



EAST AFR. PROT
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1914 APR 14

for
Beliefs 223

1914

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Last previous Paper.
No of h
8370 (Native Commission)
Apr 24080 (Native Reserves)

Native Labour Commission Report.

Submits detailed opinions & recommendations made by Comm. & requests nations as to extent to which they might be given effect to.

Mr. Gladstone Secretary Sir J. Anderson

I have gone - not exhaustively I fear - through the evidence, which shows a very great diversity of opinion.

On the question of increasing the field of supply by inducing the Wakamba to work, I have marked several passages - especially pages 17-21 & 105-109.

The tube is mostly, but many of the members are poor; they will work if advised to do so; they have few wants

& when they grow produce for export they spend their money on drink.

There is a consensus of opinion that Govt advice will lead to a greater

See 24080 can 20000/10

See 24080/10
Saxation

Next subsequent Paper.
No. 18792

supply of labour. Opinion is divided
as to whether ^{higher wages} ~~estimated~~ ^{estimated} ~~depression~~ could
have that effect. Mr. Hainsworth thinks
they would (p. 135.)

Lord Selborne (p. 104) is very severe
on the Hainsworths means of getting
natives to work for themselves & says
that if the Havirondo worked for
wages the total output
would be greater. This assumes that
all those who are content to work
in their own country would be
equally content to go in search of
work, which is improbable.

I think we may cordially concur
in the Commission's appreciation of
the Commission's work & of the care
with which they have drawn up
this report. Taking the despatch.

Para: 7. Reorganisation of Administration

No doubt there is room for greater
care in allotting to various districts
Officers who are in sympathy with
the natives. See p. 173-4
of our draft (the Despatch takes
entire view), as to which I may
question that to be the way to

He was from
the opinion of being
determined
H. J. H.

I agree
H. J. H.

Yes
H. J. H.

There are only 6
of them & 4 of
the number in
the district
H. J. H.

Yes
H. J. H.

left the service. But I think that
while approving of the formulation
of a definite plan the S. of S.
might defer a final decision
till he has it. I doubt whether
a hard & fast definition of
native & European areas is
possible. It is contemplated that
the Reserves shall be increasingly
open to European intercourse,
while the centres of employment
of natives away from the
Reserves must certainly contain
a proportion of the officers
who are in sympathy with
natives.

An increased staff will probably
be required & it is possible, as the
Report suggests, that the new
plan would contain a clause
for the District Provincial Comms
who would have to be provided
for elsewhere.

Para: 8. We can accept unreservedly
the plan proposed with regard to the
care of labourers. Strictest control
& inspection will be a necessary

casualty of the assistance which
the Govt is expected to give in
future.

Para: 9. Manufacture of labour. The
railway improvements are very
necessary, for humanity alone;
the extension of government
but they will be expensive and
costly - ^{rate?} - be
carried out at once.

With regard to the Harbours
municipal works on p. 324, the
Kaiser Tramway only covers about
one-third of the distance from
Harbours to Fort Hall, and it
is evident from Dr. Phelps' evidence
(see especially at bottom of p. 206)
that there is danger of infection
near Fort Hall.

Para: 10. The majority of the
Commission report is contained
labour system coupled with a
reputation condition; W.
Proudy, K. Allen, & Mr. Daniels,
would admit it without condition;
the Governor thinks it may be

left out of account except for
large public works, which would
otherwise entirely disorganise the
labour market.

It is very doubtful whether
even for Government employment
we can get labour (they
only rate factory external supply)
with a reputation condition; &
we must I think ask the Govt to
develop his views on the question
of labour for the public works which
will shortly have to be undertaken.

Para: 11 Reserves. The Commission
are in favour of demarcating the
Reserves on a basis of present
requirements only. The Govt does
not go so far as this but is
strongly in favour of limiting
grazing areas to those already
in various possession (i.e. obtaining
no reduction of existing Reserves).
[He does not consider it necessary
to follow the Commission as to the
future, when the Communal title
will have given place to a

This must be
fixed first, and
then the
the objection is
Cl. 5192 para 44.
but there will be
difficulty with the
idea for itself
it does not wish
system to be
extended, and will be
agreed and will be
condition for a year
the Govt reserves
the matter relating
to the Reserves
will be undertaken
p. 12

individual title (we may follow his example?)

I think strong evidence would be required before we could agree to any of the Reserves being reduced. A complex enquiry into the amount of good land & water available, the number of stock & the rate of increase of the tribe, would be required in each case.

Para: 12 Squatters Settlers are in favour of squatting being recognized. The older are against it, since it tends to permanent closure and for the tribe & the becoming of tribal control.

The Governor says that, as in the previous compromise on the subject, on the point that Squatters must have no rights in the land. It may be looking too far ahead, but with strictly limited Reserves a time must come when a Squatter will no longer be welcomed back by the tribe; he cannot, with his

I should say the reduction was not to the question of what was said in the part of the report by the J.R.

Gov/24 080/1 + previous

Yes - but I do not see why they do not have a tax paid to the Government of such district as in N. Island. H. J. R.

p. 329

family, move his labour readily, and he will be more or less obliged to make what terms he can with the European or whom he can be Squeats.

As to whether he may take his stock (over all events (his cattle) with him - this can be left to be settled by the terms of agreement in each case; but I should say that Mr. Bessels is probably right in thinking that the native will not squat without his stock.

Para: 13 Taxation We can follow the Gov. in regarding this as unwelcome for the present purpose. The opinion of Britains is not unambiguous as to whether increased taxation would increase labour, and in any case it seems clear that in some instances the amount of taxation, if it were to be effective, would have to be very large.

Para: 14 Identification The proposals need further and the further report

of the Governor may be invited? At the same time, it should be borne in mind that employers themselves do not have largely themselves to blame (see the Memorandum p. 137).

Para. 15. Recruitment. There is to be no recruitment - only Govt. arrangements to look at labour courts, which are to be run by Govt, which will therefore be responsible for the distribution of the labour that offers itself. As the Govt. is the largest employer of labour, there is a considerable probability of friction.

The suggestion of labour courts is, apart from that of better conditions of employment, the most ^{directly} practical recommendation made & I think it must be tried.

Employers & Society are to be allowed to bring their friends back with them.

Para. 16. Opening up of Reserves - as to increase the workers' wants & thus his incentive to work. This opening up is deniable

deniable on several grounds if the active is to make any progress in civilization.

Para. 17. Temperance drinking. A separate Commission is to report. I am afraid the Govt. will have a hard task in checking the practice.

Para. 18. Education - This is all very well but it is not likely to have much effect on the supply of unskilled labour.

Para. 19. Females in domestic service. We can only accept the Governor's view that this is undeniable, but I notice that W. Arnold looks at the real domestic question from another point of view (that of the "Black Pearl") than that of the supply of outdoor labour.

Para. 20. Waste of Labour through bad supervision. This has been admitted in the Public Works Dept., but the European Staff

has been largely increased

Para 21. Unpaid labour in

Native Reserves. I do not quite understand the Commission's standpoint. It would seem reasonable to suppose (with several of the witnesses) that a native will be much less likely to work for the Reserve if he is paid for the work he does in it. We can accept the Governor's view on this?

? Approval of the Governor's views with the reservations, subject to the further reports which I have suggested and course will be in appreciating the work of the Commission.

W.C.S. 18. 4. 14

So proceed? I have marked with red pencil several passages relating to the health of the natives brought down from the Supplement to the Court as the question has been raised in Parliament.

H. J. R. 2/10/14

+ subject to do I have said about the Reserve 18. 4. 14

Mr Lambert

Have spoken to his Honour about this. It is important that we see Rave before us, in considering the proposals, a statement of what has been done or velled, in Rhodesia & S. Afr. You have a couple of memos prepared on the various points raised in the Report as have also done in S.A.? It will be done as quickly as circumstances permit.

18. 25. 14

Sir J. F. Fiddes

Please see Mr Tait's memos and accompanying papers below. The report of 1905 Commission as a first store house of information on S. African world. In addition I add the following remarks on the Dispatch § 5. Special branch for native administration. There we have insisted on in the S. Rhodesia O in C. '98 - see Part V with the Native Population of 1910 and I annex. I should say that in a country where there is white settlement it is essential to have a special branch of the administration which must always keep in touch with the natives - the Native rebellion was ascribed by the Commission which investigated

CL 3889

it mainly to the fact that the Govt
had got out of touch with the
nations and unless there are special
powers when business it is to look
at affairs from the nation point of
view, the white point of view is apt
to dominate the administration. I
do not mean to suggest that you need
have a duplicate system of administra-
tion throughout - in outlying districts
there may entail prohibition expenses
~~and other things~~ (In N Rhodesia
a Nation Com. may try white taxes
& consent. Prov. 1913).

§ 8. Labour inspection. In S Africa
we have had very little trouble except
with regard to mining labour, and
experience certainly shows there has
been legislation which equals first to
inspect and work on improvements.
The nation on a farm is of course
far more in the surroundings and
occupations which are natural to
him, & he is more in personal touch
with his employer. But if you are
going to collect large groups of nations
for mining purposes - probably if you
get large groups at all - S Africa
experience certainly points to the need for

Compulsory powers - We are going to
screw up S Rhodes. on this very point -

§ 10. Indentured foreign labour.

This is ~~very~~ a somewhat controversial
question but it is certainly a fact
that despite the outcry about the
impossibility of getting more native
labour for the mines, which resulted
in the importation of the Chinese, the
number of native laborers has
greatly increased since the Chinese
went. I think that this was partly
due to depression, which drove a
certain number of natives to the
mines, but the fact is that the labour
supply largely depends on the nations
wants and habits. Once he begins
to go to the mines he gets high pay
& learns to spend, and when the new
needs are created he will return to
the mine - Some tribes of the Port of
the East Coast go with astonishing
regularity.

§ 11. Reserves and individual tenure.
We carefully provided in the Order of 1908
for individual tenure in S Rhodes but
the provision has been almost a dead letter
- the only nations so holding are I believe
a few Fingo & others from the Cape
a Basuto land. It is indeed only in the

life that the system has made any progress (see the '05 Commission pp 20-22) and in the Commission's view it is not a thing to press. We have in fact relied on the creation of Reservoirs. The B.S.A.C. is under the Order of 1908 under a standing Mandate to assign land for reservoirs (see the Tait's memo). In 1895 when we were having Bechuanaaland Protectorate over to B.S.A.C. we created large Reservoirs which embrace most of the decent land in the country. In Swaziland we have at once about 1/3 of the country for tribal occupation, the rest having been blown away by Umbandure in Concessions. When we handed over British Bechuanaaland to the Cape in 1895 we insisted on special pledges to secure the integrity of the Reservoirs.

It must however be admitted that the reputation of this policy has been very much questioned in British Bechuanaaland ~~where~~ - the Transvaal has sharply criticized it - and it is in fact open to question whether the creation of very large reservoirs when the native population is in a state of general disease (this is to be seen in Bechuanaaland) is to be ultimately beneficial. The methods of agriculture employed by the native left to himself are crude and he has no inducement to improve them, and if I am right in saying above that the increase in the

14/15/22
15

Law 6/80

15/1915

see p. 11 679/82

Raid labour supply has been due to the awakening of wants which the nation has never felt before, it is clear that the creation of very large reservoirs is not likely to help in solving the labour problem. Lord Radcliffe recently observed that too large reservoirs are "demoralizing & prejudice improvement in agriculture."

§12 Squelching - Nobody has seen devised a satisfactory solution of this problem in S. Africa - but see the Tait's memo. 83

§14 Identification We have always recognized the need for a pass system in S. Africa. We ourselves passed a pass law in the T.V. in 1880 which remained in force for many years - I attach a copy of the present S. Rhodesia pass law & the remarks of the '95 Commission (pp 36, 37) should be looked at.

§15 This is the point - using the official to impress on the people the need to labour - on which I should say looking to our S. African experience that the Governor is in a very dangerous ground. The native is apt to confuse a suggestion made by one in authority, whose orders on other subjects he must obey, with an order. The labour regulations acc. to Sir R. Martin in 1897 were one of the causes of the second

Notable was the S. Rhodesia
administration system according
to Lord Grey was to restrict
Native Commissioners to encourage
to supply labour for mining &
other purposes - then degenerated
into compulsion. In CO of course
declared that the natives were only
asked to supply labour & then were
in compulsion - But the fact is
that when Govt begins to urge
the nation to work he does not
always realize where compulsion
begins. This is why Mr Chamberlain
said once that the share of
Govt should be confined to
supervising the making of the
contract - the labourer must get
fair terms - & his treatment
then contracted - his conditions
& actual service must be
tolerable - From this position we
have never moved in S. Rhodesia
and if we heard that Native
Comrs were urging the natives to
go out to work we should at once ask

(8527)
p 6

p 40

p 83
cd 1100

cd 3089
p 39

p 11

What was being done - I do not mean
of course that in a time of scarcity a
Native Comr is not to say that
work can be got at such a bad a place
but anything of the nature of ^{special invitation} ~~special invitation~~ to
turn out to work would at once
excite our suspicions.

§21 work in native reserves with
unpaid labour - Compulsory
labour on the roads erected by
Natal & was described by the Natal
Commissioner what sat after the war
an extremely unpopular thing
food wages were given. In S. Rhod.
Native Affairs Committee in 1911 suggested
that natives in reserves should be
required to keep up roads in the reserves
receiving the current rates of wages.
What I don't think any practice
like the E. African events in S. Africa
where tribal ties are probably too
much weakened to make it possible

(I have not sent on all the papers
to which I have referred but I can
show them to you if you wish to see them)

W2 30/4/44

I agree generally with the Chamberlain's down
so far as they are applicable to E.C.P.

1. Agree that the main object of the following
lines (which refer to the form of the drop)

1. Agree in principle with Chamberlain's direct
communication to the Board.

Reason is value of report, which reviewing
decisions on details pending the submission
of proposals for carrying them out.

2-7 General approval of reorganizing admt.
but (7) necessary to see the proposals first.

8. Suspicion to approve

9. Strong approval of improving
arrangement for transport of labour

10. Indentured labour - Difficulties may
be expected not only with the leaf. but
with other parts concerned. It will be
difficult for Govt. to begin the assembly
method will not be sanctioned.

11. [This is perhaps the most controversial
point] Reviews - General approval
with Govt; but there must be no
reduction of areas.

Individual tenure - Agree with Govt.
but the centre of the question can be
deferred.

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12. Exports - Difficulties in applying
solutions as an alternative to experience
here depends on local conditions & on the
way in which any arrangement is carried out
by settlers.

13. Taxation - This must be considered,
if at all, quite independently of its
effect on the labour supply, though not be
used as an indirect means of increasing
labour supply.

[The Chamberlain view has had at least one
distinctly expressed exponent in S.A. I think I
believe in it then. I do not know - at any
rate in the E.C.P.]

Agree that centre of the Govt. might
be postponed.

14. Identification - Will need careful
watching to prevent hardship to labour; but
the J. of P. is willing to consider a detailed
scheme.

15. Recruiting - Govt. officers must do

W.S.
M
H

I agree generally with W. Lambert's views
so far as they are applicable to E.A.S.

As to the reply to the planning
committee (the first reply to the press of the day)

1. Census in connection with transport direct
communication to be according

Percentage value of output, which remaining
decisions in detail pending the submission
of proposals for carrying them out

2-7. General approval of reorganizing activities
but (7) necessary to see the proposals first.

8. Inspection to be approved

9. Strong approval of improved
arrangements for transport of labour

10. Industrial labour - Difficulties may
be expected but may be met by the
with other types of arrangements. It will be
difficult for Govt to begin the assumption
that it will not be sanctioned.

11. [This is perhaps the most controversial
point] Reviews - General approval
with Govt; but there must be no
reduction of areas.

Individual tenure - Agree with Govt
but the centre of this question can be
deferred.

93

12. Ejectments - Difficulties in any
solution are as shown by S. P. Experience
here depends on local conditions & the
way in which any arrangement is carried out
by settlers.

13. Taxation - This must be considered,
if at all, quite independently of its
effect on the labour supply, & must not be
used as an indirect means of increasing
that supply

[The contrary view has had at least one
distinctly stated exponent in S.A. I think I
believe in it then. I do not know - at any
rate - to E.A.S.]

Agree that centre of the Govt. might
proceed.

14. Identification - Will and careful
watching to prevent hardship to labour; but
the S. Govt. is willing to consider a detailed
scheme.

15. Recruiting - Govt. officers must do

noting it. Call begged for compulsion.

Generally as in W. Lambert's minute.

7. 'Facts' - avoid for purposes.

19. Smoke down cases - Here I think

the Gov. is grossly wrong, with all

respect. But I don't think that he can

know anything of the sinister side of

employing such down cases - how else

then are European women?

Entirely unnecessary in the China view, etc.

^{stated a few weeks} ago ^{generally}

21. Unpaid labor. - (Local conditions

superior and sound. Debar & for

views with a process that here again

can be better to present hands.

Ex. 1. 5. 14.

Mr. Fiddes has summed up thus ad-

mirably and I agree generally with his

recommendations.

But as regards Reserves ^(!!) before

bring ourselves down to a declaration

that no addⁿ must be made to existing

Reserves I should like to feel quite satis-

fied that they are adequate and also

He has been accus-
tomed to the
movement. To do
also he does not
the white matter
start a black hair
Oh.

I agree
Join C. Fiddes
Oh.

to know whether the native popⁿ is increasing
we cannot lay it down that any increase
in the native popⁿ must go and find work
with the white man.

As regards (X) pressure by Gov^t on natives
to work. There is no harm in general
enforcements as to the dignity & profit
of labour. Where the Gov^t comes in
the enforcement is to engage with a
particular individual. That should
be avoided in all cases.

10. 1. 5. 14

I agree with Sir J. Anderson's caveat
as to (11). The qⁿ of Reserves is very
difficult, but the tremendous eagerness
of the European settlers to obtain labour
makes me feel anxious lest by creating
Reserves & bringing pressure to bear
on natives to work (15) we may
do injustice & ~~also~~ make trouble
for the Gov^t in the future. I am
convinced these points will want
very careful attention.

10. 3. 5. 14.

I agree with Sir J. Anderson's
Ennott - and the Sir J. Fildes on
§ 19

10. 5. 14

Indentured Labour.

(References are to Report not disp)

Par. 35. The question of the repatriation of labourers at the expiry of their contracts is an important one. When indentured labour from India was introduced into Natal the Government of India were approached on this subject by a deputation from Natal in 1894 and replied that "there would be no objection raised to a condition being inserted in the contract to the effect that coolies must return to India at the end of their last term of indenture, provided that failure to fulfil this condition would not constitute a criminal offence" (for full history of this see pages 24-33 of Cd. 7265).

Similarly in the case of African native labour imported into a Colony His Majesty's Government has never been able to consent to statutory provisions for the compulsory repatriation of natives after the expiration of their contracts. A Transvaal Act (No. 3 of 1908) which was intended to provide for the deportation of Portuguese natives remaining in the Transvaal after their contracts expired did not receive the assent of the Secretary of State and has never become law.

Under the form of contract entered into at that time by the Portuguese natives they undertook to return to Portuguese territory immediately the period of contract ended; but this obligation was not made effective by any law (see correspondence in Cd. 4121).

In the same year when the proposal to recruit labour for the Transvaal from Mozambique was under consideration, the Secretary of State obtained an

assurance

assurance from Ministers that they did not intend to provide for any compulsory repatriation of labourers on the expiration of their contracts (see page 7 of Cd. 2257).

More recently the British South Africa Company, who have entered into an agreement with the Government of Mozambique for the recruitment of labour in the district of Tete for the Southern Rhodesia mines, were informed by the Secretary of State that he would not be able to allow the High Commissioner to assent to any legislation for the purpose of giving legal effect to certain clauses in the agreement which provided for the compulsory repatriation of the natives under certain circumstances.

Native Reserves.

In connection with the recommendations in paragraph 49 it may be noted that a Commission to delimit the native reserves in Southern Rhodesia has just been appointed and will start operations next month. The Commissioners are required to have regard "not only to the present requirements of the natives, but also to their probable future needs consequent upon the spread of white settlement to areas now occupied by natives, but not falling within the reserves, and to the probable extension of those requirements by reason of the natural increase of population".

Hitherto the British South Africa Company have been required by Order-in-Council, to assign to the natives from time to time land "sufficient for their occupation whether as tribes or portions of tribes and suitable for their agricultural and pastoral requirements, including in all cases a fair and equitable proportion of springs or permanent water".

The

The Secretary of State has agreed however that the delimitation now contemplated should be final and that the above clause of the Order-in-Council can be revised in the light of the Commission's report, after such final assignment of land as may be recommended has been completed.

No rent is paid by natives occupying land in the reserves.

para. 52-55.

The Southern Rhodesia Ordinance No. 4 of 1906 enables the Administrator to establish locations, i.e. areas in or near any city, town, village set apart as a reserve for the occupation or residence of natives employed in any such city, etc. All natives residing within the municipal area, except those employed as domestic servants etc. are required to live within the location attached to the municipality. The Native Affairs Committee of 1910-11 did not report favourably on these locations and stated that they were a constant source of trouble to the police.

Squatting. This is a big question, which is discussed on pages 23-24 of the South Africa Native Affairs Commission 1903-5 (Cd. 2399). As regards para. 57. it may be noted that in Swaziland a draft form of agreement between natives staying on private lands and the land owners has just been prepared. The native can either pay rent in cash, or by labour without wages, or by both means.

The Southern Rhodesia Native Affairs Committee stated that the Private Locations Ordinance of 1908 though generally unpopular was a safeguard against kaffir farming. Landholders, under the Ordinance, are required to enter into written agreements

ments

agreements with any natives located upon their lands. The agreements are entered into in the presence of a Native Commissioner, and require the subsequent approval of the Chief Native Commissioner. The term location does not apply to settlements of natives who pay rent merely by labour.

Taxation

§ 62. In Southern Rhodesia every adult native pays a tax of £1, and if he has more than one wife or reputed wife, a further tax of 10/- for each additional wife. The Native Affairs Committee were inclined to think that the tax on wives should be abolished.

In North Eastern Rhodesia were the ordinary native tax is 5/-, the Administration recently proposed to impose a tax of 10/- on a native for each wife additional to the first. The Secretary of State queried this proposal and stated that he thought the sum payable in respect of an additional wife should only be half the original amount of the tax.

(Taxes in respect of wives are also levied in Swaziland and Basutoland). *See also remarks on taxation in para. 82-85. The poll tax advocated by Natal representatives is a step in the right direction and a reduction should be considered.* para. 82-85 & 87-88.

In connection with paragraph 82 mention may be made of the fact that in 1901 Mr. Chamberlain found it necessary to protest against the part taken by officers of the Southern Rhodesia Administration in the recruitment of natives for the mines: and he pointed out that the proper system for dealing with indigenous labour was for the actual recruiting and distribution of the labourers to be carried out by an unofficial association acting through licensed agents, while the Government,

This is matter on the subject of proposed Bureau for Recruiting in S. Rhodesia. I included this but it was from up as being unprofitable among employees & was not to be recommended which nation to be more strongly could make good labour for himself. H.P.

Government, through its own officers, should confine itself to what was necessary for the protection of the labourer. (See Cd. 1200, especially page 83). Recruiting for Southern Rhodesia ^{outside the country} is now carried on by means of an institution established by Ordinance and known as the Native Labour Bureau, the members of which bind themselves not to employ or to recruit natives except through it. Each member takes shares in the Bureau, and is required to pay certain fees and deposits: and he is entitled to have a certain number of natives allotted to him, either for work on the mines, or for agricultural work: such number being dependent on the number of shares held by him in the Bureau. A copy of the Ordinance relating to the Bureau is attached.

H.N.T.

28/4/14.



GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE.

12002

March 9th 1914.

No. 223

Sir,

I have the honour to submit for your consideration the following observations upon the recommendations made by the Commission which was appointed in August 1912 to enquire into the question of native idleness in British East Africa and whose report was issued in August 1913. Copies of that report and of the evidence taken by the Commission have already been transmitted to you, and I am sure you will agree that the enquiry has been of a most exhaustive description, that all phases of this very complex question have been thoroughly investigated, and that the suggestions made by the Commission are generally of a practical and valuable nature. I shall be obliged if you will authorize me to communicate to the Chairman of the Commission for the information of the members, and to the gentlemen who appeared as witnesses, an expression of your satisfaction at the thorough manner in which the Commission has performed the task allotted to it, and your appreciation of the public-spirited action of the gentlemen who, at the cost of some inconvenience

to

THE RIGHT HONOURABLE
LEWIS HARCOURT, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.

(2)

to themselves, have attended to give evidence. I have taken opportunity to express my personal views to this effect in recent public utterances.

2. The question of securing an adequate and regular supply of labour to meet the requirements arising from the increasing development of the Protectorate has been a problem of long standing which probably reached its most acute stage about the time that the Commission was appointed. It is perhaps unnecessary to refer here in detail to the causes which have contributed to that deficiency, but they may be summarised as follows:-

- (i) The suspicion engendered in the mind of the native by the attempts of the white man to get him out to work.
- (ii) His disinclination to perform manual labour of any description except such as is absolutely necessary for his own maintenance.
- (iii) His lack of ambition to improve the conditions of his existence and his consequent inability to appreciate the advantages of earning wages.
- (iv) The prejudice aroused against outside employment by occasional cases of ill-treatment or neglect of labourers.
- (v) The impracticability of keeping in close touch with the tribes and instilling into their minds the advantages to be derived from industrial effort.

These obstacles are now being gradually removed as better understanding between the white man and the native is being established, with the growth of appreciation

appreciation in the native mind of the power of purchasing articles which a few years ago he never dreamed of possessing, and with the increase of the Administrative establishment which will enable our officers to maintain closer touch with their people.

3. The recommendations of the Commission have been framed with the object of promoting in the native mind an inclination to work and of encouraging and accelerating the growth of harmonious relations between the employer and the labourer by means of closer and more sympathetic administration; by improvement of the conditions under which service is rendered and the imposition on the employer of the obligation to effect and maintain such improvement; by the provision of arrangements to facilitate the transport of the labourer to and from his work, and to ensure his reasonable comfort while en route; and by the enhancement of his moral and intellectual status by restriction of access to stimulants and the encouragement of elementary and practical education.

4. It would not be practicable for me to submit to you within the limits of this despatch details of the various schemes which it will be desirable to elaborate in order to give effect to those recommendations of the Commission which may receive your approval; neither is it desirable that this communication should be delayed pending such elaboration. I propose, therefore, to limit my remarks to a brief expression of opinion upon the principal points, and to request you to be so good as to intimate to me the extent of your agreement with

with my proposals in order that steps may be taken to give effect to such recommendations with the assurance that my line of action will be favourably viewed by yourself.

5. I am of opinion that the most important and far-reaching recommendation which has been made by the Commission is that which advocates the re-organisation of our administrative system and a re-arrangement of our administrative divisions with the object of effecting a separation of what may be described as the white man's areas and the native areas and the placing of the two divisions under separate branches of the Administration. In the earlier days of the history of the Protectorate it was practicable and comparatively simple for Provincial and District Officers to control a given area and to supervise whites and natives alike, with due regard to the interests of both classes, but I agree with the Commission that the time has now arrived when a system of administration upon such general lines must be discarded in favour of an arrangement by which the supervision of what may be described as native areas shall be vested in a special branch of the service, composed of officers who have experience of the people and an inclination for that class of work, while the districts which have been given over to white settlement are controlled by a separate branch, with such administrative and magisterial powers as are necessary to effect the superintendence and to meet the requirements of a European population.

6. The preliminary steps necessary to effect

(5)

such reorganisation are the abolition of the existing Provincial and District boundaries and the division of the Protectorate into European and Native areas; also the separation of the Administrative Staff into two parallel divisions - the one to be composed of Commissioners and Assistant Commissioners, under the direction of a Chief Commissioner for Native Affairs at headquarters, and the other of District Officers and Assistant District Officers controlled by the Secretariat and the Judiciary.

7. I have such confidence in the propriety of the proposal that I have already taken steps in consultation with Mr. Ainsworth to have a re-distribution of areas mapped out. I should say that I propose to omit Jubaland and the Northern Frontier District from such re-distribution, as I consider that our hold on those provinces and our knowledge of their future are not yet sufficiently assured to warrant any present alteration of system within their boundaries.

The elaboration of so radical a scheme of re-organisation will require much care and thought, and I shall therefore be grateful if I may receive as early as possible an intimation of your concurrence or otherwise with the proposal in order that labour and effort may not be fruitlessly expended.

8. I anticipate that you will be in full agreement with that recommendation of the Commission which advocates legislation for the inspection of labour and the enforcement of conditions affecting their health and well-being. Pending your observations

(6)

observations on the subject, I am directing the Attorney General, the Principal Medical Officer and the Director of Public Works to prepare material for a Labour Ordinance which shall increase the necessary obligations upon employers.

9. The question of improvements in the arrangements for the transport of labourers is largely a question of funds. The Commissioners have apparently not found it possible to go further than to offer just criticism of present deficiencies and the amelioration of existing conditions can only be gradually accomplished. It should not be matter of difficulty to provide for the greater convenience of those who have to travel by road, and I am asking the Provincial Commissioners to say what can be done to effect this in the case of each road over which labour gangs have to pass; but the question of railway accommodation is at the moment less easy of solution and will be made the subject of conference with the General Manager, after which I will, if necessary, submit a further expression of view.

10. You will notice that the Commission is divided in opinion on the subject of indentured foreign labour. I personally hold the view that we should make every endeavour to meet current demands from local sources, and I have no sort of doubt that, if we can ensure the recruitment of a reasonable proportion of able-bodied men from each available tribe, the supply should be ample to meet ordinary needs. Special works, such as the Kilindini wharves and the Uasin Gishu branch rail-

(7)

railway, which will necessitate the employment of large bodies of labour of rather higher capacity than that possessed by the average African tribesman, may necessitate exceptional arrangements; but I consider that we should be slow to agree to the importation of outside labour upon any terms, other than such special cases, and that very strong reasons should be adduced before any such request is considered. The experiment with Somali labour on the Coast has not been of a nature to warrant the encouragement of further enterprise in the same or similar direction.

11. The demarcation of Native Reserves and the allocation of areas for occupation by detribalised natives are points for consideration as part of the larger scheme referred to in my paragraph 6, in connection with which subject I may say that I am most strongly averse to the provision for natives, whether detribalised or not, of grazing areas in excess of that which they are already in possession, as a proclivity to pastoral habits is fatal to settlement and industry, and encourages idleness and a nomadic life, which seriously militates against effective control.

The question of individual tenure of land by natives who are still subordinate to the tribal authority should not, in my opinion, be considered now. The principles of communal tenure are those to which they are accustomed, and which are most suitable to their present condition, and the elaboration of a system of individual tenure may well be deferred until long possession and substantial improvement of areas of the communal property justify

(3)

justify consideration of the question whether the claims of the individual should be preferred to the customary rights of the tribe.

12. The proposals of the Commission with regard to the squatting of natives on settlers' farms are not greatly dissimilar from those which were outlined in my Memorandum of 4th January 1913 forwarded under cover of my despatch No. 51 of 27th January 1913. The suggestions made appear to be unobjectionable, provided that an agreement in writing is executed by the parties before the District Officer explanatory of the obligations on each side; that the squatter can acquire no right in the land occupied; that reference to the District Officer be compulsory in all cases; and that no occupation of any portion of a vacant farm be permitted.

13. I cannot consider that the question of taxation is so intimately connected with the labour problem as to be properly included within the scope of this enquiry; indeed the Commission seems to have been so far conscious of this that it deemed it necessary to supply its reasons for abstaining from the subject. A review of the present scheme of native taxation will no doubt be necessary in the near future, but it is not matter of urgency and may preferably be held over until the reorganisation of native administration has been effected.

14. I am in agreement with the opinion expressed by the Commission regarding the identification of natives by means of a system of registration. I shall be glad to learn whether you view the suggestion with favour, in which case I shall proceed to consider how far the law in force in

Southern Rhodesia may be adapted to our local conditions.

15. Much room for improvement exists in the present methods of recruiting labour and the line of action which may properly be taken is that indicated in paragraph 82 of the report. It is of the utmost importance that all officers entrusted with duties of native administration should impress upon the people the desire of the Government that their young men should go out to work and should keep this fact always prominently before them. I am taking steps to see that more attention is paid to the subject than has been the case, in some instances, in the past. While among the Wadigo people on the coast, and more recently among the Kavirondo in the Mumias District, I alluded to this subject at every baraza I held, not only telling the people that it is my desire that they should supply as large and regular a labour force as possible for outside employment, and pointing out the advantages accruing therefrom, but adding particulars of the steps which have been taken to ensure the health and comfort of labourers at their work, and assuring them that the establishment and maintenance of such improved conditions was matter which was on a in my personal attention. In addition to issuing a Circular instruction upon the subject, I am consulting the Provincial Commissioners regarding the establishment of labour camps.

16. It is probable that the further opening up of Native Reserves to traders and a reduction in extent of the closed areas will be feasible when

the closer administration which is now becoming possible by means of the increased staff at my disposal is beginning to have its effect. It is however too early yet to say at what time and to what extent it may be possible to give effect to a recommendation of the propriety of which there can be no doubt.

17. I had no sooner become superficially acquainted with the conditions under which most of our native tribes are living than I formed the opinion that a considerable portion of the people become degraded and are rendered useless by the almost universal habit of drinking 'Tumbo' - the fermented juice of the coconut palm. The tapping of the tree is detrimental in two ways: by weakening its constitution, it reduces the crop of nuts and renders it more than ordinarily liable to attack by beetles; also it provides the people with an intoxicating beverage which they would be better without. I contemplate the enactment of legislation on the subject, and have appointed a small Commission which is now making inquiry as to the effects of the practice and will report as to the possibility and propriety of either restricting the process of tapping or prohibiting it altogether.

18. The importance of the question of Education has not been lost sight of. The various missionary bodies are rendering valuable assistance, and Government is commencing to do its share, as for instance by the employment of teachers of agriculture, by the establishment of a technical school at Machakos, and by the contemplated commencement of an agricultural school in the Kavirondo country.

19. I do not look with favour on the suggestion that the engagement of female domestic labour should be encouraged. There are obvious objections to such an arrangement, which need not be dilated upon here, in addition to which it would be subversive of native custom and contrary to tribal opinion that any woman should leave the Reserve unless accompanied by her husband. Further, the proportion of men engaged in domestic service is not, in my judgment, so large that their liberation for other purposes would make any appreciable difference in the available supply.

20. The wastage of labour which has been referred to in paragraphs 94-96 is the inevitable result of inefficient supervision. The increased staff which is now to be placed at the disposal of the Director of Public Works should enable him to provide adequate superintendence and to avoid further substantial loss.

21. I am not prepared at present to give unqualified assent to the proposition that it is desirable to put an end to the practice of constructing and maintaining works in Native Reserves by means of unpaid labour. It is a practice to which the people have long been accustomed and which they thoroughly understand. Further, I am unable to admit that the results are of little practical value, as I have personally seen many miles of roads and paths made by the people at the direction of their Chiefs, and of immense utility to the reserves, which would not yet have come into being if the work had had to wait till payment of the gangs was possible. If it can be

shown

shown that payment is desirable and possible in any particular instance, that that be arranged without abolishing a practice which is productive of obvious advantages and entails no real hardship to the people.

22. I shall await with much interest your comments upon this valuable report, the contents of which I have thought it advisable to deal with as briefly as possible; also your instructions as to the extent to which you approve of my proceeding upon the lines recommended by the Commission and myself.

I have the honour to be,

Sir,

Your humble, obedient servant,

Alfred B. Reynolds

GOVERNOR

Gov./17029/14. E.A.P.

DOWNING STREET

20 May, 1914



Recd 40352/14
3/4 39/14

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EAST AFRICA PROTECTORATE

NO. 479

Sir,

Governor

Sir H. Conway Belfield, K.C.M.G.,
&c., &c., &c.

I have the honour to acknow-

MINUTE

Mr. Bottomley 12/5/14.

Mr. Read 12/5/14.

Mr. Lambert 13/5/14.

* Sir G. Fiddes. 15

Sir H. Just.

* Sir J. Anderson. 15

* Lord Emmott. 15

* Mr. Harcourt. 15. 14.

for consideration.

ledge the receipt of your despatch No.

223 of the 9th of March, conveying your

observations on the recommendations made

by the Commission appointed to enquire

into the question of native labour in

the East Africa Protectorate. I

cordially concur in your appreciation of

the labours of the Commissioners and

I should be glad if you will convey to

them, through the Chairman of the

Commission, my sense of the value of

their labours and the public spirit

which

Form of Agreement.

any file in SP

which has actuated them in their enquiry.

I have given very careful consideration to their Report, which will be of great assistance in considering the difficult questions with which it deals.

2. You will understand that on points of detail it is necessary for me to reserve my decision until I am in possession of your proposals for carrying them out. This is, indeed, in accordance with your own view as expressed in paragraphs 4 and 22 of your despatch. In what follows my references are, except where otherwise stated, to the paragraphs of that despatch.

3. Paragraphs 5-7. I approve generally of the proposal that the administrative staff should be reorganised.

re-organised with a view to distinguishing between those appointments which are necessary for the supervision of native areas and those which are required for the administration of European districts. With regard to paragraph 7, I shall be glad to receive the scheme of re-organization which you have in view, and my approval of the proposal must be regarded as subject to an examination of the scheme when it is before me.

4. Paragraph 8. I approve the recommendations of the Commission with regard to the inspection of labour and the enforcement of conditions affecting their health and well-being, and of your having arranged for the preparation of a Labour Ordinance for this purpose.

5. Paragraph 9. I am also strongly of opinion that all possible steps

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5. Paragraph 9. I am also strongly of opinion that all possible steps

steps should be taken for the improvement of the arrangements for the transport of labour. As regards the Railway, I shall be glad to receive your further recommendations after conference with the General Manager.

6. Paragraph 10. On the question of indentured labour, I may observe that even if His Majesty's Government found themselves able to agree to proposals under this head it may be expected that difficulties would arise with other Governments concerned, and it will be best for you to proceed on the assumption that indentured labour will not be obtainable.

7. Paragraph 11. I feel some hesitation, with my present information, in accepting the view that in no case should additions be made to existing

Reserves,

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Reserves, and I should be glad to be more fully informed as to their adequacy and also to know whether the native population is increasing. It would appear from the statistics given in the Report (Appendix II) that in some cases the capacity of a Reserve, so far as useful land is concerned, will soon be exhausted, and it is impossible to lay down that any increase in the native population must be provided for by service under Europeans.

8. In any case I am not prepared to accept any proposal, such as that contained in paragraph 49(b) of the Report, which involves a reduction in the existing area of a Reserve.

9. I concur in your view that the consideration of the question of individual tenure by natives who are

still

still subject to tribal authority may

be deferred.

10. Paragraph 12. South African experience shows that it is most difficult to arrive at any satisfactory solution of the question of settling.

Much depends on local conditions and

on the way in which any arrangement is

carried out by settlers; and before

finally approving the adoption of the

plan which you propose I should wish

to make a careful examination of the

proposed form of agreement. I enclose

a copy of a form which has been pre-

pared for use in Swaziland and which

may be of assistance to you in con-

sidering the matter.

11. Paragraph 13. I agree

that the question of native taxation

may be deferred. In any case it must

be

for consideration.

be considered, if at all, independently of the effect on the labour supply and it must not be used as an indirect means of increasing that supply.

12. Paragraph 14. The introduction of a system of identification of natives will need careful watching to prevent hardship and abuse, but I am willing to consider a detailed scheme.

13. Paragraph 15. On the question of recruiting I consider it of the utmost importance that Government officers should do nothing which could in any way suggest Government compulsion. The matter is one of great difficulty and I would invite your attention to the Report by Sir R. Martin on the native administration of the British South Africa Company (C.8547) which I enclose.

... You will observe that the second Matabele War was in Sir R. Martin's opinion due in part to the labour regulations, and that he considered that the instructions given to Native Commissioners in Southern Rhodesia by the British South Africa Company to endeavour to supply labour had in effect led to compulsion. When a Government ^{officer} urges the native to work the native does not always discriminate between advice and compulsion, and he is apt to confuse a suggestion made by one in authority, whose orders on other subjects he must obey, with an order.

14. For this reason I am inclined to think that the proposal that officials should impress on the people the need to work may have dangerous consequences,

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p. 83

consequences, unless it is very carefully limited and defined, and that the ^{I would} ~~you should~~ ^{the attitude prescribed} ~~attitude~~ for Government officers to take up is that prescribed in the case of Southern Rhodesia by Mr. Chamberlain in 1901, i.e. "the Government, through its own officers, confines itself to what is necessary for the protection of the labourer, e.g., ensuring that the contract entered into by the native is regular, contains no false representation, and is understood by the native, and that proper treatment is given to the native both before and after he is handed over to the actual employer". This ruling does not, of course, preclude officials from making it known to natives in their districts that work can be got at certain places, but it is definitely aimed at preventing anything in the nature of a systematic invitation

invitation to work. Equally it does not preclude officials whose duties bring them into close contact with natives from assisting them to realise the advantages to be derived from any form of industry, provided that officers abstain from anything which might be regarded as putting pressure on the natives, and from suggesting to them engagement with a particular employer.

15. I shall be glad to receive your further observations on these points and also the result of your consultation with Provincial Commissioners on the proposed Government Labour Camps. The recommendation that the Camps should be under Government control has obviously much to recommend it, provided that such

The camps are not covered by the later minutes.
W.C.B.

a system can be worked without in practice giving the impression that the Government are using undue influence in the collection of labour.

16. Paragraph 17. I shall wait your further proposals for dealing with the evil of tempo drinking.

17. Paragraph 19. While I realise the nature of your objection to the recommendation of the Commission that female domestic labour should be encouraged, I feel that there are strong arguments on the other side. It is a matter in which due weight should be given to local knowledge and experience, but with this limitation I am in general agreement with the object underlying the Commission's proposal - which is general in terms - and I think that ~~and I entirely agree with the Commission that~~, with the limitations and safeguards which they suggest, the employment of native women as domestic servants

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servants should be encouraged.

18. Paragraph 21. I am prepared to accept your opinion that it is not at present desirable to make any change in the arrangement by which unskilled labour is employed on works of public utility in the Reserves. The matter is one which must be decided according to local conditions and experience. Care will, however, have to be taken to prevent any possibility of hardship.

19. While on certain points I have not been able at once to concur in the principles laid down in your despatch, I appreciate the careful study which you have made of the questions at issue, and I trust that after further consideration of them in the light of the observations contained in this despatch you will be able to formulate proposals which will effect their general purpose without being open to the objections indicated. I

fully

fully recognise the need of an adequate labour supply for the effective development of the Protectorate resources. It is no less necessary that this development should be brought about peacefully and with the fullest regard for the interests of the native inhabitants; and I am confident that while a less cautious policy might conceivably produce for the moment a larger increase in the number of labourers available it would not be conducive to the ultimate prosperity of the Country. The matter is however one of the utmost importance from the point of view of the peaceful development of the Protectorate and of the interests of the native inhabitants, and I am confident that the ultimate prosperity of the country will be served better by a close regard for those interests than by any immediate increase in the numbers of labourers available which a

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Mr.

Mr.

Sir G. Fildes.

Sir H. Just.

Sir J. Anderson.

Lord Emmott.

Mr. Harcourt.