

1923

KENYA

NO 27230

REC'D
RE: 31 MAY 23

DATE

27 May 1923

ward. P. F. D.

(CIRCULATION) —

SUBJECT

Holtamley

Position of Indians.

Papers submitted to the Com. (re.)

Mr. U.S. of S.

Smith
5/27/23

Mr. U.S. of S.

Mr. U.S. of S.

Secretary of State.

Previous Paper

D
27025

MINUTES 3 papers

Com 222 disposed of this.

? *Partly*

act

16.7.23

*I think that all the points
came up at one or other of
the discussions.*

? *Partly*

Wed. 30/7/23

at once

H. J. P.

30/11/23

Part by

Subsequent Paper

27230

S. P. V. A

Botswana? Consider after acct's expectations
 W.S. 29.5

H. Regd 29.5

Q. West African States
 29.5

This is an interesting paper
 on Kenya from Sir Frederick Lugard.
 I think it should be registered and
 initiated.

Personally I am strongly opposed
 to East African federation, & am
 not doubtful whether the proposed
 delimitation of the whole continent
 area is practicable
 We should acknowledge receipt with thanks.

29.5.23

W.S.

(I have seen an
 acknowledgment)

D 30.5

Edith
 30/5/23

Bottlesley? Consider after acct^s & representation Oct. 29.5

H. Regd 29.5

Q. Market in Smith's
29.5

Ed.

This is an interesting paper
in Kenya from Sir Frederick Lugard.
I think it should be registered and
reprinted.

Personally I am strongly opposed
to East African federation, & am
not doubtful whether in broad
delimitation of its actual & permanent
area is practicable
We should acknowledge need - in the
29.5.23 W.T.

(I have seen an
acknowledgement 30.5.23
Ed. 30/5/23)

C O
27230

27. 5. 23.

189

LITTLE PARSONS.

ARIZONA CONGR.

ST. MARKS.

BARRY.

RECD

RE

31 MAY 23

Mr. Burnsby, Sir,

I have delayed sending you the enclosed
 memo (which you invited me to submit
 to the Hon. his ^{perusal} ~~perusal~~) because I thought
 I need to have care of I had some
 consultation with the various parties interested
 but Congressmen desire that I should send
 it - but I have ^{it expanded} written it since I should
 to him.

Sincerely yours

John A. G.

C O
27230REC^d

RE. 31 MAY 23

27. 5. 23.

189

LITTLE PARKHURST.

ABINGER COMMON.

ST DUNKING.

SURREY.

Mr. Crossby. Sir,

I have delayed sending you the enclosed
 Memo (which you invited me to submit
 to the Hon. his ^{perusal} ~~perusal~~) because I thought
 I need to have a copy of I had some
 consultation with the various parties interested
 and Compton desired that I should send
 - but I have written it since I thought
 it best.

Yours truly
 J. H. Crossby

J. H. Crossby

Confidential.

MEMO. re "THE KENYA QUESTION".

My apology for offering a suggestion in this matter is that I made the original treaties with Kikuyu, Uganda, etc, which led to the inclusion of those countries in the Empire, and that I have maintained a keen interest in and some touch with them. I have had opportunity of speaking with Sir R. Coryndon (who fully explained the views of the settlers), with Mr Andrews (who put the case of the Indians), and Mr Shastri, with Sir H. Leggett, who can speak for British Commerce, with Mr Oldham, who is in touch with the views of the Archbishop and the Missionaries, with Mr McG. Ross, an ex-official of some twenty years' standing and a Member of the Leg. Co., with Sir Benjamin Robertson, and others; so that I have acquired some knowledge of the various points of view.

Both sides conceive that they are fighting for National Ideals. The settlers consider that they are making a stand against an attempt by Asiatics to replace British rule in countries won by British efforts, by Asiatic domination. Kenya is the battle-ground for Mauritius, Fiji, and ultimately for the British position in India itself. Weakness on their part would be treason to South Africa. Indian domination would be a betrayal of our Trust to the Natives. They declare their intention of holding the gate even if it involves armed resistance. They hold out for (a) Communal franchise, and (b) Restricted immigration for Indians. Others tell me that such extreme measures are contemplated by only a minority — though a large and extremely powerful minority — which has dominated the majority and even a

large section of official opinion. The threat of armed rebellion they consider to be bluff. Many settlers are pensioners and lease-holders from Government, and realise the consequences.

The Indians declare that as British subjects they have the right to absolute equality of status. They demand the right to permeate the country in so far as their presence is not inimical to the interests of the natives. They would be satisfied with any restrictions to immigration based on native interests and equally applicable to British. They decline to agree to Communal franchise, but recognise the justice of much of the British contention, and are willing to give any undertaking that they will never seek to obtain political control of the country.

The settlers consider that any such pledge is valueless. Present leaders could not pledge posterity, and if Indians poured into the country the pledge could not be maintained. It is incompatible with equality of status.

The Indians, I understand, were on the point of abandoning their case (on 24th instant) and returning to India to report that they had wholly failed. In that case it is reported that the Indian Progressives would advocate secession from the Empire.

Both sides admit that the interests of the natives (who out-number the non-natives by about 100 to 1) must come first. The natives made their original treaties with the British. Any arrangement which might lead to an eventual substitution of Indian for British control would be a breach of these treaties. Zanzibar, I am told, has intimated that in such a case it would not remain loyal. Uganda would probably say the same.

The interests of the natives who are unrepresented on the Legislative or Executive Councils, are the peculiar

care of the Governor and his official majority, but it is alleged (not only by Indians) that the official majority is dominated by the unofficial members, and legislation has been passed inimical to native interests. (Specific instances are given.) The settlers state that their goal is Responsible Government, and towards this object they have secured the appointment of eleven elected members to the Leg. Co., who represent in some cases constituencies of practically only natives (e.g. Kavirondo). It is clear that by "Responsible Government" they mean the government of the whole of the native territory, and it is on this ground that they protest that if political control passed into the hands of Indians, the natives would be ruled by them.

Thus the advances in so-called "self-government", and the aspirations for the future have been in the direction of increased powers — legislative and executive — to the non-native minority over the native population. It is contrary to the fundamental traditions of British Colonial policy that a non-native minority whose material interests must of necessity be deeply involved, (and sometimes apparently divergent from those of the natives) should have political control over large native communities. Such a form of government has been stigmatised by Lord Morley, Sir C. Dilke, and other writers, as the worst possible form of oligarchy. The principle of undivided responsibility of the Government acting as the direct representative of the Crown for the control of and in the interests of the natives, is essential to the policy of trusteeship, and it was claimed at Versailles that this policy had always been adopted in British Colonies, and formed our justification for substituting our rule for that of Germany in her former colonies.

It was jealously guarded in South Africa before and after the Union, where the native communities of Bechuannas, Basutos, Swasis, Zulus, etc. were placed outside the control of the Responsible Governments and are directly administered under the Governor-General representing the Crown.

If the precedent of South Africa were adopted in Kenya, and the whole of the native territories were excluded from the jurisdiction of the Legislative Council and placed directly under the Governor, I think that the more fundamental difficulty in the present controversy would be removed. In Nigeria on amalgamation the Legislative Council ceased to exercise any functions in the Protectorate, for which, as elsewhere, the Governor enacted all laws under prescribed conditions.

The restriction of the existing powers of the unofficial minority which the adoption of this course would involve, would seem to be justified by the dangerous point which the present controversy has reached. It would, I suggest, be compensated by the grant of greatly increased powers of real self-government within an area or areas set apart for settlement. I am told that such an arrangement would not be altogether unexpected by them.

In order that there should be no racial discrimination, I would have proposed that a similar area for colonisation with precisely similar powers of self-government, should be assigned to the Indians, but I am emphatically told that they do not desire it. Sir Theodore Morrison's proposal that Tanganyika should become an Indian colony received no encouragement whatever in India. Mohamet Ali advised strongly against it, and the delegates returned crestfallen.

The delineation of the perimeter of the British

Settlement would no doubt present some difficulty. Within it would necessarily be included a considerable number both of Indians and natives. It would be optional to these to remain or to leave, and if they chose the latter within a prescribed time, they should be compensated by an equivalent holding outside.

The British Settlement would have its own Legislative Council, with (I suggest) an unofficial majority, partly elected and partly nominated. Until the complete Responsible Government were conceded, its ordinances would be subject to the assent of the Governor and disallowance by the Crown. Its jurisdiction would be limited to the Settlement, within which it would exercise full executive powers over all officers paid from its revenues. It would be to its interest to treat Indians and natives with liberality in order to retain their services.

I suggest that separate from this Legislative Council there should be a Governor's Council, to which he would be empowered to summon the unofficial members of the Legislative Council, and an equal number of representative Indians whenever any legislation was in contemplation which would seriously affect the economic interests of non-natives, e.g. on such matters as Railways, Harbours, and Customs. Since Uganda would also be interested in these subjects, the difficulty would be minimised by the creation of strong Railway and Harbour Boards, with adequate representation of all communities and interests.

No land outside the Settlement would be alienated (unless by the direct authority of the Secretary of State) except such small holdings as were necessary for trading depôts. In granting such leases and permits for residence in the native territories, the Governor would be guided solely by the interests of the natives and of the country

at large without racial discrimination. Revenues accruing from the Settlement and from the native territories respectively would be spent upon the areas from which they accrued, including customs duties on imports and exports.

In the event of a Federation of East African Governments in the future (which the late Secretary of State declared to be the policy of His Majesty's Government) this Central Council might develop into a Federal Council with representatives of Uganda, Tanganyika, etc. The seat of Government should preferably be situated outside the British Settlement. There would be no unofficials on the Governor's Executive Council.

I do not here attempt to go further into details. The suggestions, which are merely expanded from those in my book 'The Dual Mandate', are only intended to serve as a basis of discussion. The settlers would be freed from any fear of Indian domination either in their own settlement or in the native territories, and their legitimate desire for control of their own affairs would be fully conceded. A claim for more than this would not, I think, be supported by public opinion.

The Indians cannot justly demur to the creation of a British Settlement with full jurisdiction within its own boundaries, which would be strictly defined,— the more so that a precisely similar settlement is offered to them. Their claim to enter the native territories in so far as their presence is for the benefit of the country, is not denied. Any restriction on numbers is imposed by the Governor and not by the settlers, and solely in the interests of the natives and the needs of the country. The Indians admit that they cannot compete against the wage on which the qualified African can live, either as a

clerk or artisan, so that as the education of the African progresses, he will gradually obtain his share of employment in technical and clerical posts. If necessary, immigration might be equally restricted for both British and Indians under the American system, but under the proposed scheme this would seem to be unnecessary, since it would be automatically controlled.

Both races would have an equal voice in matters affecting their material interests in Harbours, Railways, Customs, etc.

F.D. LUGARD.

27.5.23.