

1934

23072

KENYA

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East Foundation Lecture 1933

"The Constitutional Problem in Kenya" by Sir E. Gigg.

Previous

Subsequent

Sec
2014/34
K

Reg 207 12/2

Reg 209 12/2

Mr. Gigg 13/1

The Press 15

Sir E. Gigg 15

Sir J. Gigg 22/1

207

23072

There appear to be two main ideas -

A is an expansion of the E. Guy's policy
whereby agencies of economic interests
were linked with government. The
kind of agencies which he envisaged
in practice of the policy, could hardly
and had to be considered to
be...

The present expansion of the...
to a board representing particular sections
of industry... the relation of
the boards to the Organisation Council
would be, however, for future
decision. Note too that Sir
E. Guy does not explain how
each board is to achieve inter-
solidarity, the would prove an
exceptionally awkward problem, with
its inter-racial "conflicts of interest."

2
E.g. European v
...
...
European v India
distribution trade v

B involves the proposal for a High
Commission, now set over the government

of the Outer E. A. Territories. It is
generally agreed (except by Sir E. Fry) that
any advantages in such a scheme
would be heavily outweighed by its
drawbacks and we have advised that the
idea had been given a go-ahead by the
Committee.

Hester
5/11

To Sir E. Fry
Re: a copy of his lecture on the institutional problems
in Kenya

See also note on self attached to V

Fry

Sir E. Fry

Dear Sir,

I have read your lecture and I am glad to
hear that you are in favour of the
idea of Boards.

I think, however, that your view is
personally, I feel rather doubtful how far
the idea of Boards would work in practice. It is
difficult to leave over, as you suggest, the
ultimate relationship between these
Boards and the central Government. They would be
in a difficult position and there would be a general
clash between the Boards and the central Government
in financial matters.

Government by Committee is practicable in
the case of a body like the London County Council
or in the case of Parliament, as Mr. Sidney Webb
and others would like it to be, but there the
members of the Committees are also members of the
main body and the Finance Committee of the London
County Council, however great its powers, is subject
not only to the voice of reason but also to the voice
of the Council.

Sir

Sir Edward Brigg still presses for a High Commissioner, but neither the High Commissioner nor the "personal projection of the Secretary of State" which the Sir Hilton Young Commission contemplated would be independent of the swing of Parliamentary opinion in this country.

But...

Handwritten notes:
1922
1923
1924
1925

THE KING'S
SLIPCASE

24

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With Sir Edward Grieg's Compliments.

Mr. Grieg

If no other letter being
written, please see this for
the book etc

W. G. S.
6.2.34

Method of Investigation

The data presented in this paper were obtained from a series of laboratory tests on the first two specimens described above. The specimens were prepared by the method described in Section 2. The specimens were held at room temperature (20°C) for at least 24 hr before being tested. The tests were carried out on a universal testing machine (Instron 1000) at a crosshead speed of 0.1 mm/min. The load was measured by a load cell (Instron 1000) and the displacement was measured by a displacement transducer (Instron 1000). The test results were recorded on a computer (Instron 1000) and the data were analysed using a statistical package (Instron 1000).

RESULTS AND DISCUSSION

The test results for the first two specimens are presented in Figures 1 and 2. The figures show the load-displacement curves for the specimens. The load is plotted on the vertical axis and the displacement on the horizontal axis. The curves show that the specimens exhibit a non-linear elastic behaviour. The load increases with displacement and the slope of the curve decreases as the displacement increases. The maximum load that the specimens can sustain before failure is approximately 100 N. The displacement at failure is approximately 10 mm. The test results for the remaining specimens are presented in Figures 3 and 4. The figures show the load-displacement curves for the specimens. The load is plotted on the vertical axis and the displacement on the horizontal axis. The curves show that the specimens exhibit a non-linear elastic behaviour. The load increases with displacement and the slope of the curve decreases as the displacement increases. The maximum load that the specimens can sustain before failure is approximately 100 N. The displacement at failure is approximately 10 mm.

Henry John Cokayne Cust, born in 1861, was the elder son of Major H. F. Cokayne Cust of Cokayne Hatley, Bedfordshire, and heir-presumptive to the Barony of Brownlow. He was educated at Eton and at Trinity College, Cambridge, of which foundation he was a Major Scholar. Called to the Bar in Paris, he was also a law student in London. In 1890, after a period of travel which laid the foundation of his close and continuing interest in Imperial matters, he entered politics as a Conservative, representing successively the Stamford Division of Lincolnshire (1890-5) and the London Borough of Bermondsey (1901-6). In 1892 he was invited by Mr W. Waldorf (later Viscount) Astor to edit the Pall Mall Gazette and proved a brilliant successor to Greenwood and Morley. For his arduous and unsparring work as founder and Chairman of the Central Committee for National Patriotic Organisations during the early years of the 1914-19 war he was publicly thanked by Mr Asquith in the House of Commons. He married Emmeline, the only daughter of Sir William Welby-Gregory of Denton Manor, Grantham. He died in London in March 1917.

One of the most arresting personalities of his time and an assiduous traveller from his youth upwards, he spoke fully and authoritatively from a personal knowledge of men, books and things and with deep practical insight into national and international politics.

Cust Foundation Lectures

- 1921* *Our East African Territories: Their Development and Commercial Value*
THE RT. HON. I. S. AMERY, M.P.
- 1922* *With Henry Cust and Cecil Rhodes in South Africa*
SIR FRANCIS YOUNGHUSBAND, K.C.S.I.
- 1923* *The West Indies*
THE RT. HON. EDWARD WOOD, M.P.
- 1924 *The Imperial Conferences with special reference to Commerce and Trade*
SIR ARTHUR BALFOUR, K.B.E.
- 1925 *India the Need of Faith*
SIR FRANCIS YOUNGHUSBAND, K.C.S.I.
- 1926 *The Food Supply of the Empire*
SIR DANIEL HALL, K.C.B.
- 1927 *The Development of our Empire in the Tropics*
THE RT. HON. W. G. A. ORMSBY-GORE, M.P.
- 1928 *Empire Migration*
H. B. BETTERTON, C.B.E., M.P.
- 1929 *England and Egypt*
SIR MAURICE S. AMOS, K.B.E.
- 1930 *India, the Political Problem*
SIR WILLIAM MARRIS, K.C.S.I., K.C.I.E.
- 1931 *The Problem of the Mandate in Palestine*
THE RT. HON. THE EARL OF LYTTON, F.C., G.C.B.I., G.C.I.E.
- 1932 *Great Britain in the Near and Middle East*
SIR RONALD STORES, K.O.M.G., C.B.E.

*Not published.

The Constitutional Problem in Kenya

THE Cust Foundation Lecture, which I feel much honoured in being invited to deliver to-day, commemorates a man of tribulant parts, who gave much time and study to Imperial Affairs. Though he died but sixteen years ago, the Empire has undergone an extraordinary transformation since his death. Four older Dominion Governments and one new one, the Irish Free State, have established a status of complete equality with the Government of this country as constitutional advisers of the Sovereign. The system of government in India has changed considerably, and is about to change still more. One great territory, Rhodesia, created and long administered by a Chartered Company, has become in part a self-governing and in part a Crown Colony. The Crown Colony, Ceylon, has been equipped with a constitution of a very novel kind, the future of which it is not easy to foresee. Several of our Mandated Territories have been added to the Empire's administrative system. In one, Iraq, the mandatory period has already come to an end. Elsewhere, in one of our oldest self-governing Colonies, we are actually reversing the process, by taking control back to Whitehall. Everywhere new forces and new conceptions are moving.

We live thus in a period of rapid and radical change. History seems to turn its pages quicker, as our countries travel faster, in all parts of the world. There is no section of humanity and which share in our sweeping like wind upon the world, the breath of new ideas. Central Africa the dark continent may seem isolated still, but in

fact it is not. We are already confronted there with the first stirring of an old constitutional problem, and we should, I think, strive to tackle it betimes with new constructive thought. In the new self-governing parts of the Empire we have pursued everywhere our traditional course towards Parliamentary self-government. In India we are committed to an experiment on roughly similar lines. But in Central Africa we have the opportunity of trying some other method of constitutional development, and I hope to show that for such innovation there is pressing need. At present the Crown Colony system of government is universal; but it has already shown great weakness in Kenya, and it is certain to exhibit the same defects elsewhere as soon as an educated and determined political minority begins to challenge its autocratic method of rule. Kenya will be the test-case, because it will demand the first decisions. That, and my close familiarity with its conditions, are my reasons for choosing it as the subject of this address today. But since our action there must create a decisive precedent, which will influence development throughout the rest of the African dependencies, I do not propose to treat it as an isolated or peculiar problem.

Crown Colony government is an autocratic system of administration conducted by a Governor and an irremovable Civil Service under the orders of the Secretary of State for the Colonies. All history proves that when once there comes into existence an educated and active body of local opinion, this autocratic system must find room for the participation of local representatives, more particularly in the fixing of taxation and expenditure. How can such participation best be provided for, and can it be provided for at all without

rapidly undermining, in Africa as elsewhere, the supreme authority of the Imperial Parliament? We have hitherto acted on the assumption, derived from our own constitutional history, that the only direction which this evolution can take is towards Parliamentary institutions: in other words, towards the establishment of a representative legislature from which the executive is formed and to which it is responsible. There is only one result to development on those lines. We know that at an early stage conflict inevitably develops between a representative local legislature and an executive responsible in any measure to another Parliament, and that in a comparatively short time the local legislature begins to demand complete control. How then are we to harmonize the local growth of representative institutions in Africa with the arbitral and guiding functions which we desire to preserve for our own central legislature at Westminster? Must the Imperial Parliament and the great Civil Service which it controls gradually surrender their arbitral position in relation to the different racial communities as local representative government develops, or can we reconcile the one with the other? That is the fundamental issue in the constitutional problem already presented by Kenya and rapidly emerging elsewhere.

The answer, I suggest, is not to be found in Africa alone; it must be sought not only there but also here at home. If Imperial authority is to be preserved, it must be wisely exercised. It must be armed with adequate knowledge; it must be guarded against rapid fluctuations and lack of continuity in the policy which it pursues; it must be assured of willing cooperation from active political opinion on the spot. I think this will be

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clear from a very brief survey of the reactions of our own constitution on the Crown Colony system of government.

Kenya, but for the coastal strip, is a Crown Colony, with a theoretically all-powerful Governor at the apex of an irremovable Civil Service; but these public servants of the Crown are under the orders of the Secretary of State for the Colonies, who is himself responsible to Parliament. In simple terms therefore the Government is a local autocracy subject to a distant democracy. The distant democracy may change its rulers as it pleases at shorter or longer intervals for reasons (such for instance as the relief of unemployment) which have no connexion with the Colonial Empire, and the whole of that Empire may then undergo a change of policy. The local autocracies which rule that Empire are thus autocracies of strictly local scope. Whatever they may think themselves on the problems with which they deal, they are in duty bound to obey the orders and reflect the moods of a remote and busy Parliament, elected as a rule on issues which are entirely irrelevant to those problems. Bureaucracy is not, in this century, a popular system of government, but its difficulties are obviously aggravated when it is subject to the accusation of representing a remote, inaccessible and (as local critics allege) ill-instructed power instead of governing on the merits as its own officers with all their local knowledge see them.

The Colonial Service itself never expresses an opinion on this aspect of its task; its lips are sealed. But public men like myself, who have had occasion to appreciate the loyalty and capacity of that great Service, are entitled to speak of its work.

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5

I say then without hesitation that the task of the Colonial Service, which must always grow more difficult as territories progress, is very seriously aggravated by the fact that our Parliamentary system is, in its present form, so ill-adapted to a sound, far-seeing and continuous discharge of our Imperial responsibilities. By this I intend no disparagement of the House of Commons. Parliament, I admit, has little time to devote to the serious discussion of Colonial policy, and it is true that Colonial questions receive much less attention than a thousand lesser questions of purely domestic or even parochial importance. The Colonial Office vote, which gives Parliament its main annual opportunity for a general review of the Colonial Empire, was disposed of this summer between 11 a.m. and 4 p.m. on a Friday. The discussion jumped like a Chinese cracker from one subject to another, from Hongkong to Honduras, from Malta to Malaya, from world's end to world's end and back again, and many Members with studied views and real experience were unable to speak at all. This is certainly unsatisfactory. But I am a House of Commons man, and I think it right to observe that time is always found at Westminster for a debate on any Colonial subject which is agitating public opinion in any important quarter. The real trouble is that our treatment of Colonial questions is necessarily superficial and spasmodic, and that our most effective Parliamentary speakers are not, for the most part, men who have made it their business to know what they are talking about in the Colonial sphere. A Colonial debate is not therefore as a rule, an inspiring affair. It usually arises out of some agitation which the Government has not been able to repress. The searchlight of Parliament is focussed for a brief moment upon

one detached issue, which stands out in glaring relief without context or perspective. In that light, blocking out all but the object on which it is thrown, the Parliamentary debate begins. The Oppositions expostulate, the Government explains, the Whips fill the appropriate lobbies, and punctually to its programme the searchlight swings on its course. It is true, I think, that we never touch the long range problems except in this extremely inadequate way. But that is not the fault of the House; it is the fault of the system, which from the standpoint of the Colonial Empire has two signal defects.

The first of these is the almost universal unfamiliarity of men of Ministerial rank with Colonial questions. British Governments rise and fall on issues which have seldom any connexion with our specifically Colonial responsibilities. That is only natural. Politics, like charity, begin at home; and the uncertain but decisive element in our vast electorate is swung from right to left, or from left to right, mainly by its feeling on domestic questions. It is equally natural that our Governments should reflect this bent of mind and that they should be composed more and more of men knowing much of Great Britain and the questions which divide it but little of the outer Empire. I have looked through the roll of our Cabinet Ministers since the war. From the election of 1919 we have had seven administrations, including the present one. To those seven Cabinets well over 150 appointments were made, and although of course many were re-appointments of the same individual, the number of individuals who have served as Cabinet Ministers is well over 100. Of these only four—who shall be nameless—can be said to have made any detailed study of

Colonial problems. This is not a satisfactory percentage in view of our vast Colonial responsibilities. It is strange, and indeed disquieting, that Administrations so composed should control the destiny of trustful millions in tropical and sub-tropical Africa, to say nothing of the rest of the Colonial Empire. But it is the natural result of our present over-centralised system of government.

The second defect of the system is in some ways even more disquieting. Lack of knowledge is never, in politics, a deterrent to the formation and expression of strong opinion. It is moreover one of our abiding virtues, always growing in strength, that we have a deep sense of responsibility for the backward peoples which our Parliament indirectly governs. This conscience for the most part gropes blindly in the dark; like much devoted support of overseas missions, it is inspired not by knowledge but by feeling and faith. Policies on the most searching Colonial problems are accordingly formed and promulgated with a most curious mixture of responsibility and irresponsibility by bodies, such as the Trade Union Congress, which are singularly ill-fitted for the task. The main feature of these pronouncements is in most cases a blind application of European or even strictly British political ideas to Asia and Africa. They can usually be traced to a few people of fanatical conviction, not one of whom as a rule played any responsible part in the world of Colonial administration. Opinion thus shaped may not seem formidable when first formulated at a political congress or some other party reunion; but it ends by swinging Governments which owe their opportunity of power in the Colonial sphere to the movement of British opinion on purely domestic issues. Nor is this all.

We are now told that the Trade Union Congress will not only determine Imperial policy but will also appoint the Prime Minister and the Cabinet who are to carry it out. I have a great respect for the Trade Union Congress in its own sphere; but that sphere is not the government of African or other primitive dependencies, and it is really time to consider whether our constitutional development at home may carry us in the Colonial field. Mr Baldwin has recently pointed out that adult suffrage makes for rapid and far-reaching swings of the pendulum. We do not yet know how this will affect our own social and economic welfare; but we already have evidence that it may produce a disastrous lack of continuity in Imperial affairs and make hazy sentiment the master of policy at points where justice and wisdom cannot be served without knowledge and a clear grasp of complex facts. Little wonder that distant subjects of this system of government become anxious and restless under its yoke.

The fluctuations of Imperial statesmanship which result from these two defects are vividly illustrated in the history of Kenya. They make a far from impressive record. At least twice since the war the Imperial Government has been obliged to withdraw or modify momentous and solemn declarations with regard to Kenya because they proved unacceptable to local European opinion. The first case was in 1922, when a common voting roll for Europeans and Indians was decided on by the Imperial Government in execution of an understanding between the Secretaries of State for India and the Colonies known as the Woodhouse-Winterton Agreement. The local European population declared an implacable opposition to this decision, and in due course, after which had

happened which had much better not have happened, it was withdrawn. This first capitulation was signed and sealed in the 1923 White Paper. Not ten years later the last Socialist Government issued two White Papers in which they were understood to prescribe, amongst other things, that the interests of the European population in Kenya should be subordinated to those of the African population wherever the two might be supposed to conflict. The phrase which aroused most controversy, the "paramountcy of native interests," was in fact taken from the 1923 White Paper; but the Socialist Government was held to be straining it unfairly. Once again a strong agitation broke out, and the offending Papers were in due course explained away by a Joint Select Committee, which poured oil on the troubled waters. The Papers themselves, which stirred European feeling in Africa to its depths, were never submitted to Parliament and remained therefore the *obiter dicta* of a single Government without Parliamentary ratification. Yet again in the present year the Secretary of State has found reason to cancel the imposition of an Income Tax to which the Kenya Government was committed. There is of course a great deal to be said in justification of these undignified episodes, and I have been invited to express no opinion on the merits of some of the questions which produced them. All that I am here concerned with is their bearing on the preservation of Imperial authority in Kenya. The moral to which they point was indeed drawn with admirable clarity by the Hilton-Young Commission which visited the East African territories in 1928 and reported at the end of that year.

Local opinion they write, when it comes into conflict with a distant authority has always the advantage of more direct and immediate contact with reality. When it comes to a real struggle opinions derived from the reading of books and despatches have little power to withstand those formed by contact with life and the Imperial Government tends in consequence to surrender in the end to the more full blooded convictions of those on the spot.

The remoteness of the controlling authority has also the effect of making Colonial opinion more suspicious and distrustful. Mention has already been made of the fear which is always present in communities settled overseas lest unknown and calculable influences at home should deflect the course of Imperial policy in a direction adverse to their interests. The danger that some hidden spring may be put in motion in the Colonial Office in England, a line to which as Lord Durham recognised, 'communities settled overseas are peculiarly sensitive.' We were told by the European elected members in Kenya that they felt that under the present system we run great danger of having the continuity of our policy completely broken by changes of circumstances in another country, in which the people live in complete ignorance of our conditions.

It follows very clearly that if Imperial authority is to be maintained, Imperial policy should not be formulated without close and sympathetic attention to opinion both official and unofficial on the spot. But that is not all. The more fundamental necessity is that both Governments and Parliaments here at home should be better equipped for the handling of Colonial problems.

How are these objects to be secured? I see no way short of some redistribution of the functions of government in this country of such a kind as to give us a central Administration and Parliament free and qualified to handle our major responsibilities without other cares. The great range of

questions arising out of Imperial and foreign policy—production, trade, defence and the other main activities of national life is surely wide and complicated enough to deserve the care of an Administration unburdened by responsibility for the subjects which in a federal system are normally entrusted to provincial governments. I am not at this moment concerned to argue the purely British case for the devolution of some of the Imperial Parliament's present functions to subordinate authorities or to discuss the forms which such devolution might take, though I believe that Great Britain alone stands to profit greatly by constitutional reorganization on such lines. What I here maintain is that we cannot long preserve the essential authority of the Imperial Parliament in the Imperial field if that Parliament is also to deal with practically every local issue in the British Isles and to change its character, as also that of the Ministry responsible to it, with every change of feeling in a vast electorate of purely domestic questions. I also maintain with deep conviction that to continue much longer attempting to govern an immensely complex and rapidly changing Empire through a constitutional system of that kind is to trifle with our vast responsibilities towards other races whose future is in our hands.

I now come to the constitutional problem in Kenya itself. The difficulty and doubt which all responsible people feel when they approach that problem are due, I believe, to moral perplexity upon the principles to be applied and the aims to be pursued. There is probably no Member of Parliament in either House, whatever his party label, who would not agree that the welfare of the African peoples is one of the principal objects to be pursued—is indeed a *sine qua non*, a touchstone by

¹Hilton Young Report, page 87.
²Lord Durham's Report, Vol II pp 192-3.

which all policy should be tried. In what line of development does the welfare of the African people lie? Some would say in keeping Africa African, in setting a Chinese wall about it, in preserving tribal institutions, primitive though they may be, and in forbidding all development, such as the quest of gold, which impinges on the native reserves of land and disturbs African society. I do not believe that to be possible.

The African himself is changing rapidly and no administrative system can arrest the march of ideas. He is already demanding services of many kinds, educational, medical and agricultural, as well as improved communications and public works. All this requires revenue and consequently the steady development of the potential wealth which these territories contain. The younger generation of Africans moreover will not be content without opportunities for evolution on European lines. They mean for instance to speak English whatever our educationists may say, and there is no dynamite more subversive of primitive political institutions than the English language and the world of ideas to which it is the key. I agree to the full that we should build so far as possible on African institutions, and strive so to guide the processes of change as to prevent them from demoralizing the African without fitting him for a life more like our own. But let us face the fact that the African himself will insist with growing determination on freedom to shape his future on lines similar to those which we, his self-imposed tutors, have pursued.

I do not see on what grounds we can seek to deny him that freedom. Nor on the other hand do I believe that it is either right or practicable to

arrest the development of the wealth of Africa in all the forms which the modern world requires. It will be the high task of all my Governments, said King George in the proclamation which he made on his accession to the Throne, to superintend and assist the development of these countries for the benefit of the inhabitants and the general welfare of mankind. The latter consideration is not to be ignored, and I do not believe that there is any real or necessary antagonism between the interests of civilization as a whole and the interests of the primitive peoples for whose welfare the civilising Powers have made themselves trustees. Imperialism, in the sense often but improperly given to it, the exploitation of the more backward for the benefit of the more advanced, is now an abandoned creed. But there is equal injustice and unwisdom in the opposite extreme, the sacrifice of the interests of civilization as a whole to what are conceived to be the interests of primitive tribes. All progressive modern statesmanship is striving to give expression to the idea that there is a human interest - an interest, that is, common to all races of men - which is above the interest of any single political system or race or community. It is for that idea, which combines our interest with those of primitive Africa in a larger whole, that we ought, I believe, to regard ourselves as trustees. Our paramount duty then is not to set white interests above black interests or black above white but to harmonize the interests of the two.

The danger of course is that we must ourselves be the arbiters of what civilization can rightly demand, that we adjudicate in our own cause. That duty cannot in my opinion be entrusted without guidance to men and women of our race

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The danger of course is that we must ourselves be the arbiters of what civilization can rightly demand, that we adjudicate in our own cause. That duty cannot in my opinion be entrusted without guidance to men and women of our race

who have made Africa their home. We need their cooperation, for they have just claims which all history shows that we cannot ignore, and their interests are part of those which we must endeavour to serve. We should also seek the cooperation of the African, as his horizon enlarges and his capacity grows. But the supreme authority, the ultimate arbitral power, should in my opinion long remain with the Imperial Government and the officers whom it appoints. I take this necessity as axiomatic if our duty is to be fairly discharged and peaceful development secured. White civilization will not be able to survive in Africa, however it may be strengthened by settlement and natural growth, without the moral support of white civilization elsewhere; and such support will never be steadily maintained unless the broad lines of development to be followed are laid down and supervised by an authority with broader vision than any small European community settled in Africa, whatever its character, can at present possess. At the same time the representation of Imperial authority must be such as to command the confidence of all races in Africa, and not least of our own.

It is in the light of this principle that I would ask you to approach the problem of constitutional progress. I will speak only of Kenya, but on the clear understanding that the policy pursued in Kenya must be suited for application throughout tropical and sub-tropical Africa, as the need for representative institutions makes itself felt; for no policy will stand the test of time in Kenya alone which cannot be applied to the whole range of our dependencies in the central belt of that continent. People are apt to suppose that the presence of a white settled population in Kenya makes the pro-

blem there a peculiar and isolated one. I do not believe this to be the case. The white population complicates the problem in certain ways, and renders a solution more urgent; but I do not think that the objections to admitting an educated local minority to participation in the responsibilities of the Imperial Government, although in some ways aggravated by the fact that in Kenya that minority is of our own race, are rendered insuperable by it. The process has its drawbacks; they are patent in India today. But where we are dealing with an educated minority reared in our own political tradition, we can rely, if we are wise, on much instinctive cooperation towards overcoming the inherent difficulties of the case. The point that matters most about political minorities is their character and capacity, not their colour or their race.

The present composition of the population in Kenya has no exact parallel elsewhere. In round figures there are three million Africans, twenty-five thousand Asiatics, mainly Indian, and fifteen thousand Europeans, almost entirely British. The indigenous population contains a very small percentage of Arabs and Somalis, the latter being largely of Arab descent on the father's side, and, in addition to these Arabs and Somalis, a few Mahomedan tribesmen in the Northern Frontier Province. The Arabs have their distinctive place in the constitution, and I feel that we owe them special regard; but they do not in themselves add any serious complication to an already complex problem, and I shall not refer to them again in this paper. The great mass of the African population is in the tribal stage of development, and primitively pagan in religion. The two largest tribes, the Kavirondo and Kikuyu, who between

them number nearly two millions out of the three, are becoming increasingly agricultural in character. The remaining million are largely pastoral; the strongest fighting tribe, the Masai, who number only fifty thousand but who nevertheless dominated the country before our advent, is still entirely so.

Here then is a curious association of races. The Africans, primitive and divided by many differences of language as well as of tribe, outnumber the Europeans by 200 to 1. The Asiatics, who, apart from a professional element of lawyers, merchants and contractors, are mainly little tradesmen or artisans, outnumber the Europeans by 2 to 1. The Europeans are, as to one third, in the service of the Government or of the State Railway. The remainder are, as to one half, dependent on farming and, as to the other half, on business and the professions. They are mostly of what we used to call the upper and middle classes in England. They come, that is, of educated stock, and are accustomed to a comfortable standard of living, with servants and other such modest luxuries. Nearly eighty per cent. of the settlers are officers retired from one or other of the Services of the Crown. There are now, I am told, more than two thousand European youths, young women and children born in the colony and educated there. This is a new indigenous population.

Vital statistics are still in a primitive stage, and it is extremely difficult to determine whether the African population is increasing. On the whole, I believe that it is, but only slowly; and I doubt, for various reasons with which I need not detain you, any great increase in the present generation. The Asiatic population is about stationary, and since it has now come into competition with Africans in

the trades by which it earns its living, it is, I think, more likely to decline than to increase in numbers. The European population increased very rapidly in the first three years after the war, when land was offered by the Imperial Government to ex-Service men who were willing to take it up. There was a further slow but steady increase in the nine or ten years following. Since the fall in prices settlement has been at a standstill.

I am not going today into the economic aspects of settlement; but two short observations on its political aspect are germane to the constitutional issue which we are discussing. The first is that the white population should be either steadily reinforced or else removed and compensated. These are the only two moral courses that we can pursue. The second should be faced, if the economic and other objections to further settlement are held to outweigh all other considerations. I do not myself believe that such objections can be sustained. Further settlement must be carefully supervised, but on that condition the arguments in favour of it seem to me overwhelming. In any case we must choose, not drift. So small a settled population is bound to deteriorate if not reinforced, and nothing—I say with emphasis, nothing—could be more disastrous to the civilising mission we have in hand. The present settlers were for the most part established in Kenya by the deliberate act of the Imperial Government; and I can conceive no betrayal of its responsibilities by a great civilizing power more blind or more base than this—to plant an outpost of its own across the hostages in a primitive continent and then to deny them reinforcement, comfort and every support. These observations, I need hardly

say, are not intended to apply to settlers with sufficient means to choose whether they remain in Kenya or not, though many of these have done splendid work for the Colony and are devoted to it. Still less do they apply to that small section of Kenya society which provides so much highly coloured material for the society columns of the newspapers. This is happily a very small section, and the Empire owes it nothing but the converse of obligation. My remarks are directed to that true body of colonists whose whole capital, such as it is, is buried in the country, whose children are being educated in the country's own schools, and whose future, not only as individuals but as families, is irrevocably fixed in it. The Ormsby-Gore Commission, which consisted of a Conservative, a Liberal and a Labour Member of Parliament, describes the position of these settlers at the time of its visit nearly ten years ago:

No one who has seen the conditions under which the European settlers are living and working in districts such as the Trans-Nzoia and Uasin-Gishu can feel anything but admiration for the efforts they are making. They are nearly all ex-soldiers or ex-sailors who have sunk such capital as they possess in the Colony. They are living rough, very often in mud shanties, and are working hard on their farms. They are breaking soil which has never been tilled before, and facing all the uncertainties of climate in a new country. They have to resist the encroachment of game and overcome all the difficulties that confront pioneers. Few of them have much capital, and most of them will sink or swim in accordance with whether they can make a living or not out of their farms."

I would only add that the conditions with which many of these settlers are now still most gallantly contending have been greatly aggravated by the fall in prices which has smitten agriculture all over the world. That these settlers, who hold

Imperial assurances of support, constitute an acute political problem is no reason for breaking faith with them and denying them as a community the elements of healthy growth. The constitutional issue should be tackled without further delay for this, if for no other reason—that our shaken Imperial authority cannot long survive a policy of indifference, often barbed with hostility, towards a process of colonization for which it is itself responsible, for this policy kills the spirit of cooperation and drives local opinion to extreme views and acts.

I will not labour this argument because I think it must be clear from the episodes which I have briefly described that the Imperial authority must find increasing difficulty in imposing its will on the white population of Kenya when any deep-seated opposition is aroused. Surely then the cooperation of the white community should be won, since policies pursued in opposition to it produce but one result—the further surrender of authority to local opinion, whenever the latter is stirred. Nothing however is done to win that opinion over, because action halts between two sharply contrasted schools, each of which, as the Hilton Young Commission very truly said,* derives its strength from concentration on one of the main factors in the problem to the exclusion of the rest. The one view is that self-government on Parliamentary lines should be gradually conferred on the white inhabitants alone, so that these would become the political masters of African fellow-subjects who must always outnumber them by at least ten to one. The other is that Crown Colony administration through an autocratic Civil Service must continue until such time as the African

*Hilton Young Report, page 88.

population can take an effective representative share in the Government.

In so far as the white population demands merely a voice in the determination of policy, particularly in regard to taxation which bears on themselves, they have, I believe, an unanswerable case. They and their children are committed to the country for ever; Civil Servants and their children are not. They do not represent a smaller percentage of the total population than the educated part of the Indian population which has made the continuance of autocratic Civil Service government not only undesirable but impossible in India; and there is nothing in the difference of conditions between Kenya and India which can justify the denial to men and women of our own race in Kenya what we are steadily conceding to men and women of other races elsewhere. On the other hand it is incontestable that advance in that direction upon the lines now advocated must lead inevitably and at a comparatively early date to responsible government on the British Parliamentary model, and I believe that such a constitutional system is incompatible with the true interests of any of the races, including our own, in tropical Africa.

This dilemma was the main factor in the problem laid six years ago before the Hilton Young Commission. Their terms of reference were set out in a Command Paper* entitled "Future Policy in regard to Eastern Africa," which directed them, amongst other duties, to "make recommendations in regard to possible changes in the powers and composition of the various Legislative Councils of the several territories."

*Command Paper 224, 1922.

of Government the immigrant communities domiciled in the country." The constitution of Kenya, to which in particular this passage referred, consisted at the time, and still consists, of a Legislative Council containing elected representatives of the European, Indian and Arab communities. The African population was then, and is still, represented in it by the official members, who include at least three officers directly responsible for native administration and constitute an over-riding official majority. There is also one unofficial representative of native interests, usually a Missionary. In addition the Governor is advised by an Executive Council containing, besides the official Heads of the chief Departments, four unofficial members, of whom one is an Indian. Both the Executive and Legislative Councils can discuss any subject affecting the government of the Colony, including of course taxation and expenditure. But the Governor can over-ride the Executive Council by declaring that such is his pleasure and reporting his action to the Secretary of State, and also the unofficial section of the Legislative Council by using his official majority, known locally as "the steam roller." The demand of the settlers was, and is, that the elected European members of the Legislative Council, who already constitute a large minority, should be increased in numbers so as to constitute an elected European majority. This is indeed the normal line of progress hitherto followed in the constitutional development of other parts of the Empire. If it is not to be followed in Kenya, what is the alternative?

The Hilton Young Commission had no doubts about the negative part of this proposition, but hardly faced the problem of finding a satisfactory

executive acceptable to our own people in Kenya, and to find those means in a form which can in due course be extended to the African population not only in Kenya but in other African colonies. How to reconcile a strong political intelligentsia, which forms a small minority of the population, with the maintenance of a firm and impartial administration? That is the problem in Kenya, and it will soon be the problem elsewhere in tropical Africa. I suggest that the second school answers it no better than the first, and also that it remained unanswered by the Hilton Young Commission. They made some valuable recommendations, such as the appointment of a High Commissioner to represent the supreme Imperial authority in all three East African Territories. Whatever else may be done, this will, I am convinced, be found indispensable if Imperial authority is to be preserved. They also proposed some tentative modifications of the Kenya constitution, the Chairman on this point taking a more advanced view than his colleagues. But they did not to my mind suggest any line of escape from the dilemma between responsible and Crown Colony government.

I shall not pretend to have found a road without stiff gradients and obstacles of many sorts; but there is one which seems to me, despite many difficulties, to deserve a thorough reconnaissance. Human political experience is broadening very rapidly, and new theories of political organization are being canvassed everywhere. Amongst these I confess myself impressed and attracted by some which Signor Mussolini has applied in Italy. The Duce appears to me to be pursuing there two objectives at least which are germane to our Crown Colony problem. He is striving, in the first place,

to combine the maintenance of a strong central executive, not created out of nothing outside to a legislature, with a representative system in which all forms of national opinion can help to shape policy within certain functional limits. His corporations provide such a system, and there is no question that each of them carries great weight with the Government in the sphere to which it belongs. Men of capacity in each sphere are thus enabled to influence and even guide the Government in those matters which constitute their special province; and there is no need in Italy for that class of political busybodies, or Universal Aunts, to which I now belong, known still with some shreds of distinction in this country as Members of Parliament. I am not suggesting that our own country could do without us, far be such heresy from me. But I do most firmly hold that political busybodies, who at their worst become professional politicians, are inimical to good government in a Crown Colony, and that we must strive like Signor Mussolini to find some system of representation in our Crown Colonies which is not dependent on their services.

So long as the representation of all unofficial opinion is concentrated in a single central legislature, so long must we have them with us. In a young colony the best men cannot spare time from their normal avocations. The good farmers, the good engineers, the good professional or business men have too much work on their hands, with the result that representation of all their interests is too frequently left to men who have nothing better to do. It is most important to correct this tendency, if correction is possible without stifling the play of responsible opinion upon the activities of Governments. What Crown Colony Governments

need is not sweeping political criticism, nor the time-honoured battery of the Outs upon the Ins which leads inevitably to a demand by the Outs to take over the whole business of government, but the advice, criticism and direction of the men best qualified to supply those commodities in each sphere of the country's activities. Such a system, apart from the fact that it would side-track purely political activities, seems to me to possess two advantages which in a Colony like Kenya would be invaluable. It would in the first place enable the men who knew most about, say farming, to advise and guide the Government with regard to farming without abandoning their own farms and becoming politicians and that I believe to be what reasonable men really desire. But further, men it would throw up men by whom the Government could in time entrust the control of Departments, such for instance as the Agricultural Department instead of confining those key positions to Civil Servants.

The functional organization of a Colony like Kenya should not present any serious difficulty. An agricultural, a business and a professional corporation, each with its representative committee or board, would be easy to create, in a rudimentary form they already exist. There would also, I think, be need for Boards to assist in guiding certain functions of the Government, such as a Railway Board, a Customs Board, a Board of Roads and Public Works, a Board of Education, a Board of Medical and Sanitary Services, and a Native Affairs Board. I should recommend a Board of Taxation too. Such Boards could, I think, draw on the best men for their several purposes without encroaching too much upon their time. They would secure for the Government a far wider range of information

and advice than can be concentrated in a single legislative assembly, and without encouraging purely political activity they would keep the Government in closer touch with all important bodies of opinion. I suggest this with confidence because in Kenya one or two such Boards already exist. I would mention in particular the Railway Board, consisting of official and unofficial representatives from both Kenya and Uganda. It contained no official majority; but it worked in my experience with perfect smoothness, and it gave me as High Commissioner for Transport invaluable support and advice. During my time in Kenya, Lord Passfield, who was Secretary of State for the Colonies in the last Labour Government, sanctioned the establishment of a Board of Agriculture. I did not see eye to eye with Lord Passfield in all things, but in this at least, I thought him far seeing and wise. I trust a rumour which has reached me that the Board of Agriculture no longer enjoys official favour is incorrect.

I have still to deal with the second *leit motif* of Signor Mussolini's corporations, which is the desire to put an end to political and economic divisions based solely on class. In Africa race divisions take the place of class divisions, and I should like to see the system of functional organization tried in Kenya, not only for the reasons I have already given, but because it seems to me to point the only way of escape from political divisions based on race. Many Indians for instance are already members of the Chambers of Commerce in East Africa; they would therefore take their place quite naturally in a Business Corporation, if such were formed. Africans are deeply interested in agriculture, and they would play a natural and growing part in an Agricultural Corporation. The seri-

terial system of representation is always bound to emphasize divisions of race, the communal system must do likewise, and when these systems of representation are concentrated upon a single legislative council, which deals with all subjects, there must inevitably develop a struggle between races for stronger representation in it and the fruits of power. I have never been able to see how, in territories like Kenya, Parliamentary development can steer clear of that morass. Why not then study the functional system of organization, which brings the races together in the pursuit of common interests, rather than the territorial or communal system, which seems bound to concentrate their divisions and breed political strife?

I cannot pursue this argument any further today. Your patience already I fear severely strained would be exhausted long before the end were in sight. These suggestions are in any case purely tentative; they are intended to indicate a line of enquiry, not to present a rigid constitutional plan. Let me then very briefly summarise what I have in mind.

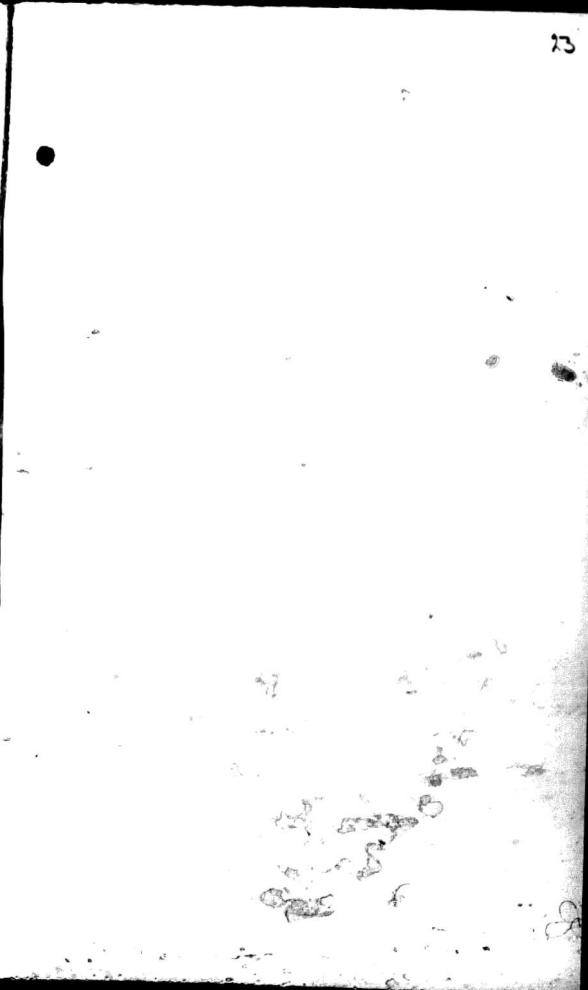
My main idea is that the Crown Colony system might be modified by the establishment of corporations representing the economic life of the territory concerned and Boards dealing with the main activities of its government. The corporations would be open to men of all races, and each corporation would form its own representative Board. The members of the other Boards would be chosen by the Governor, with the assistance of a panel submitted by the Corporations. At present the Annual Estimates of Revenue and Expenditure are framed by the Government and then submitted to the Legislative Council. Under the new system

each Board would be taken into consultation on that part of the Estimates which specially concerns it, while the Estimates were being framed and before they were submitted to the Legislative Council. Legislation would in the same manner be discussed with the appropriate Board before presentation to the Council. The Council would preserve its legislative functions, but I think it might with advantage and economy be reduced in numbers. Its ultimate relation to the Boards would be for future decision, as the system developed. This is the barest outline of the constitutional enquiry which I have in mind, but I hope I have sketched it with sufficient clearness to indicate what I regard as its most promising features. The first is the opportunity which it would provide for representative opinion in all branches of the Colony's activities to influence government policy in its own sphere before that policy is formulated. The second is that it would bring the official Heads of all Departments into close and constant touch with a really representative body of advisers. The third is that it would enable the best men in agriculture and business to exercise an influence proportionate to their ability without having to sacrifice their time to a life of wide political activity. The fourth—and to this I attach special importance—is that the Government should in this way be enabled to pick out highly qualified local men (not politicians) for appointment to suitable posts in its own services, including the headship of certain Departments. It is not impossible, I think, that such a modification of the Crown Colony system might serve to bring it into close and sympathetic cooperation with the representatives of local opinion without endangering, as Parliamentary development must, the

strength and impartiality of the executive and also without leading the Colony towards that normal consummation of political development which it seems to me necessary at all costs to avoid in Africa—namely an executive created out of a legislature and responsible to it.

Remember however that no constitutional system which preserves an independent and irremovable Executive will work successfully in rapidly changing Colonies without understanding guidance, sympathetic handling and continuity of policy here in England, the headquarters of the Colonial Empire and the heart of our civilization. I return therefore in conclusion to the theme with which I began, and I plead for some reform of a system which will make both for steadier and for more imaginative treatment of Colonial policy here at home. So far as continuity is concerned, we owe it that we have to the Civil Servants at Whitehall and in the Colonies; I have the greatest admiration for their work in both spheres. But Civil Servants are concerned with administration, not with policy; they are not equipped with the instinct which political rather than administrative experience confers; they have neither time nor scope for constructive political thought, and they are bound by loyalty, which never fails, to their changing political chiefs. We need therefore a system of Government which will itself provide for closer attention in the political sphere to Colonial affairs, and which will give the Colonial Empire some better assurance of understanding and continuity in the power by which it is ruled. We also need, at least in the East African territories, some higher Imperial officer to co-ordinate policy on the spot, to give local opinion confidence in Imperial authority, to explain our feelings to them and theirs to us. No

constitutional devices such as I have sketched will prevent a further waggening of Imperial authority in Kenya, if that authority swings from one policy to another or ignores local opinion or pursues one-sided aims. If our people there are goaded into further political agitation, they will win. Our colonists always have, and they always will. Let us at all costs then, while there is yet time, avoid the folly, so often perpetrated elsewhere, of driving them to extremes; for Africa is not America or Australasia, and our civilization there will not, for any time we need consider, be able to stand alone. In Africa, if anywhere, extremes are dangerous. European Governments in all parts of that continent are dealing with international relations in their most testing form, and no Englishman who understands the magnitude of that problem can look to the future with confidence, if our own people there pursue the line of conflict rather than cooperation with the Imperial power. For on that power, in the last resort, the peace of Africa depends.



GOVERNANCE OF THE EMPIRE

NEW FORCES AND CONCEPTIONS

SIR E. GRIGG ON KENYA

Sir Edward Grigg took as his subject "The Constitutional Problem in Kenya" in delivering the Cust Foundation Lecture at Nottingham University College yesterday.

He spoke of the new forces and new conceptions now moving in the governance of the British Empire, and said that even in Central Africa, which people were accustomed to think of as being still isolated, we were confronted with the first stirring of an old problem. There we had the opportunity of trying some other method of constitutional development, and he believed that for such innovation there was pressing need.

His main idea, he said, was that the Crown Colony system might be modified by the establishment of corporations representing the economic life of the territory concerned and boards dealing with the main activities of its government. The corporations would be open to men of all races, and each would form its own representative board. The members of the other boards would be chosen by the Governor, with the assistance of a panel submitted by the corporations. At present the annual estimates of revenue and expenditure were framed by the Government and then submitted to the Legislative Council. Under the new system each board would be taken into consultation on that part of the estimates which specially concerned it, while the estimates were being framed and before they were submitted to the Legislative Council.

Legislation would in the same manner be discussed with the appropriate board before presentation to the council. The council would preserve its legislative functions; but, he thought, it might with advantage and economy be reduced in numbers. Its ultimate relation to the boards would be for future decision, as the system developed. The plan would provide for representative opinion in all branches of the colony's activities to influence Government policy in its own sphere before that policy was formulated. It would bring the official heads of all departments into close and constant touch with a really representative body of opinion. It would enable the best men in agriculture, commerce, and industry to exercise an influence proportionate to their ability without having to sacrifice their time to a life of wide political activity. This—and he attached special importance to it—would enable the Government to pick out highly qualified local men (not politicians) for appointment to suitable posts in its own services, including the headship of certain departments.

STRENGTH OF EXECUTIVE

It was not impossible, he thought, that such a modification of the Crown Colony system might serve to bring it into close and sympathetic cooperation with the representatives of local opinion without endangering, as Parliamentary development does, the strength and impartiality of the executive and also without losing the control which the Government has over the political development which he believed necessary in all cases to avoid in Africa—namely, an executive created out of a Legislature and amenable to it.

But no constitutional system which preserved an independent and irremovable executive would work successfully in rapidly changing Colonies without understanding guidance, responsible leadership and consistency of policy. It is for this reason that the Colonial Empire, therefore, he thought, has been reforming systems which would make both for stability and for more imaginative treatment of Colonial policy at home. He said in a conversation he conducted, in 1924, at the time he was in the Civil Service, at Whitehall, and in the Colonies; he had the greatest admiration for their work in both spheres. The Civil Service was concerned with administrative and not with political matters. He was not a politician, and he was not a member of any party. He was a man of high ability in the sphere of which

IMPERIAL AUTHORITY

We also needed, at least in the East African territories, some higher Imperial office to co-ordinate policy on the spot, to give local opinion confidence in Imperial authority, to explain our feelings to them and theirs to us. No constitutional devices such as he had sketched would prevent a further weakening of Imperial authority in Kenya, if that authority sprung from one policy to another or ignored local opinion, or pursued one-sided aims. In Africa extremes were dangerous. European Governments, in all parts of that continent, were dealing with inter-racial relations in their most testing form; and no Englishman who understood the magnitude of that problem could look to the future with confidence, if our own people there pursued the line of conflict rather than cooperation with the Imperial power. On that power, in the last resort, the peace of Africa depended.

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Morning Post

SATURDAY, NOVEMBER 25, 1933.

THE CROWN COLONIES

There are few representatives in the House of Commons who would aspire to the title of Imperial statesmen. The ordinary member is preoccupied with the day-to-day affairs of his constituency, to which he must punctually attend or cease to be; and such time as is left over he devotes to the current problems of this island. But here the most conscientious politician's mind is apt to stop. If he dwells on the outer Empire, it is to indulge a vague sentiment of pride or hope, in passing, that inter-Imperial trade will prosper and fillip his local factories, and to wonder if, after all, the Government will be able to arrange something about migration. For the rest, he is content to know that the British Commonwealth exists, and that the Government, with Lord **BEAVERBROOK** in the matter well in hand

Yet how much longer will this comfortable and casual attitude to the Dominions, and more notably to the Crown Colonies, suffice? Sir EDWARD GRIGG, one of the few men in the House who know the politics of overseas as well as the politics of Westminster, sounded a grave warning in the Cust Foundation Lecture at Nottingham University last night. Since the death, sixteen years ago, of the wise student of Empire affairs who is thus commemorated, a great deal has happened which in part lightens the responsibility of home supervision, and in part deepens the difficulties of the Imperial Assembly. Though the Dominions have claimed and been cordially granted full equality, large mandates have been added to our worries, and India and Africa are brewing problems of dark complexity. How is the House of Commons equipped to face them? With great candour, Sir EDWARD GRIGG answers "Not at all"—partly because the rag and file are devoid of knowledge; partly because the House is ever immersed in troubles just outside the threshold; and partly because democracy, with its fitful changes of aims and rulers, prohibits any certain policy.

How should the delegate, posted to Westminster to study the interests of a Trade Union, be expected to fix an auspicious eye on events near the Equator? How may a House, with trade and unem-

ployment everlasting, in its consciousness hope to bear in mind and realize the welfare of remote others? And how can a universal electoral system now to this end of the sea, now to that, be induced to think of Empire when local domestic inducements have to be satisfied? By the time the House of Commons huddled up in loafs it has no leisure to get out into the Empire garden, except from eleven to four on a Friday. And that is the day when members hatched fresh promises to constituents, such as they would like to stay for the time being. Vote. Such debates afford about an opportunity to each degree of Empire attitude. But if the House of Commons has debts as an Imperial Council, Sir EDWARD GRIGG calculates that cabinets will prove more ignorant still. From 1919 till now there have been seven Administrations, and about a hundred different Ministers have held charge of affairs. Of these, just four were aided in the control of huge lands and multitudes of people by a detailed study of Colonial destinies. That helps to explain why the sugar plantations were ruined from Westminster two or three years ago.

When the disabilities of modern Parliaments are considered, we may well believe that in various English corners of the earth loyalty is troubled. Kenya, which Sir EDWARD GRIGG knows intimately, is one territory where restlessness mounts so high that he urges a prompt recasting of our theory of rule, to save, if nothing else, the parent country from humiliation. The lecturer confessed himself last night attracted by the system of Corporations developed by Signor MUSSOLINI; but whether we borrow or whether we devise our process, the important need is to free the Colonies from the backwash of universal suffrage, and to substitute knowledge for intermittent guessing in political administration. The men on the spot, who know the Colonies, must be drawn into consultation and given a share of command—or Imperial Parliament may find itself deprived of a jurisdiction it is not aware how to exercise.

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