

1923

KENYA

C. O
14365
REC'D
REU 22 MAR '23

FROM
AINSWORTH, J.

DATE
19th MARCH 1923.

FOR CIRCULATION

SUBJECT

Mr.
Mr.
Mr.

POSITION OF INDIANS.

Asst. U.S. of S.

Forwards memo which he hopes may assist in securing a settlement of controversy.

*Sir H. ...
23 Mar '23*

~~X Perm U.S. of S. 283.~~

~~X Perm U.S. of S. 29~~

Secretary of State.

Previous Paper

*M. J.
14223*

MINUTES

This has been acknowledged.

Mr. Ainsworth's long knowledge of

Kenya and his intimate acquaintance with native conditions (on which Indian ^{Trading} activity so largely depends) makes his advice of ~~great~~ value, but it has to be remembered that he now writes without any recent knowledge of local controversies beyond what he, like the rest of us, can gather from the local press.

I think that copies of his letter and memorandum should be made, with a view to communication at least to the Governor when he arrives, but there are various criticisms which it is easy to make.

His position is roughly that the Europeans are making an unnecessary fuss, because with the common roll they would command a majority in the Council, and with a little more attention to native trade they will be

able

msa

Subsequent Paper

*M. J.
14690*

Recd S.O. 20.3.23.

*So.
14585
C. O. ...*

MINUTES.

MINUTES NOT TO BE WRITTEN
ON THIS SIDE.

able to deprive the Indian of his commercial position. He also points out that active encouragement of the native in industrial arts will tend still further to deprive the Indian of his place in Kenya.

On the first point he is probably right, but it does not get over the fact that the Europeans are bitterly opposed to the common roll, while on the other hand there are two points with regard to the natives of which he does not take sufficient account:

(1) I have always had an uneasy feeling that by placing the Indian on absolute equality with the European we should be lowering the European's prestige in the eyes of the natives. As soon as the Indian is able to boast to the native that he is as much a "Bwana" as the white man, the native, if he believes the story, will think less of the white man. I do not remember that this suggestion has been made locally, and although I have brought it up in past discussions it is not a matter which we can press.

(2) More important, Mr. Ainsworth does not take the question of the native vote further

than the stage at which the native voter will have to choose between candidates all of different race from himself. [Mr. Ainsworth does not know that we have already contemplated giving the vote to natives who possess the necessary qualifications, a course which he himself recommends]. As time goes on there will not only be a considerable native vote but there will be a direct demand for actual native representation. It is one of the chief defects or advantages, according to the point of view, that the proposals for the Common Roll involve eventually an African majority. As it is absolutely impossible to fix any time by which we can be sure that the African will be fitted to have the principal voice in the government of the country, ^{the} constitution tending in that direction is open to criticism if it is to be regarded as a permanent settlement.

A further objection to Mr. Ainsworth's ideas is that his view of the result of the returns is based on the assumption that there will in every constituency be a straight fight between a European and an Indian. If the election system develops on healthy lines, it must be assumed that there will always be a difference of opinion between Europeans as to who will be their best representative, and so also with the Indians. If the European

I can well believe that a demand for this will come at a very early stage. Cf. the recent case of the Kikuyu & Nguni. Thacker. H. J. R.

** i.e. Common roll without reservation of seats.*

vote is split in any constituency, Mr. Ainsworth's prediction of the returns might be completely falsified. If on the other hand every election was to take the form of an inter-racial fight, the last state of Kenya is likely to be worse than the first.

I do not altogether agree with Mr. Ainsworth's suggestion that, if we could take back our present knowledge to the position of 20 years ago, we should neither have gone in for European settlement nor unofficial representation in the Government.

I do not think that it would have been practically possible to keep Europeans out of Kenya, while I am sure that, having them there, it would have been impossible to refuse them a place on the Council. Further, I am convinced that, when once the principle of representation on the Council was adopted (in 1907), the change at some future date from nominated to elected representation was inevitable.

As regards the last paragraph of the letter I do not think the actual result of compliance with the present European demands would be fairly described as a European Oligarchy. So long as the European position is not assured in some way, we shall have a continuance of what I regard as an unhealthy unanimity among Europeans

for

for a particular object. If their position were assured, this unanimity would disappear under the stress of conflicting sectional interests, and we should gradually work up to the creation of a balanced public opinion on matters of general policy which is a thing which Kenya has never had yet.

With regard to the memorandum enclosed in the letter, the suggested qualifications suffer from the old drawback that they involve a principle of equal rights for all civilised persons, which is interpreted to include a knowledge of English. While Mr. Ainsworth recommends that natives should have the vote, he does not give any indication of what the native qualification should be. As his memorandum stands, any native with the necessary educational qualification would have the vote.

As regards immigration his suggestion that we should raise the amount of deposit to a universal figure of £100 has already been put forward. Whether it is sufficient without any other limitation on entry depends on the correctness of Mr. Ainsworth's view that the Indians can be proved not to be indispensable in Kenya.

Mr.

Mr. Ainsworth's suggestion for the repeal of the non-native Poll Tax and its replacement by a registration fee appears to be directed against an Indian argument that they pay as much in direct taxation as the European and should therefore have equal rights of citizenship. I confess that I do not see how such an argument could be disposed of by changing the name of the tax or (if that is his intention) by substituting a lump sum fee for an annual tax.

Mr. Ainsworth suggests that the principle of nomination should be adopted in preference to that of election in the case of the Coast strip which forms the Kenya Protectorate. He does not set out his reasons for this suggestion in any detail, and while I consider that it would be necessary to ensure in some way that Mombasa and the Coast should be represented by one Indian, and one European, I very much doubt if any hard and fast arrangement for securing this end would find acceptance among the Indians in view of their great strength in Mombasa itself.

Generally, the common road seems

(1) undesirable, because it offers no permanent basis for

for the admission of natives
6th Oct, 1923

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(2) impracticable because we have not yet got the Europeans to agree even to the Colonial Poll Tax exemption of seats.

W.C.S.

21.3.23

Mr. Ainsworth rendered great service in helping to introduce settled adminⁿ into the S.A.P. in the early days - after that he ~~has~~ did admirable work in encouraging the natives to develop their Resources. He is essentially a native man - I do not think that he fully appreciates the difficulties of the present position. Also his suggestions for reducing the Indian population relate to the future - do not help us in the present crisis.

We shall certainly communicate a copy of the 1:0 memo. to the Govt as proposed, but I am afraid that they will not prove to be very helpful.

W.C.S.
23/3/23

Copy of letter memo handed to Sir R. Cooper by Mr. Ainsworth Friday 20/3/23

Recd.
K.S. 21.3.

seen 29.3.23

They may for the moment accept some form of compromise as offering (from their point of view) a temporary palliative, but the real objective i.e. a demand for responsible government will soon follow, and the Whites will never get their own measure until they arrive at that state of existence. Of course the great difficulty in deciding upon a question of this description apart from the smallness of the present European population, is the existing uncertainty as to whether Kenya, as a White Colony, has any real future, the settlers themselves are, I believe, in their heart of hearts divided on this important point, if the question should be put the leaders would probably reply that they intend to make it a success and to struggle on with that purpose in view, you could hardly expect them to reply otherwise no matter what their secret opinions are as regards the prospects. The same men, who largely influence the local European Press are, as you, of course, know, loud in their objection to C.O. control and will go on agitating in this connection. There is, however, a minority of settlers who believe that the country is not yet in a position to be run on the lines of responsible

exponents of self-government I doubt whether the people holding other views will venture to express themselves, in such matters, ^{the European part of} East Africa is very much in the hands of the Convention of Associations (the self-styled Peoples' Parliament) which is run on the assumption that it is representative. The Convention, however, exists irrespective of any part of the community which takes no particular interest in its proceedings. The country has, however, now been worked up to such a pitch over this Indian question that any decision by ^{the Government} based on this question, will doubtless produce general unanimity amongst the Europeans.

Do not trouble to acknowledge this letter.

Yours sincerely

John Ainsworth

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Yours sincerely

John Ainsworth

April 9th 1920

Dear Mr. Bottley,

Many thanks for your letter of the 7th April. I quite understand that the C.O. can do nothing pending the forthcoming discussion with the Governor and the delegates. My idea in writing was simply to put forward certain suggestions which occurred to me some of which have been in my mind for some time. Up to a short time ago I thought that the controversy would, like numbers of East Africa controversies of the past, pass away, either by being superseded by some other burning question (it is usually attacked by some burning question) or by arrangement; seeing however that the present agitation is promising to land the country into an impossible position I have ventured to unload myself on the subject. I can only hope that some settlement satisfactory to all concerned will be arrived at. I think however, that there are in the country a number of Europeans who will never be satisfied unless and until they

73 Hautville

Guernsey, C. I.

March 19th 1923.

C. 8
14365

REC^d 7
REV 20 MAR 23

Dear Mr. Bottomley

I venture to enclose a memo, and schedule containing certain suggestions re the European-Indian controversy in Kenya. It may be that certain, if not all of the points put forward have already been considered at one time or another, whether this is so or not perhaps there is no harm in my submitting my views which, if of no use, you can consign to the usual receptacle for waste paper. My main idea is a wish to see an end to the present unfortunate turmoil in East Africa which, if continued, cannot help but have an injurious effect on the minds of the natives.

In any case I would like to state that if the European objection to the Indian demands for a common franchise is really based on the fear of Indian predominance as the Colonial Elections then in my opinion such fears are not warranted by the facts of the position, also they show a lack of appreciation of what can be done to reduce the present commercial activities of the Indians, particularly in the out-districts, i.e. the Europeans appear to be insensible to the fact that it is ^{not} possible for them by means of opposition in trade to circumscribe the Indian movement than can be done by any form of deliberate hostile propaganda.

The existing main Indian centres are Mombasa, Lamu, Nairobi and Kisumu, these are supplemented by smaller communities at Vanga, Voi, Makindu, Kibwezi, Kiir, Machakos, Ndutu, Fort Hall, Ngere, Nakuru, Lumbwa, and in the various trading centres in the Kavirondo districts of the Nyungu Province, and also small stores located at various other points. Outside the four main centres named Indians, from a voting point of view, are not important.

The partial indifference of the Europeans to the trade of the out-districts has allowed the Indians to open stores wherever there is any trade to be done, and it is this wide spread trading activity which gives them the appearance of being a comparatively powerful

powerful political factor, whereas the numerous trading communities are in reality so widely scattered over the various electoral divisions, and the number of potential voters in each case, so few outside the main centres that they could not possibly influence the return of any candidate in opposition to a European.

Provided the Europeans will sink their prejudices as regards trading with the natives, and bear in mind that in South Africa and Nyasa and trade is largely in the hands of whites, and henceforth take up the native trade as a serious business (so they have frequently been urged to do) there is no doubt whatever and that the Indian trade in the out-districts will soon begin to decline and with it will come their gradual withdrawal with a consequent corresponding reduction of the Indian population at Nairobi and Kisumu as well as at some of the minor centres. As any Indian immigration is largely due to the trading ventures of the community any reduction of business will automatically restrict further movements in this connection.

A further point which will tend to reduce Indian immigration will be the increased education of the Africans in the industrial arts.

In referring to the question of representation through means of the franchise it should be borne in mind that under the existing system of representation by taxation the actual population figures are not in any way important. Therefore as there are more electoral divisions containing European voters (so compared with Indians) it must follow that there will be more European candidates returned than Indians.

A further point is the question of the natives. I believe that as a native becomes civilized he should be allowed to have a political status. If the Indians are granted the franchise there would appear to be no logical reason for not including such

such civilized Africans as possess the necessary qualifications. This would mean a common franchise devoid of all colour prejudice.

As regards the various qualifications suggested they may in part appear somewhat drastic, I believe, however, in a country containing such a mixture of human elements as is the case in British East Africa that, when dealing with a question like the franchise, conditions should not be made too easy; British East Africa is primarily a Black-man's country and can never become a European colony except, perhaps, to a limited extent. From a point of view of alien settlement it is probably more generally suited to Indian settlement than European, but in either case settlement is only possible to the extent that areas, unoccupied by natives, permit.

The present position as regards non-native populations is somewhere about 5 Indians to 3 Europeans. I should estimate however, that, with an acceptance of the suggested qualifications, the voting strength in Nairobi would work out at 5 Europeans to 3 Indians, Kiambu 2 European to 1 Indian, Nyeri not including Koro; Mukoroni, Fort Bernan, Lumbwa (th) 2 Indian to 1 European; Lumbwa, including Fort Bernan, Mukoroni, Koro & Tinderet 3 European to 1 Indian, and elsewhere 3 to 5 European to 1 Indian. If the Coast members are nominated the question as to voting strength does not arise. Any way places like Lamu, Vanga etc will show little, if any, interest in the matter.

If it were possible to start all over again I like it, with the present experience, we should not embark on any scheme of European settlement, also that we should carry on under a purely bureaucratic form of government which undoubtedly would be best for the country in its present state, unfortunately, however, this is not possible and so it is necessary to deal with the existing circumstances & facts.

Comparing

Comparing the different people concerned no unprejudiced person will dispute for a moment the general superiority of the white community in East Africa. But even amongst this community there are persons of no particular mental capacity. Taken as a whole however, Kenya Colony is blessed with a very considerable number of educated and intelligent whites, perhaps, in proportion to their numbers, higher than in many other places in the British Empire. The surprising thing therefore is that they are unable to bring matters on to a more reasonable basis by recognizing that what they claim for themselves in a country where they are the least important numerically is bound to be claimed sooner or later by other communities.

In effect the present demand of the whites amounts to the formation of a European oligarchy, as to whether this form of control, even to start with, will be good or bad for the country is a matter of opinion, personally I think it would be bad and for the reason that, human nature being such as it is, self-interest, which in the present state of our development is an ever and over-influencing factor, would be bound to prejudice any dealings with a subordinate people. Therefore if there is to be any re-adjustment of this franchise question, for we would like to see it cleared of any colour distinctions and worked out on the basis of equal opportunity for all white and people.

Apologizing for the length of this letter

Yours sincerely

John Ainsworth

I suggest that this question might be approached from the standpoint of equal rights for all civilized persons possessing certain general qualifications on the following lines:

Nationality. British or British protected subject.
(Natives in the Colony are, I take it, ipso facto British subjects, those in the Coast zone British protected subjects)

Education. Ability to read and write English with a knowledge of simple arithmetic.

Property. In the case of non-natives personal occupation of house ^{and} lands of the assessed annual rental of £50 or over, or in receipt of an annual salary of £120.

Women. If married, to have the right to the franchise under her husband's qualification.

If unmarried or a widow, must possess the qualifications provided for.

(Rights of women to be contingent upon -

(a) if wife, that she is such under monogamous laws.

(b) if a widow & having been married under polygamous laws, that she possesses the other necessary qualifications as to nationality, education, property etc.

Residence. Unbroken residence in the Colony or Protectorate for not less than one year immediately before date of nomination (allowance to be made for short periods of absence for purposes of business etc.)

Immigration. Amend the existing Ordinance to the extent of increasing the amount of deposit or security to £100, in all cases.

Poll Tax. Repeal the non-native Poll Tax Ordinance 1912 and institute a registration fee in respect of all non-natives residing in or coming into the Colony or Protectorate. (As far as I can, I think, be successfully maintained that a registration fee is not a tax any argument based on the payment of a Poll Tax will be removed)

2/ In addition to the foregoing I suggest, as a possible alternative¹² the possibility of confining the elective system to the Colony itself and adopting the nominative principle to the Protectorate. Judging from some of the past proceedings connected with the election of Council representatives the Europeans may not object to this, while, as a considerable per centage of the more important Indians have their residence and their business head-quarters in Mombasa Island, Indians selected from Mombasa are likely to be of a better class and more moderate and possibly more representative than any belonging to Nairobi or elsewhere in the Colony.

With the system of one man one vote and having regard to the proposed qualifications under "Property", votes cast for any one candidate will have a local significance only, and, apart from Mombasa, the Indian element is only important in Nairobi and, in a much smaller degree, in Ukamba and the Nyanza Province (see attached schedule), it is only reasonable to assume that under an elective principle confining a given number of representatives to any one locality the Indians cannot return more than a small proportion of members to the Legislative Council. (I have endeavoured to illustrate in the attached schedule what I consider the position is likely to be).

Therefore under these or any similar arrangements there will be no possibility of the Indians being in a position of outnumbering the Whites on the Legislative Council unless the European Colony idea should, in the course of time, work out. A further point is that as time goes on the African voters will increase in number, the fact that they have a vote will inevitably become an important factor in the natives being able to safeguard their own interests; so they will be unlikely, for some years to come, to put up candidates of their own their inclination will be, if fairly treated by the Whites, to support European in preference to Indian candidates which will mean additional votes for European candidates.

In as far as the Indians are concerned they cannot

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reasonably object to a scheme which gives them the right
to control any division, and I think it will be quite evident
to the thinking part of these people that they cannot expect
to obtain a larger amount of representation than that
obtainable under a scheme which provides for locusts
returning members to the Council.

Suggested record of Electoral Divisions etc.

Division	No. of members	Anticipated results			
		European	Indian	Arab	
Madras and Coimbatore	3	1	1	1	Nominated (if elected I suspect the same result would come out)
Madras (To include Kudaloor, Kibbiyur, Kinn and other areas)	2	1	1	-	Elected
Kanara (To include K. H. Nagar, H. Nagar, K. Thiruvananthapuram)	1	1	-	-	"
Madras (To include K. Nagar, Dapattur, K. Nagar etc.)	1	1	-	-	
Madras (To include K. Nagar, Dapattur, K. Nagar etc.)	1	1	-	-	
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Madras (To include K. Nagar, Dapattur, K. Nagar etc.)	1	1	-	-	
Madras (To include K. Nagar, Dapattur, K. Nagar etc.)	2	2	-	-	
Madras (To include K. Nagar, Dapattur, K. Nagar etc.)	1	1	-	-	
Madras (To include K. Nagar, Dapattur, K. Nagar etc.)	1	-	1	-	
Madras					
Town	1	-	1	-	
North	1	1			
South	1	1			
		14	12	4	1