

18208

1932

CO 533/425
KENYA

18208

AFRO-ASIAN ASSOCIATION

PETITION

STATUS OF ARABS

7401/31				
10063/3529				
Christman	24/6			
Christman	2/7			
M. M. M.	29			
Christman	1/8			
M. M. M.	24/57			
Christman				
297				

P.

Sir J. Byrne s.o. 18th. May.
Trs. précis of further interview with deputation
from the Afro-Asian Association - as to retrenchment
of Kathis.

2

It was considered desirable to
have for record the info. now given
in paras 2 and 3 - vide 2 & 1740/31.

It seems clear however from para 1
of the record of the interview given to
the A.A. Association that the
question of the status of the 12
tribes has not been settled and
the introduction of the Bill mentioned
in Sir J. Byrne's previous letter
will \therefore also presumably be further
delayed.

? Bo. in 6 months to inquire
on position of Bill.

H.S. Ponsikha
24/6/32
W. H. ...
27/6

See with: - 1a -
d. H. ...
23/6/32

I attach a note on status - 1B

H.S. Ponsikha
11/8/32

These particulars were offered to ...
has been a record of notes

Copy on 17407/31
11/8/32
C. ...

18208/32 Kenya.

Note on Question of Status of Arabs, Swahili and
Somalis in Kenya.

ARABS.

5 in 17184/31
Kenya.
(Vide paras.
4237, 4243 to
4245)

The Arab witnesses to the Joint Select Committee stated that they represented the Arab descendants of the immigrants from Arabia, the people who settled in Mombasa, and all the Swahilis. Swahili is a term used for coastal inhabitants who belong to the Twelve Tribes and are partly of Arab descent. The ~~representatives of the~~ Twelve Tribes number 1500 or 2000.

Para. 4230.

6 in 17184/31

At an interview with the Native Department of State, the Arab witnesses handed in a copy of a petition addressed to the Governor of Kenya regarding the status of Arabs, the terms of which is that Arabs should be distinguished from natives in any legislative definitions and in the definition of native in Chapter I of the Laws of Kenya, which runs as follows:

"Native" shall mean a native of Africa but of European or Asiatic origin and shall not include a Somali or Swahili."

They protested against the definition in the Criminal Procedure Ordinance and other Statutes which include Arabs and Somalis as natives, and desired to be excluded from the jurisdiction of native tribunals.

The

2600 (E)/31 E.A.

The Kenya Settler Deputation to the Joint Select Committee handed in a petition from the Afro-Asian Association which was couched in similar terms, except that it also stressed the necessity for the exclusion of members of the Twelve Tribes from the definition of 'native'.

17401/32
18208/32.

Both the petitions link up with two joint deputations from the Arab Association and the Afro-Asian Association to the Governor of Kenya, the latter of which was informed of the difficulty of distinguishing between members of the Twelve Tribes and natives, and agreed to the Governor's suggestion that the Twelve Tribes should endeavour to come to an understanding on the subject with the Arabs. This difficulty has led to the postponement of the preparation of a Bill to define the status of Swahilis.

*Kenya has been
to be para. 10 b
has 1816702*

SOMALIS.

16295/30 K
18176/32 K

The Somali representations as to their treatment as natives have no direct connection with the above-mentioned Arab and Swahili grievances, but they have in common the fact that they resent being classified as natives.

of Somalis in Kenya

The history of their origin is given in Mr. Allen's memorandum at 3A. in 16295/30 Kenya, and that of their status as defined in legislation at 3B. of that paper.

26001(E)/31 E.A.

The Kenya Settler Deputation to the Joint Select Committee handed in a petition from the Afro-Asian Association which was couched in similar terms, except that it also stressed the necessity for the exclusion of members of the Twelve Tribes from the definition of 'native'.

17401/32
18208/32.

Both the petitions link up with two joint deputations from the Arab Association and the Afro-Asian Association to the Governor of Kenya, the latter of which was informed of the difficulty of distinguishing between members of the Twelve Tribes and natives, and agreed to the Governor's suggestion that the Twelve Tribes should endeavour to come to an understanding on the subject with the Arabs. This difficulty has led to the postponement of the preparation of a Bill to define the status of Swahilis.

~~Kenya Settler Deputation~~
de fava 10 6
no 5 1812/32

SOMALIS.

16295/30 K
18176/32 K

The Somali representations as to their treatment as natives have no direct connection with the above-mentioned Arab and Swahili grievances, but they have in common the fact that they resent being classified as natives.

The history of the ^{of Somalis in Kenya} origin is given in Mr. Allen's memorandum at 3A. in 16295/30 Kenya, and that of their status as defined in legislation at 3B. of that paper.

As regards status, the position, briefly, is that they demand to be classed as Asiatics, which demand cannot be conceded, as it is not only unsupported by fact, but would, if accepted, embarrass the administration of British Somaliland and that of the Northern Frontier Province in Kenya. It is, however, agreed that they are entitled to be treated separately from the Bantu, and they have in fact been distinguished by their specific exemption from the native Hut and Poll Tax Ordinance, and by their exclusion from the definition of native in the Interpretation Ordinance. It is proposed in drafting the Bill which is now held up by the Somali community, to deal comprehensively with the Somali ^{Communities} ~~people~~. As any such legislation will affect Somaliland, the Commissioner there is to be consulted as regards the terms of the Bill.

ISHAAK SHARIFF AND HAROT ISMAILIA COMMUNITIES.

The Somali ~~people~~ in Kenya may be divided into three classes:-

- (a) Those who may be regarded as subjects of Kenya Colony through permitted residence and occupation of land in the Northern Frontier Province.
- (b) Those who came within recent times from British Somaliland or Aden, and are British subjects, or British protected persons. These, for the most part, reside outside the Northern Frontier Province, and

(c) Somalis from French or Italian Somaliland and Abyssinian territories

The two communities mentioned are mainly those classified in (a) and (b) and some in (c). The Ismaik (or Isma) claim their descent from an Arab Sheikh Isma'el bin 'Adeem and they admit the Darot (or Darot) to be Soomali; their reputed ancestor also being Arab.

In paragraph 56 of this report Lord Lugard states that these two communities, "born of the fusion of Arab extraction from British Somaliland and of African blood," for many years have been paying a special tax at their own request in order to be able to compete with African natives. They have been asked to return for their extra contribution. It is stated that their racial distinction was not recognised by the ~~absence~~^{acceptance} of extra taxation ~~supposed~~^{established} in return to some educational assistance."

112

Mr. Priestman,

It would be of interest to set out in a note - there is no real hurry.

(a) how far this is in accordance with the representations of the Arab witnesses to the Joint Select Committee.

(b) what connection if any there is with

(i) the Somali representations as to their treatment as natives

(ii) the recommendations in paragraph 56 of Lord Moyne's report as to the Isma'ili, Sheriff and Darot Isma'ili communities.

No doubt the communities are different but the considerations raised are probably to some extent common.

H.T. ALLEN.

28.6.32.

RECEIVED
21 JUN 1932
COOL OFFICE

17401
8
1

GOVERNMENT HOUSE,
NAIROBI.
18th May, 1932.

Ref. No. NADM. 17/5/1. II.

My dear Bottomley,

No. 2/
17401/31

With reference to your letter of the 6th January 1932, on the subject of the petition of the Afro-Asian Association, I interviewed a deputation of this Association at Mombasa on 22nd April and I enclose a copy of the précis of the interview.

17401/31

2. With regard to the retrenchment of the Kathi of Vanga has been retrenched at the request of the Provincial Commissioner, Coast, and this also came up for discussion. I explained that this had become necessary for reasons of economy and pointed out that this was the only instance in which the Mohammedan Community at the Coast had been affected as a direct result of Government reductions. I, however, promised further to explore the position.

3. With ...

HIS GRACE BOTTOMLEY, K.C.M.G., C.B., O.B.E.,
COLONIAL OFFICE,
DOWNING STREET,
LONDON, S. W. 1.

3. With regard to the abolition of Customs Exemption, I explained that the privilege granted by the Sultan had been entirely personal to the original grantees.

Yours sincerely,

A handwritten signature in dark ink, appearing to be "H. J. ...", is written over a diagonal line that extends from the bottom left towards the top right.

INTERVIEW,

between His Excellency the Governor and the members of the Afro-Asian Association on 22. 4. 32 at Government House, Mombasa.

Present:-

His Excellency the Governor.
Hon. the Provincial Commissioner, Coast.
The District Commissioner, Mombasa.

Afro-Asian
Association:

Mohamed Abdulkarim	El-Tangany.
Sudi bin Ali Bashir	El-Changamwe.
Mohamed bin Ali "	El-Changamwe.
Moses Mohamed	El-Kilifi.
Abdulla bin Juma.	El-Kilindini.
Ali bin Khamis	El-Kilifi.
Ali bin Omar	Battany.
Mohamed bin Abdurehman	El-Kilifi.
Nasor Mohamed.	El-Nahdi.
Haider Mohamed.	El-Kilindini.

His Excellency welcomed the deputation.

1. Arab Franchise.

Sudi bin Ali asked if any decision has been arrived at by Government regarding the claim of the 12 tribes to be recognised as Arabs and be given the privilege of being included in the register of voters for Arab members of Legislative Council. Sudi traced the origin of the arrival of earlier Arabs from Muscat who asked for the assistance of the 12 tribes to oust the Portuguese. Agreement made between the 12 tribes and the Sultan granting 12 tribes equal status with Arabs. Sudi bin Ali, Mohamed bin Ali and Moses Mohamed all spoke on the question.

His Excellency. At present the franchise is governed by the Mohammedan Law; those who can trace their Arab descent in the direct male line are eligible as voters etc. It is very difficult to distinguish between 12 tribes and natives. Some of the 12 tribes might undoubtedly be recognised but many are purely natives and it would not be possible to grant them these privileges. It would be difficult to find a clear dividing line.

Sudi ...

Sudi bin Ali claimed that they could point out who was a real member of the 12 tribes and who was a follower.

His Excellency. It is not only the question of followers but even the so called real members - many are undoubtedly natives. Very important they should decide between themselves as to who, among the 12 tribes, should be granted the privileges and who should not and then approach Arabs with a view to amicably settling the question. He was not prepared to grant them privileges and then have Arabs coming to him to oppose the extension of the franchise he suggested that 12 tribes approach Arabs and try to come to an understanding.

Mohamed bin Ali and all others agreed to suggestion but pointed out that originally both 12 tribes and Arabs were together and formed a Coast Arab Association. Some mischief mongers were at the root of the whole trouble. If they approach Arabs now some would agree and some not.

His Excellency suggested agreement with responsible Arabs.

2. MUNICIPAL BOARD. Sud bin Ali raised question of inadequate representation on board. Not proportionate to Indian representation.

His Excellency. Question was investigated by Yeetham Commission and he was not prepared to alter the statutory decisions.

3. RETRENCHMENT OF KATHIS. Mohamed bin Ali Kathi Vanga retrenched. Large Muslim population in that District. Very important have Kathi.

His Excellency. Question of economy. Retrenchment not confined to Arabs only. Europeans

curtailed.

HIS EXCELLENCY will consider the matter but can not give any promise.

4. COMMUTATION OF CUSTOMS DUTY EXEMPTION.

His Excellency. Privileges granted by the Sultan was personal to original grantees. His Excellency not prepared to reopen question.

5. INDEBTEDNESS OF TANALAND CULTIVATORS.

Sudi bin Ali asked assistance be given to cultivators to pay off debts with very high interest. His Excellency suggested that they educate their people not to borrow money at very high rate of interest. Anyone furnishing proper securities are entitled to go to Land Bank. They can ask District Commissioner, Lamu, for any information about the Bank.

6. ARAB OFFICIAL MEMBER OF THE LEGISLATIVE COUNCIL.

His Excellency. I am discussing question with the Provincial Commissioner, and can not say anything at present.

Deputation withdrew.

13
GOVERNMENT HOUSE,

NAIROBI.

18th May, 1933.

Ref. No. HAMB. 19/5/1. XI.

My dear Bottomley,

With reference to your letter of the 6th January 1933, on the subject of the petition of the Afro-Asian Association, I interviewed a deputation of this Association at Nairobi on 22nd April and I enclose a copy of the précis of the interview.

2. With regard to the retrenchment of Kathis my explanation was on lines similar to those mentioned in my letter of 16th November last. Since then the Kathi of Vauha has been retrenched at the request of the Provincial Commissioner, Coast, and this also came up for discussion. I explained that this had become necessary for reasons of economy and pointed out that this was the only instance in which the Mohammedan Community of the Coast had been affected as a direct result of Government reductions. I, however, promised further to explore the position.

3. With ...

SIR BRUCE BOTTOMLEY, K.C.H.C., C.B., O.B.E.,
COLONIAL OFFICE,
DOWNING STREET,
LONDON, S. W. 1.

- 2 -

3. With regard to the abolition of Customs
Exemption, I explained that the privilege granted by
the Sultan had been entirely personal to the
original grantee.

Yours sincerely,

J. BYRNE.

COPY.

INTERVIEW.

between His Excellency the Governor and the members of the Afro-Asian Association on 28. 4. 22 at Government House, Mombasa.

Present:-

His Excellency the Governor.
Hon. the Provincial Commissioner, Coast.
The District Commissioner, Mombasa.

Afro-Asian Association:

- | | |
|------------------------|---------------|
| Mohamed Abdulkarim | El-Tangany. |
| Sudi bin Ali Bashir | El-Changanwe. |
| Mohamed bin Ali | El-Changanwe. |
| Moses Mohamed | El-Kilifi. |
| Abdulla bin Juma. | El-Kilindini. |
| Ali bin Khamis | El-Kilifi. |
| Ali bin Omar | Battary. |
| Mohamed bin Abdurahman | El-Kilifi. |
| Mawer Mohamed. | El-Nahdi. |
| Haider Mohamed. | El-Kilindini. |

His Excellency welcomed the deputation.

1. Arab Franchising.

Sudi bin Ali asked if any decision has been arrived at by Government regarding the claim of the 12 tribes to be recognised as Arabs and be given the privilege of being included in the register of voters for Arab members of Legislative Council. Sudi traced the origin of the arrival of earlier Arabs from Muscat who asked for the assistance of the 12 tribes to oust the Portuguese. Agreement made between the 12 tribes and the Sultan granting 12 tribes equal status with Arabs. Sudi bin Ali, Mohamed bin Ali and Moses Mohamed all spoke on the question.

His Excellency. At present the franchise is governed by the Mohammedan Law; those who can trace their Arab descent in the direct male line are eligible as voters etc. It is very difficult to distinguish between 12 tribes and natives. Some of the 12 tribes might undoubtedly be recognised but many are purely natives and it would not be possible to grant them these privileges. It would be difficult to find a clear dividing line.

Sudi ...

Sud bin Ali claimed that they could point out who was a real member of the 12 tribes and who was a follower.

His Excellency. It is not only the question of followers but even the so called real members - many are undoubtedly natives. Very important they should decide between themselves as to who, among the 12 tribes, should be granted the privileges and who should not and then approach Arabs with a view to amicably settling the question. He was not prepared to grant them privileges and then have Arabs coming to him to oppose the extension of the franchise. He suggested that 12 tribes approach Arabs and try to come to an understanding.

Mohamed bin Ali and all others agreed to suggestion but pointed out that originally both 12 tribes and Arabs were together and formed a Coast Arab Association. Some mischief mongers were at the root of the whole trouble. If they approach Arabs now some would agree and some not.

His Excellency suggested agreement with responsible Arabs.

2. MUNICIPAL BOARD. Sud bin Ali raised question of inadequate representation on Board. Not proportionate to Indian representation.

His Excellency. Question was investigated by Factor Commission and he was not prepared to alter the statutory decisions.

3. RETRENCHMENT OF KATHIS. Mohamed bin Ali Kathi Vanga retrenched. Large Muslim population in that District. Very important have Kathi.

His Excellency. Question of economy. Retrenchment not confined to Arabs only. Europeans and Asiatics also affected. Expenditure must be

curtailed.

HIS EXCELLENCY will consider the matter but can not give any promise.

4. COMMUTATION OF CUSTOMS DUTY EXEMPTION.

His Excellency. Privileges granted by the Sultan was personal to original grantees. His Excellency not prepared to reopen question.

5. INTERFEREDNESS OF TANALAND CULTIVATORS.

Sudi bin Ali asked assistance be given to cultivators to pay off debts with very high interest. His Excellency suggested that they educate their people not to borrow money at very high rate of interest. Anyone furnishing proper securities are entitled to go to Land Bank. They can ask District Commissioner, Lamu, for any information about the Bank.

6. ARAB OFFICIAL MEMBER OF THE LEGISLATIVE COUNCIL.

His Excellency. I am discussing question with the Provincial Commissioner, and can not say anything at present.

Deputation withdrew.