Officer Administering the Government
of Kenya to the Secretary of State for the Colonies
Dated 7 February. Received 11.39 a.m. 7 February 1931.

10 Feb 31

Des. tel No 412

No. 44. By despatch of 29th November No. 755 Terms of
Service Commission. I would welcome early intimation
whether approval in principle of my proposal is likely
to be forthcoming. Although details of personnel etc.
could stand over for the present it would be helpful in
view of strong local representation in connection with
economy measures if some general announcement could be
made in the near future.

C. O.

Mr.

Mr.

Mr.

Mr. Tomlinson

Sir C. Bottomley

Sir J. Shuckburgh

Sir G. Grindle

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State

Quarta in vngs p...
= (H.?)

My dear Moore

Your letter of 30th Nov. has
been by month water with a
reference. I nearly sent it
to S. Bouch with ^{the words} ~~the words~~

DRAFT.

H. M. M. Moore, Esq. C.M.G.
~~Chief~~ Colonial Secretary
Nairobi

Cannot speak before New Year ^{the} unless
~~you say I must~~
You will ~~not~~ have had a detailed
explaining why a Commission of
Inquiry cannot be held ~~with~~
with "unification" in the air
- I met ~~not~~ in the air but
under detailed consideration - it
was clear that the time was not
ripe for radical changes in the
conditions of service in any one
Colony. So the part had to give
way to the whole.

But when a legitimate
occasion comes for me to
visit Kenya, to say I shall
jump at it.

Please thank him
I enclose for the charming card

The ~~view~~ view is (Christians) (the
one with the distant view of
Kilimanjaro). I hope she &
the children & you too are all
flourishing. Cliffe showed me
a jolly map-sheet the other day
of Seivore & her bay
With all good wishes,

Yours sincerely

(Signed) J. J. F. Koulman

193
/3

GOVERNMENT HOUSE,
KENYA,
EAST AFRICA.

30th November, 1930.

Dear Tomlinson,

The Legislative Council here has passed a Resolution, and the Government is backing it, that a Commission of Inquiry, which would include leave, passage, pension regulations for both Europeans and Asiatics, should be appointed with an official Chairman from the Colonial Office. I have been rash enough to suggest to Sir Samuel that you would be the very man for the job. I do not know in the least whether it would be possible for you to get away but I sincerely hope that something may come of it and that we shall see you out here before long.

If you cannot be spared, ~~and~~ you will no doubt be consulted as to the Chairman; I would beg of you to try to hit upon some person, if such is to be found, who combines a good knowledge of regulations in general and service conditions throughout the Empire, with a capacity for absorbing local atmosphere and dealing tactfully with our unofficial element out here which, if properly.....

1931

Amwood S.D.

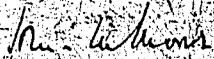
GOVERNMENT HOUSE,
KENYA,
EAST AFRICA.

2.

properly handled, is far more reasonable than people
suppose.

With kind regards to your wife and yourself
from us both.

Yours sincerely,



G.F.J. Tomlinson. Esq. C.B.E.
The Colonial Office.
LONDON.

O. O.

X. 16389/30 Kenya

1. 21

Mr. Greenhill. 13. 1. 31.

Mr. Jeffries 19/1

Mr. Tomlinson 15/1 ~~Mr. Allen 14/1~~

O. O.
R 19 JAN
D 20

Ca 9
slip below

Mr. Tomlinson

X Sir C. Boltonby. 16. 1

Sir J. Shuckburgh

Sir G. Grinda

+ Permt. U.S. of S.

Parly. U.S. of S.

X Secretary of State.

17. 1. 31
19/1

Downing Street,

21 January, 1931.

DRAFT. CONFIDENTIAL

Sir,

KENYA

Confidential

No. 42.

O.A.C.

Sec of State

You should see in view of our discussions on a unified service.

P.H.L.

17/1/31

I have etc., to acknowledge the receipt of your despatch No. 751 of the 29th of November, 1930, in which you propose that steps should now be taken for the appointment of a Commission of Enquiry to examine the present terms and conditions attached to appointments in the Kenya Civil Service, and to make recommendations with a view to the modification of such terms and conditions for future entrants, having in mind the possible

possible establishment of ^a ~~local~~ *local* ~~civil~~ *civil* ~~service~~ *service* ~~in Kenya.~~

Local Civil Service in Kenya.

2. I fully appreciate your reasons for urging that these matters should receive immediate consideration; but, as you are aware, I am particularly concerned at the moment with the question of the unification of the Colonial Service as a whole, and it seems

to me that any ~~recommendations~~ which the proposed Commission of Enquiry might make ~~is~~ ^{would} very likely be affected and possibly nullified by the decisions taken in connection with the general scheme of unification.

3. In the circumstances, I propose to defer detailed consideration of the proposals made in your

despatch

enquiry with regard to the service in Kenya must be related to the developments which may take place

despatch until I have received
which I have
the report of the Committee set
up, following upon the resolution
of the recent Colonial Office
Conference (see page 90 of

Command 3628) ~~which I have~~
~~not yet received (see July 1902)~~

I anticipate that the
report of the Committee will be in
my hands shortly and that the
draft scheme of unification will
be available during the first half
of this year. I shall then be
in a position to communicate the
details of the scheme to the
Colonial Governments.

has made
some progress.
4. I may
observe that
the question
of unification
is being actively
examined by
the Committee
and I hope
that draft
proposals

4 I have ~~to~~ to add, with
reference to para 6 of your despatch
when Mr O'Shea called on this department
despatch that the ~~position~~
is that the ~~unification~~ of the ~~unification~~
Council ~~unification~~ ~~unification~~
the ~~appt~~ of a ~~unification~~ of
Enquiry with a Colonial Office
official ~~as~~ ~~unification~~
~~is~~ ~~unification~~ ~~unification~~

Passfield
(Signed) PASSFIELD

15/11/12
15/11/12

KENYA

NO. 751



GOVERNMENT HOUSE,
NAIROBI,
KENYA

RECEIVED
22 DEC 1930
O.O.L. OFFICE

28/11 November, 1930

My Lord,

I have the honour to refer to the following motion that was moved in Legislative Council on November 19th by the Honourable Member for Plateau South:-

That this Council requests Government to appoint a Commission as soon as possible to enquire into the terms and conditions of the Kenya Civil Service*.

Report.

2. I enclose a verbatim report of the debate from which it will be observed that the motion was withdrawn on an assurance being given by Government that early steps would be taken to obtain the co-operation of the Colonial Office in the matter.

3. Your Lordship is well aware that the question of the terms of service of the Kenya Civil Service has provided a fruitful field of controversy for years past, and repeated and spasmodic attempts have been made from time to time to attack one or other aspects of the problem by the appointment of local Committees to consider Leave and Passage Regulations, Pension Ordinances and Regulations, free housing for Government servants and so on.

4. For various reasons nothing tangible has resulted from the Reports of these Committees, and the Government has shown a not unnatural reluctance to pursue any active policy in the matter so long as a decision on the question of Closer Union was still in doubt. I do not feel, however,

that

THE RIGHT HONOURABLE
LORD PASSFIELD, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON S.W.

Annex 42-21 JAN 1931

that the issue should be burked any longer, or the appointment of the proposed Commission necessarily postponed till the findings of the recently appointed Joint Committee ^{are} published. The long delays which have already ensued have had an unfortunate effect both on the Civil Service, and on the public. The Civil Servant has in some cases suffered because, for example, the question of the pensionable status of certain offices has been perforce left unduly in abeyance, while with the public there is an increasing tendency to view with suspicion any proposal on the part of Government which may be regarded as an attempt to entrench the Civil Servant in what is loosely regarded as a privileged position.

Extracts.

5. A perusal of the Reports of the Select Committees on Estimates for the last two or three years, extracts from which I enclose, reveals that the attitude of Elected Members has been steadily stiffening on this question; by way of attacking the problem from a slightly different angle the Select Committee on the 1930 Estimates recommended the appointment of a Committee to consider the possibility of the creation of a local division of the Civil Service to which special terms of service would be applicable.

6. This Committee for a variety of reasons never sat but I would say at once that I believe that in this direction a solution of this difficult problem may be found. Shortly before his departure to England Mr. O'Shea, the substantive Member for Flatland South on whose behalf Mr. Hoey moved the resolution in question, raised with me the desirability of his discussing with Your Lordship's advisers in the Colonial Office the possibility of appointing a Commission of Enquiry into this subject

with

with an officer of the Colonial Office, as Chairman. Whether he did so or not I cannot say, but I indicated that in my opinion such a discussion could do nothing but good, and that if Colonial Office representation could be secured on such a Commission it would be very valuable.

7. The problem which Kenya has to face is two-fold. First it is of paramount importance, whether Closer Union eventuates or not, that the terms of service in the higher ranks should be such as to attract the best men available, and to facilitate the flow of such officers on transfer or promotion throughout the Colonial Service on the lines generally advocated at the last Colonial Office Conference, and specifically provided for in the Colonial Agricultural Service Scheme. Second, means must be devised of securing the services of the increasingly large European population, which has taken up its permanent residence in Kenya and is rearing and educating its children here, on terms more analogous to those prevailing among the commercial and agricultural community at the present time. It is true that many of those now locally engaged by the Government are not Kenya residents in the full sense of the term, but have drifted here either from South Africa or from home. None the less it is contended, and with considerable force, that it should be possible to devise terms for them on their ultimate confirmation in permanent posts which, while fair to them, would not carry with them all the existing privileges of leave, free passages, housing and medical attendance.

8. So far I have confined my observations to European Government employees. The terms of service of the Asiatic and African servants of Government equally, however, present problems of considerable magnitude, and Your Lordship has recently been addressed on the subject of

the

Att 16211/30

The Secretary - White

16250/24/40

707/30
J. J. J.

the respective merits of pension schemes, contributory or non-contributory, and Provident Funds for the Asian personnel. An inter-departmental Committee is also at present inquiring into the grading and conditions of service for the Arab and African staff in the various branches of the Service. For a considered solution of these questions no less than for those I have already mentioned a Commission of Enquiry under an experienced Chairman would be invaluable.

9. For all these reasons I strongly recommend the appointment of a Commission of Enquiry with wide terms of reference embracing leave, passage, housing, pension regulations of all Government servants, European and non-European, with particular reference to the possibility of creating a local division of the Civil Service. I would suggest that the Chairman and Secretary should be appointed from the Colonial Office, and that local representation should consist of one or more European unofficial members of Legislative Council and an Indian representative. It would probably be desirable to appoint a Kenya Civil Servant of experience as Joint Secretary to the Commission, but Your Lordship will no doubt consider this and other matters of detail in the light of experience gained in similar Commissions such as the Stubbs Commission to Malaya and the Wood-Renton Commission to Ceylon. The terms of reference of such a Commission might be:-

To examine the terms and conditions of employment, including retiring allowances, which at present govern the various branches of the Kenya Civil Service, both European and Non-European, and to make such recommendations

recommendations as it may think fit in regard to their modification for future entrants in the light of present day requirements bearing in mind more particularly the possibility of establishing Local Civil Services working under different conditions from those attaching to posts, which for the time being at any rate will normally continue to be filled from overseas*.

Should Your Lordship approve of these proposals, it will be a matter for consideration whether the scope of the enquiry should be extended to embrace the Kenya and Uganda Railway. That, however, must depend in some measure on the action finally taken in respect of Closer Union, and I see no reason why the settlement of a problem, which is essentially a Kenya one, should be further delayed on this account.

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble servant,

John Wilson

ACTING GOVERNOR.

KENYA LEGISLATIVE COUNCIL.

Extract from Official Debates of 19th November, 1930.

MOTION.

TERMS OF Service Commission.

CAPTAIN THE HON. A.C. HOEY: Your Excellency

I beg to move the motion standing in my name, which reads:

"That this Council requests Government to appoint a Commission as soon as possible to enquire into the terms and conditions of the Kenya Civil Service."

Sir, in speaking to the motion I would like to say that I have moved this at the direct request of the Member proper for Plateau South, who is absent from the Colony. I need hardly say, Sir, that this request has my entire sympathy and support. Hon. Members are fully acquainted with the recommendations of the Committee which sat on this subject and issued its Report in July last. Sir, this vexed question of terms of service ~~xxxx~~ has been one on which a succession of committees have sat at various intervals. I remember, Sir, when I had the privilege of sitting on this Council ten years ago, an enquiry was then being held by Sir Alfred Ingham. It appears that in spite of this enquiry and various committees which have sat subsequently, the fact remains that no real concrete changes have taken place.

The motion before the House asks for a Commission. In asking for this commission, Sir, I do so with the definite purpose of soliciting the assistance of the Colonial Office in examining the problem in its widest aspects. I feel that, if such

a Commission were appointed and it had the full co-operation of the Colonial Office behind it, some definite results and decisions would soon be made. I believe that until we do enlist their assistance here by the appointment of a ~~representative~~ representative of the Colonial Office, we shall not be able to probe the problems thoroughly as it is necessary to do.

It is important in dealing with this problem to remember that the Kenya Civil Service should continue to be attractive and to bear a proper relationship to the other Colonial civil services in order to enable it to maintain the high standard of individual personnel which it at present possesses and to enable it to carry the full confidence of the country. I believe, Sir, to get a real appreciation of our Civil Service as compared with other Colonial civil services it is vitally necessary to obtain the assistance and help of the Colonial Office.

Sir, to turn to the necessity for such a Commission, the terms of service as they stand to-day are substantially what they were 20 years ago although the general conditions of the Colony bear little relationship to that period. Similar terms of service for the East African Territories may be advisable for many reasons but the fact that we have a large white farming and commercial population in Kenya which has not yet been established in neighbouring territories is itself a ground for different terms of service for Kenya officials.

Another point I consider is that here we have grown up amongst us to-day a younger European generation from whom I sincerely trust will be drawn a

large number of our future civil servants and who, I feel sure, will justify to this Colony some of the very large capital expenditure which is being incurred to-day in providing increased educational facilities. I consider it most desirable, Sir, from all points of view, that no further time should be lost in revising the terms and conditions of service.

Of course, there can be no question of interfering with any existing contracts. It is wholly a question of future appointments, and in this connection, Sir, I do trust that any appointments which it may be necessary to make in Kenya will be filled as far as possible from within the Colony.

This brings into review the relative position of the senior to the junior official as regards leave and passage allowances. Firstly, I believe, Sir, that greater advantage could be taken of the extension of the local leave system which will result in a considerable saving in passage commitments and help the consolidation of the Colony's finances. As regards the leave conditions, which may vary well be desirable and convenient for the senior official

HIS EXCELLENCY: I do not wish to interrupt the hon. Member but it is a practice of this Council that speeches should not be read.

CAPTAIN THE HON. A.C. HOBY: I believe, Sir, that if the terms of service as they prevail to-day are applied universally throughout the Service they will create a great hardship on many of the junior ranks of the Service. As regards the junior ranks, I believe, Sir, that it would be welcomed by them if some form of consolidated pay could be introduced in lieu of the many and various allowances which are allowed throughout

the Service.

Sir, it would be more advisable to divide this question into two parts, one concerning the senior service and one the junior service. As regards the senior service, Sir, I believe it to be right that conditions in this Colony should compare with those of other colonial services in order that this Colony may secure senior officials with wide experience and special qualifications, which are continually required in this country; and therefore, nothing should be done which would interfere with the transfer of senior officials between the various Colonies. As regards the junior officials, Sir, I believe there is a real opportunity of building up a local Kenya Civil Service. This younger generation, Sir, which I hope will fill these positions, will necessarily work and live in Kenya as part of its permanent inhabitants. In this connection, Sir, there is no suggestion that the junior civil service should be barred from promotion to the senior ranks of the Service. I take it, Sir, that when a junior civil servant ranks for seniority he would then be eligible for promotion either inside or outside the Colony under general colonial conditions of service. The local problem then, Sir, becomes more complicated, because I do not believe that the local position has been fully appreciated in the past and it seems to me, Sir, boiled down to this, that the time has come when the general conditions of service which shall be applied to the junior civil ~~xxxxx~~ servant should be brought into line as far as possible with the conditions of the country.

Sir, I do not think that we can tackle this

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this problem entirely by ourselves. We have tried to do so in the past in the form of enquiries by committee but the fact remains that nothing has yet really resulted, and I do believe, Sir, if we are to examine this question in its widest possible aspects it is necessary to seek the advice of the real authority on this subject, which, in my opinion, is the Colonial Office.

I trust, Sir, that if such a Commission is appointed its terms of reference will be as simple and as wide as possible so as to allow the most exhaustive enquiry into this very difficult problem of which every possible point of view will be examined in detail.

Sir, in conclusion, I hope Government will accept this motion and take a hand in endeavouring to arrive at conditions of service which are in keeping with the conditions of the Colony and which will be of benefit to the Colony and its own Civil Servants.

LT. COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, I beg leave to second the motion, and I do trust that Government are going to accept it.

For many years we have had a lot of controversy and discussion on this subject and we have had committees which have dealt with it piecemeal. I do hope that Government will do as the hon. member proposed and appoint a Commission which will have the widest and the simplest terms of reference, so that the whole of this question may be thrashed out from every point of view which affects it, which includes, of course, leave and passages, housing, travelling allowances, local leave, and may other points

points of view. It is essential for this country that we should have a good and contented Civil Service, and in asking for this Commission the main idea is that the country should not have to pay quite so much and that the Civil Servants should get better worth for their money; should, in fact, get a truer salary than they are doing now at the cost to the country.

I support the suggestion that the Colonial Office should be asked to collaborate in this because up to date, after exhaustive enquiries have been held here and committees have reported and their reports approved, it has then been turned down when it has gone home. If we have a representative of the Colonial Office here I trust that such an eventuality will be avoided. On the other hand, I do trust that the conditions which apply to this country will be taken fully into consideration and that the result will not be bound entirely by what is applicable to all other parts of the Empire, which cannot be done. At the same time, Sir, I personally hope that the question of local applicants for service in the Civil Service here will ^{be} taken into great consideration, and I also hope that the Government will get on with the Committee which I understand they agreed to appoint to go into the question of greater provincial decentralisation, which ~~will~~ also would help and have a big effect on these general terms of service in the country. While naturally any change of terms cannot affect contracts already entered into, I trust the result of this Commission will be such that many of those on the present contracts will voluntarily come into the new one as finding it is really very much to their own advantage as well as to the

advantage of the country.

I beg leave to second the motion.

HIS EXCELLENCY: The question is: "that this Council requests Government to appoint a Commission as soon as possible to enquire into the terms and conditions of the Kenya Civil Service".

CAPTAIN THE HON. H.E. SCHWARTZ: Your Excellency, I desire to say a very few words in support of this motion as nearly all the essential points have already been dealt with. I would, however, like to emphasise two main points. First of all, if a comprehensive enquiry is made, as is proposed, I am quite certain that it will be for the benefit of the people concerned, because I am quite certain that although, as has already been stated by both speakers, at present Civil Servants in the Service of this Colony cannot be affected except at their own volition, I am quite certain that a large number will take advantage of any opportunity that is offered them voluntarily to come in under such new terms as may be suggested. This was proved, I think, in 1924, when one of the many piecemeal proposals was put forward with regard to leave and passage conditions and when many Civil Servants - or so ~~many~~ we were informed by the Association which represents them - would, if this scheme had been brought into force, have offered to come in under these conditions.

The second point is that so far as future entrants to this service are concerned, we have got to get down to the fact that this Colony cannot continue indefinitely to run up its pension commitments at the rate at which they are at present

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increasing. It is noteworthy that the annual bill for pensions and passages in this Colony amounts to just under £200,000 for the coming year, and so far as pensions are concerned that is always an increasing liability; and a figure of that sort, I suggest, Sir, is out of all proportion to the financial position of this Colony, either in bad times or in good.

I would like to say this, that the word "Commission" is used in the motion to which I am now speaking, and I do most earnestly trust that Government will agree to a Commission and not to a Committee. It must inevitably carry more weight; its report must entail greater consideration, not only by this Government but by the Secretary of State for the Colonies. We have seen from bitter experience the result of committees that have been held in connection - piecemeal committees which have been held in connection with this subject. In 1924 there was a Committee on leave and passage regulations - nothing has happened. In 1926, I think it was, there was a Committee appointed to consider the whole question of pensions - they sent in an Interim Report but nothing has happened. And so it goes on ad infinitum. I think the Government must realise the only way to deal with this in an effective and final manner, is, first of all, to have a representative Commission, consisting not only of people in this Colony but of certain persons outside this Colony and, in addition, to treat the whole matter as one comprehensive whole. Let us finish once and for all with piecemeal committees which achieve no result and merely waste time and money.
(Hear, hear).

CAPTAIN THE HON. E.M.V. KENRALY: Your Excellency, I support the motion. Government's sincerity in this matter will be judged by whether Government accepts this motion in the terms in which it is presented or whether Government attempts to distort the terms and make the motion other than what it is intended by this side of the House. I hope the Government will accept the motion in the terms in which it is presented, otherwise we shall be forced to experience some degree of anxiety in regard to Government's sincerity.

One other point, Sir: I hope that Government, in accepting this motion, will not cease to carry out the undertaking that it has given to this House to investigate the absurd and uneconomic travelling vote of to-day. There is a flagrant instance of inefficient expenditure and possibly, I submit, unjust expenditures. Government has undertaken to conduct that enquiry and I hope that Government will proceed with that enquiry and not shelve it so as to allow this Commission to embrace in its investigations an examination of that question.

I support the motion.

THE HON. P.A. REMISTER: Your Excellency, I am sorry I am in a little difficult position, Sir, because, whilst I thoroughly appreciate and agree with any Commission of Inquiry which will advance any service, yet at the same time I do not like to look at immediate benefits. I have taken the opportunity over the week-end to work out what would have been the effect had the Report of the 1926 Committee been brought in when it was apparently unanimously passed. I find that there

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was a voluntary clause and had only fifty per cent of the Civil Service gone over, including all the new appointments to-day, there would have been a saving of £25,000 a year from the Civil Service list. Further to that, Sir, I contend, from very extensive enquiries I have made, that the junior ranks of the Civil Service would have been far better off. Now it what I contend is this - I am in very great doubt as to how to vote or whether to vote at all - the enquiry took five or six years to come to their decision. How long is this Commission going to take before it comes to a decision? My whole difficulty is, Sir, that if it were possible to bring into force - I do not know why it has not been brought into force - but if it could be brought into force at once, the effect of the Report of the Special Committee of 1926 would be that these savings would be immediate and then we could have an enquiry into anything we like. I do not mind how many enquiries you have, but there is the immediate benefit, and I would urge upon Government, Sir, if they could possibly see their way to bring in that and at the same time have this other inquiry which will undoubtedly investigate every possible side of the matter, on both sides of the question, that is investigatable.

THE HON. THE ACTING COLONIAL SECRETARY (Mr. H.T. Martin): Your Excellency, I should like to commence my reply by congratulating the Members who have spoken so far on the studied moderation of the terms in which they have attacked this difficult subject. So far, Sir, from the Civil Service being apprehensive of enquiries of this sort, the Service, I think

I may say, has almost invariably for many years past welcomed them, and in many cases themselves asked for enquiries about particular points. In fact, the time, I feel, is very long past in which such a motion as this, put up by Members on the other side of the House, is suspect by the Service as merely being a roundabout method or a direct attack on the Civil Service privileges. I feel, Sir, that I can give that assurance that the Civil Service will not be in the least apprehensive of the motion, particularly taking into account the terms in which it has been couched.

Now, Sir, there is very little for me to say and very little for me to criticise in what has so far been said. Most of the points which, if I may say so, I wished to try to make myself have already been made and I will do little but try and embroider to a certain extent and perhaps try and modify one or two statements already made. The Hon. member, Sir, I thought put it very effectively the dual problem of the Service in Kenya. It is perfectly true that we have growing up amongst us - not only growing up amongst us but immigrants into the country - a population from which it is available to recruit, at any rate, certain ranks in the Service and which indeed in the future will be available on a larger and higher scale. On the other hand, Sir, there is, as hon. Members will have probably found, if they have only seen it in the Press, the recommendation of the last Crown Colony Conference, which was held this year in London, to the effect that it would be to the advantage of the Colonial Service as a whole for that Service to be, so far as possible, a single Service

and transfers encouraged to a degree which is hardly possible now because, even though it is a Colonial Service, it has not, Sir, completely standardised set of terms and conditions. As the hon. mover said quite rightly, we must be able to get the best men available at the price which we can afford to pay for them, and nothing should be done, therefore, to block recruitment from outside or, I think hon. Members will agree, promotion from inside to outside. That would be to the advantage not only of the imported Civil Servant but also to the Civil Servant who may grow up in this Colony.

Hardly an accusation, but the suggestion was made that so far, in the last few years, we have ~~xxxxx~~ tackled all these problems in a very piecemeal manner. That is quite true. We have tackled them in a ~~piece~~ piece-meal manner because the problems themselves have arisen in a piece-meal manner. It is only within the last few years that anybody has seriously considered the problem of local ~~xxxxx~~ recruitment, not only local recruitment, but the encouragement of Civil Servants to make their permanent home in this country.

Now, Sir, as the hon. mover has suggested, the matter is coming more and more to a head. We find, when we receive a report on ~~xxx~~ some specific part of the problem, that it is extremely difficult to act on that report because of its repercussions on other matters which are not the subject of that report. It is, therefore, I consider, only prudent and timely that some sort of comprehensive enquiry such as is now suggested should be made.

It has been suggested by one speaker, Sir - I think it was the last speaker - that we should

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implement at once the 1926 Report to which he referred.

Sir, I feel that if we were to do that we should prejudice the whole of the enquiry which hon. Members are now anxious to set afoot. I am afraid, therefore, that I cannot agree to such a proposition. Nor, Sir, I am afraid, can I quite agree with the remark made by the hon. and gallant Member for West Kenya.

I should be sorry indeed, Sir, to accept this motion in the terms, in the exact terms, in which it is couched. It leaves out, I think, the most important part of the motion - the question of alliance or asking for the alliance of the Colonial Office in this scheme. I feel, therefore, that though Government welcomes the substance of this motion and is prepared to take such steps as it can take with the object of obtaining assistance from the Colonial Office, it will be better to withdraw that this motion and accept such an assurance from Government. In other words, Sir, Government is prepared to accept the substance of this motion and to take early steps to ask the Colonial Office to appoint a chairman of the Commission and with that assurance, Sir, I would ask if the mover will withdraw his motion.

HIS EXCELLENCY: I do not know whether, in view of the statement made by the Colonial Secretary the hon. Member for Plateau South is prepared to withdraw the motion?

CAPTAIN THE HON. A.C. HOEY: Your Excellency, I should like a little time in which to consider the matter.

HIS EXCELLENCY: Yes. Does the hon. Member wish to have an adjournment?

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CAPTAIN THE HON. A.C. HOBY: Your

Excellency, I beg leave to withdraw the motion.

HIS EXCELLENCY: The motion in by leave
withdram.

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EXTRACT FROM THE REPORT OF THE SELECT COMMITTEE
ON DRAFT ESTIMATES FOR 1928.

The Committee considers that whatever terms may eventually be laid down in respect of leave and passages to members of the staff recruited from overseas, the terms of service for locally engaged Europeans appointed to the junior ranks of the Service require revision. It is important, in the opinion of the Committee, that every effort should be made to employ local residents in the Government Service, but it is equally important that the terms of service offered to local recruits should not be based on factors which, though perhaps necessary in the early stages when applied to the case of persons recruited from overseas, are inconsistent with the ideals of colonial development and are too expensive for application over a wide field. The Committee urges that this matter be considered carefully from this point of view.

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EXTRACT FROM REPORT OF THE SELECT COMMITTEE
ON DRAFT ESTIMATES FOR 1929.

The Committee feels that whatever form a revision of the terms of service may ultimately take, the fact that such a revision is contemplated in the near future should be taken into account in making new appointments to the Kenya Service and that selected candidates for vacant posts should be advised from now on that their appointments will carry such privileges in respect of leave and passages as may be in force at the end of the first year of service for which they are engaged.

Many appointments in the junior ranks of the Service should, in the opinion of the Committee, be filled temporarily on a month to month basis pending the introduction of the revised regulations under which forms of agreement can be drawn up embodying the new terms.

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EXTRACT FROM REPORT OF THE SELECT COMMITTEE
ON DRAFT ESTIMATES FOR 1930.

On a general examination of Government policy as reflected in the draft Estimates for 1930, Elected Members have come to the conclusion that the terms of service for European and Asian members of the Staff are on a scale which is not only unrelated to the conditions under which service in Kenya is performed, but which is also much more expensive than the Colony can afford. Terms of service in respect of leave and passage regulations are still virtually the same, except in some points of detail, as they were in the early days of the Colony, when conditions of life in Kenya were largely unknown, when little development had taken place, and when there was little or no resident population. Elected Members consider that conditions in all these respects have not changed in the past thirty years that a complete overhaul of the leave system is necessary.

They pressed for a pronouncement by Government on the attitude the Government proposes to adopt towards a revision of the leave and passage conditions of service applicable to Civil Servants in Kenya.

His Excellency stated that the desire for a revision of these regulations had Government's full sympathy, but that the first consideration in Government's opinion was to ensure that the Colony should be able to recruit the best men available, and that the report of a Committee appointed to consider this question, which was laid on the table of the Legislative Council in July, 1929, had been sent to the Secretary of State in the first instance in order that the views of the Secretary of State

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and his advisers might be obtained on the possible effect the adoption of that report would have on recruitment for the Kenya Service.

The report had also been sent to neighbouring Governments in order that they might have an opportunity of considering the proposals made, more particularly in view of the fact that the issue would be complicated on the establishment of a Central Authority in charge of Common Services, unless concerted action were taken in all the territories concerned.

Elected Members consider that definite steps should be taken to devise and introduce new leave regulations, more suited to Kenya conditions than are the present regulations, before the issue is complicated by the establishment of a Central Authority, as they believe that the necessity for uniform treatment in respect of leave conditions for the Common Services must inevitably impede the desire to remodel leave conditions in Kenya. They realise that the adoption by Kenya of leave and passage regulations differing from those in force in neighbouring territories might have an effect on the recruitment of certain of the senior grades of officers to the Kenya service, but they do not consider that the same argument can be held to apply to the filling of posts in the junior grades, where greater reliance is being placed on local applicants for Government employment.

A majority of the Committee therefore recommends that immediate steps be taken, by means of the appointment of a Committee to investigate the practicability of applying to all future local recruits the terms of service in respect of leave and passages proposed by

the Committee which met in 1928 and 1929, leaving it optional to present members of the Service who have been locally recruited to come in under those regulations and to make such recommendations as it may think fit in regard to the institution of a local Civil Service working on different terms of service from those Civil Servants who, for the present at any rate, must be recruited from overseas.

In regard to the conditions of service of Asian Civil Servants, Elected Members consider that an even stronger case exists for complete revision. They hold that the present leave system is a heritage from the early days of the East Africa Protectorate in which it was necessary to obtain the services of Asian Civil Servants in certain capacities for service in a new and untried country on terms which would prove attractive to them. They consider that the developments which have since taken place in regard to the amenities of life in Kenya, the improvements in health conditions in the country as a whole, and the fact that the great majority of Asians now appointed to the Service are recruited locally, justify complete reconsideration of the terms of service under which Asian Civil Servants are engaged, particularly in view of the fact that the health conditions in Kenya, as they are at present, appear to compare favourably with those to be found in India. On these grounds they are of opinion that the policy of granting any passage privileges as part of the terms of service for Asian officials is open to question and that these and other factors governing the appointment of Asians in the Kenya Government Service should be subjected to comprehensive re-examination.