

1933

1933

3250

KENYA

C0533/437

3250

Grass burning in Native Reserves.

Issuing of orders for control of, under Native Authority Ordinance.

Previous

acc. 16127/30.

Subsequent

38144/35.

Room 309 2870

Mr. Freeman 25

307

297

7/3

Room 309

7/3

R 297

10/4

Room 309

11/4

Mr. Freeman

11

29 511

12/4

297

18/4

297

By 297

277

Room 309

15

Mr. Freeman

9/7

~~Mr. Freeman~~

X E 2 297

1/8

Mr. C. Botley

2/8

Mr. Stoddart

4/8

Mr. C. Botley

7/8

Mr. S. Wilson

R. 8

Mr. Blund

23/8

R 297

9/9

Mr. Blund

12/9

Mr. C. Botley

12/9

297

23/4

2  
188 June 33

1 Acting Governor Moore to the Comf \_\_\_\_\_

Sauke's submission to approve the issue of orders under Sec. 8 (a) of the Native Authority Ordinance for the control of grass fires. Suggests reconsideration should be given to decision that Gov. should not exercise his discretion in such matters without prior reference to the S. of S.

The issue of regulations as regards the customary annual grass burning is of course a matter for local decision & it is rather absurd that we should be troubled with it, but the decision given in 16127 is very definite & therefore I must send this on.

The question of early or late burning is of importance in the case of control but Kenya knows that better than I do & anyhow the point doesn't arise.

I have no hesitation in advising approval in the specific case mentioned & I also agree fully that the Governor should be given the discretion asked for. What is a Governor for if not to use his discretion in such matters. If the Governor can't be troubled then he should not be Governor.

? Agree

V.C.G. Hand  
15.7.

This does not press; I would  
I don't see quite content to dispose  
of the specific point - i.e.  
agree as to the grass-burning -  
the question of cancelling  
the restriction in para 5  
of Co. Dep. of 1/5730 is  
more difficult, & I should wish  
it to wait for Sir C. Bottomley.  
The point made by the

o.g. is obvious, <sup>and</sup> ~~and~~ the  
particular case of the  
grass burning makes  
it seem quite absurd  
for the Govt. to be tied  
in regard to S. & R.  
But there is always the  
risk that if you cancel  
an instruction of this  
nature (which, ~~is~~ although  
in some cases clearly  
unnecessary, does not  
nearly do any harm),  
another Govt. may want  
to restore it - & the  
last state becomes worse  
than the first, if such  
an instruction comes  
& goes with changes  
of Govt. here.

Use of S & R will  
be very rare: emergency  
use is allowed for in  
the Dec. of 1/5/30: in  
the circumstances reference  
to the S & R cannot  
conceivably impose  
a burden on the Kenya  
Govt. or Secretariat.

Noted  
Recie. 31 July  
to Mr. C. S. Stanley.

ad  
18.7.33

Brought up with minute of 10<sup>th</sup> July 33.

*[Signature]*  
1.8.33  
Reg. No. 294.

Mr. Stockdale

First I should like to know whether  
the issue of orders (of embargo  
character) about grass burning, for  
protection and whether there are  
any points you think it desirable  
to make in approving.

we may have complaints from  
the "less enlightened" section  
of the community.

You will remember I told you  
that Major Grayson had warned  
me against grass burning on  
the ground that the first rain  
washed away all the valuable  
soils. On the other hand, I don't  
it make it hot for the ticks!

I shall deal with the other points  
when you have indicated.

C.S. 2.8.33

*[Signature]*

Sir C. Bottomley.

It is not possible to give a satisfactory simple answer to your direct question. There are a number of factors involved and these vary in different areas.

Mr. Flood raises the question of tsetse. It has been shown that organized grass burning may produce complete extinction of some types of fly. Another - morsitans - is recorded as moving before bush fires, whilst in dealing with swampertoni the stoppage of grass burning may be desirable. However, in Kenya the fly problem is not serious over the greater part of the country, and therefore the main issue need not be connected with it.

Ticks. Areas badly infested with grass ticks can be cleared by burning, and this is common practice. Whether annual burning for tick control is necessary can, however, only be judged on the spot, as tick control can be maintained in many areas by occasional burning, i.e. in those years when experience shows that their numbers have increased above the usually accepted average.

From the pasture point of view, burning has its uses. Young grass has a much higher nutritive value than old grass, and most of the finer grasses have a higher nutritive value than the coarser kinds. These are also more palatable to stock. In consequence, young grass which follows burning is much sought after by stock, and certain of the finer sorts are also continuously sought out and may be grazed "to the bone"

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bone" whilst the coarser grasses are left. Continuous burning has the effect of weakening the grasses. The first to suffer are the finer annual grasses with a surface rooting habit. The deep-rooting or stoloniferous grasses survive the best. In general, these are of poorer feeding value than the annual grasses and in consequence herbage loses value as the result of continuous burning. There are certain exceptions to the above generalization, and there exists in Africa a number of stoloniferous grasses with high feeding value. The pasture work in the Union of South Africa has been directed to finding such stoloniferous grasses possessing high nutritive value and capable of resisting droughts, overstocking and burning. A considerable measure of success with this work has already been achieved.

A plant cover on sloping land naturally checks erosion, and it follows that with the first rains after the dry period erosion is much more serious from burnt pasturage than from non-burnt pasturage. Such erosion washes away the fine top soil, which in itself is serious if the erosion is severe, since such soil contains much of the ash from the burning, and in addition some leaching of soluble salts (mainly potash) may occur, because the grass plants are not in a condition to take them up before they are washed away or soaked into the deeper soil layers beyond the reach of their roots. Generally, however, such erosion is not really severe unless the slopes of the land are steep or it has been trampled by stock. It is after burning that the real

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real danger from overstocking arises. Burning is usually done at the end of the dry season and with the first shower young fresh growth rapidly occurs. It literally springs up "in the night". This is eagerly sought after by stock. They nibble or gnaw anything they can find, pulling up plants by their roots in their desire to satisfy hunger. They roam and wander about searching out any luscious green fodder. By so doing they trample the ground, reducing its surface to powder and damaging the grass roots. With the onset of heavier rains, the soil is in a condition which renders it much more susceptible to the erosive action of water. Under those conditions, erosion becomes serious. Grass roots are laid bare, as the result, and the weaker and finer ~~ones~~ <sup>ones</sup> succumb. The result is loss of top soil by erosion and the loss of grasses by overgrazing, trampling and death consequent upon the top soil being washed away. Only the coarser deep-rooting grasses of lesser nutritive <sup>value</sup> and hardy scrub growth survive over a series of years and the real feeding value from the land is reduced if not completely lost.

The problem which presents itself is, therefore, how to stimulate the finer grasses at the expense of the coarser, and, at the same time, provide for regular supplies of young grass growth. In certain areas, the suppression of burning may be necessary, whilst in others burning may

may still be required to suppress or check the growth of the coarser grasses. When burning is permitted, a system of pasture management should be associated with it, so that young growth after burning may be protected from too early grazing. It is only by such management that damage - which is cumulative - can be checked.

I would anticipate that the evil effects of overburning are becoming noticeable in Kenya and that a check on the practice might be desirable. When <sup>or then</sup> such a check should be introduced and when burning should be permitted to continue can only be determined on the spot.

*F. A. S. W. K. S. Dale*  
4th Aug., 1933.

Sir S. Wilson.

I think that we shall have trouble over this, as many natives will protest that without grass burning they will have no grazing for their stock. The whole question of the adequacy of pasture in Kenya both in extent and quality, is very difficult, and I think that we must leave the local people to work out their own salvation. But in approving of the issue of orders I think we should ask for a copy of the orders to be sent to us, and that we should be informed in due course of any representations that may be made.

On the general question:-

Section 6 of the Native Authority Ordinance gives power to issue orders on specific subjects detailed in sub-sections (a) - (g), whereas sub-section (f) is:-

"For any other purpose approved by the Governor in writing."

Lord Passfield's direction that orders under these "omnibus" sections should not be issued without the consent of the Secretary of State arose out of the then vexed question of collections of money among native communities. For my own part, I am not sure that this question of grass burning will not be <sup>equally thorny</sup> ~~as equally thorny~~, and I should be very reluctant to make this case the occasion for dropping Lord Passfield's stipulation.

I think that in saying that the stipulation should remain in force until more experience of the use of the sub-clause has been obtained, we should point out as in Mr. Parkinson's minute, that its use will be very rare and that emergency use is allowed for in Lord Passfield's despatch.

W.C.B. 7.8.33.

*I agree: but before*

*a reply given the matter should be discussed with the persons who will be back in town before long.*

*J.H.K. at once*

17.8.33

Bring up about 4 Sept.

*Collected independent...*

Sir Joseph Byrne came in today and I mentioned this proposal to him. He said that in his opinion the approval should be given, that the matter had been fully discussed by the Provincial Commissioners and that everyone was satisfied that it was in the interests of the native population and he did not expect that there would be much trouble..

On the general question of dropping the requirement that all Orders made under the "omnibus" Clause should be referred home, he preserves an open mind, merely remarking that some of them would be of a very trifling nature with which it would be really absurd to trouble the Secretary of State. Draft despatch herewith.

J.E.W. Flood  
12.9.33

*\* That remains to be seen.*

*J.H.K. passed*

*W.C.B.*  
12.9.33

2 To Kemp, Conf(2) (1 answer) ans

*(M)*

16 SEP 1933

*Reply to No 8 has not yet been received*

*See 1 case for a reply. If it is considered necessary to ask for a copy of the Order issued, we might also ask for copies of the Orders issued in connection with No. 1 a 2342/34 x No. 1 a 2309/34*

*Pl of...*

*25/10*

*Chamwith 25/10/34*

3 To Kempa, Conf - Cons

3 NOV 1934

2/3/35  
9/4/35

~~1/2~~

No reply to No 3 has yet been received.

Noted Wait 1 month  
Ch. F. ...  
7.5.35

4.3.35  
Reg. 297.

DM

Rec'd note minute above.

10.4.35  
Reg. 297.

? Remind of.

Ch. F. ...  
11/4/35

Ch. F. ...  
11/4/35

4 To Kempa, Conf - Cons - A/2

18/9

18 APR 1935

DM

C. O.

Mr. Grossmith.

Mr. *Freeston*.

Mr. *Hood* (191) *fo*

Mr. *Parkinson*.

Sir G. *Tomlinson*.

Sir C. *Hollomley*.

Sir J. *Shuckburgh*

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

*Answered & Noted 38144/35*

3

Downing Street,

3 November, 1934.

O. D.  
R 1 - NOV.  
D 22 v

Sir,

**DRAFT.** *for*

(2)

Confidential (2) of the 16th of

September, 1933, regarding the issue

of Orders by Headmen under Section

8(r) of the Native Authority

Ordinance, for the purpose of controll-

ing grass burning in native reserves,

and to state that I am unable to

trace the receipt of copies of any

Orders which may have been issued

for the particular purpose.

2. I ~~shall~~ accordingly be <sup>request that</sup> ~~obliged~~ if you will inform me whether

*any* Orders have in fact been issued and, if so,

whether ~~the~~ <sup>they</sup> ~~Orders~~, if any, have been

the subject of <sup>any</sup> representations. At

the same time I would ask that I may

be

KENYA.

CONFIDENTIAL.

GOVERNOR.

*84*

FURTHER ACTION.



be furnished with copies of the Orders issued under Section 8(r) for the purposes mentioned in my <sup>Confidential</sup> despatch ~~Confidential~~ (2) of the 15th of March, 1934, and my ~~Confidential~~ despatch of the 30th of May.

I have, etc.

(Sgd.) P. CUNLIFFE-LISTER.

C. G.

3250/33.

Mr. Flood, 12.9

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

X Sir C. Bottomley, 12.9 f

Sir J. Shuckburgh.

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Approved by Nsl. 35144/35  
JH



Downing Street,  
16 September, 1933.

Sir,

I have etc. to acknowledge the receipt of your Confidential despatch No. 76 of the 14th of June and to inform you that I am prepared to approve the issue of orders by headmen under Section 8(r) of the Native Authority Ordinance, with a view to <sup>the</sup> control of ~~the burning of~~ <sup>(burning)</sup> grass in native reserves.

2. In view of the fact that some interference may be caused with native custom in the matter of grass burning and that protests may be received, I should be glad to be furnished with a copy of <sup>any</sup> ~~the~~ Orders which may be issued and to be informed in due course of any representations that may be made.

3. With regard to the last paragraph of your despatch, while I appreciate your view that unnecessary trouble may be caused by referring every Order issued under the <sup>section</sup> ~~clause~~ in

DRAFT.

KENYA.

~~CONFIDENTIAL.~~ (2)

O.A.G.

FURTHER ACTION.

in question to the Secretary of State, yet I do not think that it is advisable for the present to alter the requirements laid down in Lord Passfield's Confidential despatch of the 1st of May 1930. It is not to be expected that the powers given by Section 8(r) will require to be used with any degree of frequency, (the present being the first instance since Lord Passfield's despatch was written) and emergency use of the Section is allowed for in the concluding sentence of the <sup>eighth</sup> ~~sixth~~ paragraph of Lord Passfield's despatch. In the circumstances, I think that the stipulation should remain in force until some further experience of the working of the ~~sub-clause~~ <sup>clause</sup> has been obtained.

I have, etc.

(Sgd.) P. CUNLIFFE-LISTER

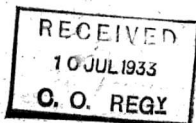
KENYA.

No. 76.

CONFIDENTIAL.



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.



14 JUNE, 1933.

Sir,

I have the honour to refer to Lord Passfield's Confidential despatch of the 1st May, 1930, on the subject of a Bill to control and regulate the collection of money from natives, in paragraph 5. of which he gave instructions that no further use was to be made of the power granted by Section 8(r) of the Native Authority Ordinance without prior reference to the Secretary of State.

2. At the last meeting of Provincial Commissioners, held in March, the question of the control of the burning of grass in Native Reserves was discussed and a unanimous resolution passed asking that representations be made to obtain your consent to the issue of orders by headmen under Section 8(r) of the Native Authority Ordinance, Chapter 129 of the Laws of Kenya, for this purpose.

3. The burning of grass at the end of the dry seasons is a very old established custom among many of the native tribes of this Colony. Its object is to destroy the old dried grass and so make room for the young shoots which spring up after rain has fallen, and which are much sought after by the stock. A

great ...

THE RIGHT HONOURABLE  
MAJOR SIR PHILIP GUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON. S. W. I.

*Answered (2)  
No 7  
16/27/30*

great objection to grass burning, however, is that the fires tend to eat out the roots of the grass and so in time to destroy the grass altogether. In addition to the destruction of grazing thus brought about, there is the graver danger of soil erosion, particularly in relation to hill sides where erosion is naturally more rapid than on plains. The custom is one of the many harmful practices found in native methods of agriculture which are gradually giving way to more modern ideas. The more enlightened native opinion is now opposed to indiscriminate grass burning, and one of the more advanced Local Native Councils has passed a Resolution asking that Headmen be empowered to control the practice.

4. The Director of Agriculture is in general agreement with the proposal to limit the burning off of grass, provided there is no prohibition of such burning where land is required for breaking up and planting.

5. If permission is given to issue orders under Section 8(r) for the control of grass fires, such orders would of course be limited to cases where it was desirable to exercise the power in the interests of the Natives and there would be no question of interfering with legitimate agricultural activities.

6. I therefore have the honour to request that permission may be given to the Chief Native Commissioner to whom the Governor's powers have been delegated, to approve the issue of orders under Section 8(r) of the Native Authority Ordinance "for the control of grass fires".

7. I regret that it should be necessary to trouble you on so comparatively minor a detail of administration which is essentially a matter for local decision, and would venture to suggest that in matters of this sort reconsideration should be given to the decision that the Governor should not exercise his discretion without prior reference to the Secretary of State.

I have the honour to be,

Sir,

Your most obedient, humble servant,

*Wm. Wood*

ACTING GOVERNOR.

PUBLIC RECORD OFFICE

END

TOTAL EXPOSURES →

# PUBLIC RECORD OFFICE

C0533/438

ORDER NO.           ⇨ FN/E474  
CAMERA NO.         ⇨ 19  
OPERATOR.           ⇨ EM  
REDUCTION.         ⇨ 12  
EMULSION NO.       ⇨ 321061  
DATE.               ⇨ 6/6/72

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