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1923

KENYA

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REC'D
16 FEB 23

FROM
Hon. Secy of State
of Africa
Crowdy - Maj Gen

DATE

15 February

RE CIRCULATION :-

SUBJECT

Mr.
Mr.
Mr.

Restriction on Indian Immigration

Asst. U.S. of S.

Submits views, & asks that the terms of any measure for restriction to be introduced into Leg. Council may be communicated to Assin. asks for copy of Wood Winterton terms.

+ Secy of State 16/2/23

Perm^t U.S. of S.
Part^r U.S. of S.
Secretary of State.

Previous Paper

MINUTES

480
20/2/23

I must admit that the promise to communicate a copy of the Wood-Winterton terms escaped my memory when on 7164 I made a note of the interview with Lord Cranworth and Major Crowdy. The position as to what has been and what is to be communicated locally is still, in Gov. 8366, ^(g.v) ~~very~~ very obscure, and I am afraid we must make a new summary of the terms. I annex drafts.

W.C.S. 16.2.23.

G. J. T.
16/2

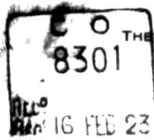
XETA

Received 17 Feb 1923.

CW

Subsequent Paper

500/8368/23 S



THE ASSOCIATED PRODUCERS OF E. AFRICA,
4 BUCKINGHAM GATE,
S.W.

15th February 1923.

The Secretary of State for the Colonies,
Whitehall, S.W.1.

Sir,

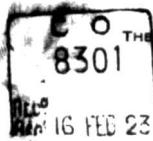
Writing on behalf of Lord Cranworth and myself I have the honour to enclose copy of telegram of the 2nd February 1923, which Lord Cranworth produced at our interview with you on the 10th instant. I see that the correct wording of the Imperial Conference Resolution on this head was :-

"The Conference while affirming the Resolution
"of the Imperial War Conference of 1918 that
"each community of the British Commonwealth should
"enjoy complete control of the composition of
"its own population by means of restriction on
"immigration"

It then proceeds to state the opinion that in the interests of the solidarity of the British Commonwealth it is desirable that the rights to citizenship of Indians lawfully domiciled in other parts of the Empire than India should be recognised. On this Resolution follows the statement that the representatives of South Africa regretted their inability to accept this Resolution.

It will be seen that the right to control the composition of its population by each community was considered the prelude to the recognition of rights in Indians to citizenship limiting and conditioning this recognition. In this connection, I have received another cable from the Convention of Associations urging a decision upon this question as "it may be deciding factor in the whole controversy" and adding "that intense feeling is generally prevalent which may reach head at any moment, Leaders cannot hold Country much longer."

VICTORIA 6865.



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4 BUCKINGHAM GATE,

S.W.

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THE ASSOCIATED PRODUCERS OF E. AFRICA,
4 BUCKINGHAM GATE,
S.W.

- 2 -

The European community will be deeply concerned to see that this restriction on immigration is effective, and in the hands of people who it knows will see that it is not evaded. May I ask that as soon as any terms of a measure directed towards restriction are allowed to be disclosed to unofficial members of the Legislative Council in Kenya Colony Lord Cranworth and I may be permitted to be acquainted with them.

You were good enough to say that we might have a copy of the Wood Winterton terms, and we should be glad to receive them.

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

H. H. Cranworth

ASSOCIATED PRODUCERS OF E. A. AFRICA

Date despatched _____

Time _____

CONFIRMATION OF CABLE

Date received 2-2-23

Time _____

From Hawlewood, Nairobi To Major Crowley

Code

Special

UGUVDOLOLUL WENPAWIDEL ERDFAPYOV ULZPOEMFOR PRASYKANIK IPWYNGYKZE OYIRBAFUK IDJEMTUGNY IJOHTGYJWA VUYLNDIOSZ KUEFTVAWZE IGSCOIPLOZ TUVOBICTUH OYAWDNUWYE HIURLIGCOY MIFCOIGODZ IZJHLELEAF KINRAOLYSD OGJIJEZIGZ	Referring to your telegram of the 30th proposals which you will have no doubt seen thoroughly discussed by Representative(s) (cc) Meeting(s) invited by Governor Rejected as quite impossible stop Have informed Government we cannot continue negotiations unless it immediately introduce stringent immigration regulations owing to heavy increase of 2,900 from India last 9 months Have protested against postponement Election
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H. SLEWOOD.

? 9 8301/23 Kenya.

C. D.
R. 17 FEB
D. 17

WJ

Sc

DRAFT.

Downing Street,

MAJOR W.M. CROWDY,

17 February 1923.

Sir,

MINUTE.

I am etc. to acknowledge

the receipt of your letter of the 15th 7
February, arising out of the interview
which you and Lord Cranworth had with
the Secretary of State on the 10th 7
February. The question whether early
action can be taken with regard to the
restriction on immigration is still
under consideration, but His Grace will
not fail to bear in mind your request
that, when the terms of a measure in
this sense are allowed to be communi-
cated to the Legislative Council in
Kenya, you may be acquainted with
them.

Mr. Bottomley, 16.2.23

Mr.

Mr.

Mr. Davis.

Sir G. Grindle.

+ Sir H. Read. 16/II

+ Sir J. Masterton Smith. 16.2.

Mr. Ormsby-Gore.

+ Duke of Devonshire. 16.2.

for insertion

Summary of proposals

2 pages.

D. 16.2

With

With regard to the last paragraph
of your letter, I am to enclose a summary of
the proposals sent to the Governor of Kenya
by the late Secretary of State on the 5th of
September¹⁹¹². I am, however, to request that
you will take every care to ensure that
the memorandum is not published or
communicated to East Africa at present,
and that it will not, at any time, be
allowed to be published in its present
form. The question whether an announce-
ment of the terms can be made in Kenya
and what form it should take is now under
His Grace's consideration.

I am etc.

(Sd) H. Shackleton.

MEMORANDUM.

copy
affairs
 The Terms agreed upon between the Colonial

Office and the India Office, for the purpose of ascertaining the views of the Governments of Kenya and India, ^{Gene} and telegraphed to ^{Si: Robert (Sydney)} the former on the 5th of September, 1922.

- 16.2
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 16.2.
- (1) Qualifications for franchise. Some form of a census, either complete or by way of a test, should be carried out with a view to adjusting qualifications so as to result in an Indian electorate of approximately 10% of the Indian population. A combined qualification of property and education had previously been contemplated, but, in order to obtain the percentage, this might have to be replaced by an alternative property or educational qualification, and it was to be understood that, if, in order to obtain ⁴ 10% Indian electorate, the qualification would be unreasonably low, then a reasonable standard would be laid down irrespective of the resulting percentage. The qualifications must be settled in time to enable the Indian electorate to take part in the general election at the beginning of 1923.
- (2) Franchise. A common electoral roll for all British subjects and protected persons of age 21 and upwards, irrespective of sex, who possessed the qualifications laid down under (1) above. All fresh applicants for registration, whether Europeans not registered under the Ordinance of 1919, or Indians, would be required to possess these qualifications, but the Europeans now on the register would be admitted to the new register whether they possessed the new qualifications or not.

(3) Constituencies. The India Office proposed that there should be four constituencies each returning three members (or possibly one returning two members and three returning three members) one seat in each constituency to be Indian, thus giving eight (or seven) Europeans and four Indians. Alternatively, there ~~might~~ ^{should} be seven constituencies, three of which should return one member (European) and four two members (one European and one Indian), thus giving seven Europeans and four Indians.

The first alternative would, it was thought, be more acceptable to the Indians as giving them representation in every constituency, but the Secretary of State ^{for the Colonies} pointed out that this principle might prove to be inconvenient when the necessity for the representation of Africans comes up for consideration.

(4) Municipalities. The Indians to be given adequate representation which should be on an elected basis where such basis exists for Europeans. Detailed arrangements to be considered later.

(5) Executive Council. The existing constitution ~~made~~ no distinction between Europeans and Indians and no distinction ^(would) ~~was~~ to be made. There ^{should} ~~was~~ now one ^{Indian} unofficial member of the Council and this arrangement was to continue.

(6) Segregation. There was to be no segregation of residential or commercial on racial lines but the municipal authorities were to have power to impose, at their discretion, sanitary, police and building regulations of a kind containing no racial discrimination.

(7) Immigration. In present circumstances no change was contemplated in the existing regulations. The Secretary of State made it clear ^{that} in the discussions with the India Office ~~he~~ ^{it} had ^{been} maintained that, if the danger arose of a large influx of Indians, he was entirely free to take any action which might be necessary, but he stated that, in view of the figures as to the arrivals and departures of Indians in 1921-22, he had not felt it necessary to insist on any immediate alteration of the law. [These figures showed for the twelve months an excess of departures over arrivals of about 1800, but since the date of the telegram figures have been received for the ensuing nine months, ended December 1922, which show an excess of arrivals over departures of 2,888.] *In view of these figures*

(8) Highlands. It was to be announced that the Colonial Office could not contemplate any change in the existing law and practice having regard to past policy and commitments, and that the India Office took note of this view but were unable to accept it and reserved the right to re-open the question, if need be, at some future date.

Secretary of State has been informed that a new bill will be introduced to give a full power...