

1930

Kenya

No. 16295

SUBJECT

C0533/402

*On*  
Status of Nairobi Somalis

Previous

Subsequent

38036/14/37

See 17403/31 (Status of Arabs.)

See 18176/32 (Petition by  
Essad Sheiff  
Mab.)

DESTROYED

ORDER STATUTE

Gov. Somali, Tel. 36..... 10th Sept. 50

Hopes no decision will be made on the petition from Nairobi Somalis before the receipt of his despatch.

Wait for petition - as to which I assume nothing has yet been heard from Kenya

Acct  
13<sup>th</sup> 20  
alter

2. Gov. Kittermaster, 188. .... 10th. Sept. 30.

Trade obscene. An continuation of No. 1.

Nothing  
Kenya  
petition  
W.N

A copy has gone to Kenya  
We may expect to hear in due course

Copy sent  
3/10/50  
at

3. Gov. Grigg, 596. .... 15th. Sept. 30.

This petition which has been submitted by the Isahak Sheriff Community of Somalis with a request that it may be presented to H.M. the King. Encls a copy of the minutes of a discussion at a meeting of Provincial Commissioners, also a copy of a Report by a Sub-Committee of P.Cs previously appointed.

3 copies of despatch  
incl available  
W.N

PTO

Mr. Allen

We have discussed.

The procedure in regard to petitions is set out in the attached Bulletin. It would appear that the correct procedure in the present case would be that the petition should be laid before His Majesty, with the Secretary of State's advice, by way of a note from the Private Secretary to His Majesty's Private Secretary. A search has failed to reveal papers with regard to (a) the meeting at Burao referred to in paragraph 4 of the despatch; (b) the 1919 petition referred to in paragraph 7 of the petition. A copy of the memorandum referred to in paragraph 14 is among Mr. Downie's papers (No. 29 in the attached volume, but it adds no information). I attach a note for consideration, which could be sent with a copy of the petition (but not of the covering despatch or its other enclosures), to His Majesty's Private Secretary by Mr. Boyd. On receipt of a reply we would, ~~submit~~ the Governor, asking him to submit the Attorney-General's Bill to the Secretary of State and to the Governor of Somaliland in draft for obsons. And we should inform the Governor of Somaliland accordingly.

\* No petition can be traced. No traces are to be found in the notes to 1877.

3a

? the two branches between themselves they to emigrate on arrangement before submission to the Sgt. 1877.

well  
6 Oct.

E. Eastwood  
17.20.20.

36 I attach a second note dealing with the history of the inclusion of "Isaak" from the general definition of "Solei."

If Mr. Eastwood's note is <sup>not</sup> thought to be too long I would suggest as an alternative it should be made up of paras 2 - 5 and 7 - 11 of the despatch verbatim and that the covering letter should contain the specific recommendation which briefly is that the petition has been laid but that, as the matter is under consideration, the Secretary of State has been unable to advise His Majesty to take any action and that His Majesty gave no directions.

(sgd) H.T. Allen  
25/11/30.

(i) I should have liked to discover how large this Ishaak community in Kenya is, but I cannot find the information. In "Jubaland and the Northern Rhodasia district" compiled in 1917 by Mr. T.S. Thomas I find:-

P.11.

"It must be borne in mind that most of the Somali tribes in B.E.A. are members of two branches, the Darod and Isaak. To the Darod branch belong the Somali in Jubaland, while the members of the Isaak Somali come from Aden and are to be found in or near Nairobi, the three chief sections being the Ha, and the Habr Yam's and the Habr Awal. There is also a considerable number of Hawiyeh chiefly in the N.F.P." We are however told in this despatch of the Ishaak community that the members in Kenya are few - and I suppose we must accept that statement.

(ii) As to procedure, I think that Mr. Allen's suggested alternative will meet the case: i.e. the Private Secretary should send the petition (in original) to be laid, and explain that the Governor in submitting it to the S. of S. observed as follows:- and then set out (without paragraph numbers) paragraphs 2 to 5 and 7 to 11 of the despatch:-

then go on to say that having regard to the views expressed

expressed by the Governor and to the action contemplated by the Kenya Government in respect of a comprehensive enactment covering all the Somali communities, the S. of S. submits for His Majesty's approval that the Officer Administering the Government of Kenya etc. as at X of Mr. Eastwood's note.

(iii) I entirely agree as to consultation between the Kenya and Somaliland Governments in the preparation of the proposed Somali Ordinance.

? Draft consideration, for signature of P.S. as proposed.

acc Parkhurst  
26.11.30

I agree. It is entirely a matter of amount of people, & I have no doubt that a way out can be found.

W.S. 26.11.30

Sec of State  
(through D. Sheld)

I agree.  
R.H.G.

29.11.30. T.S. 3.12.30.

H To H. Hon. Lord Stanfordham (19 read in 3 1/2 days) 10 December

DESTROYED UNDER STATUTE  
1st Stanfordham  
His Majesty appears suggested reply to it  
petition; returns petition enclosed in no. 4

? as - of 5 hrs.

Stanfordham  
17.12.30

acc Parkhurst  
18.12.30

I have spoken to Mr. Parkhurst. The  
H. Kithemur, who will be here shortly  
about

6 To Gov - 1013. 3 Ans. - cons [23/12/30]  
7 To Gov Somaliland - 170. 2 Ans. d [23/12/30]  
(copy copy 6)

To Green

I should have mentioned to Mr  
H. Kithemur in today. He had no  
particular objections except to say that  
he thought the British etc. was to  
require no answer. He thought the  
matter could not be taken

... (with consideration of the ...)  
... and ...  
... He will, however, be  
available for discussion ...  
... the question during  
his leave.

Pattee  
21.1.31

Mr. Packman

Mr. H. Kitchener's desire to wait  
can be complied with

J. M. G.  
7.3.31

W. Green

yes. accp

wait about

7.3.31

J. M. G.  
7.3.31

aw

[ See 30113/31 T.T. when  
we receive the U.K. ...  
proposed Bill ]

accp  
21.5.31

Mr. Eastwood

no reply to no. 6.

Thorn  
6/8/31

I think we might leave it? 6  
Or perhaps enquire how things  
are getting on.

Handwritten signature  
7.8.31

Wait three months then ok

W. Allen  
15/8/31

cut

~~6. Cutting from the Times dated 6th October; 31.~~  
DESTROYED UNDER STATUTE

Ref: for record

D. v. Alan Wilson's 3 months ago

Radford  
16. x. 31

HW

Mr. Eastwood.

App. brought forward  
10/12/31

PP. See  
Press Cutting  
attached

See Press Cutting no. 861 below.

? enquire how the matter now  
stands.

Handwritten signature  
14.12.31.

W. Allen  
15/8/31

~~To Cor 833~~ — CORRESPONDENCE 21 DEC 1931  
DESTROYED UNDER STATUTE (Reminded to 6)

Whistman

No reply to No 9 yet.

R 29/4

? Reunited again

Mr. P. Miss M.

29/4/32

Wait another 3 months

AT  
J.P. Hunt  
19/4/32

✓

Now see para 10 of 5 on 18.76

AP  
48

C. O.

16295/30/Kenya.

67

Mr. Eastwood. 17. 12. 30

Mr. Allen 17/12

Mr. Perkins 18. 12. 30

DOWNING STREET,

33 December 1930.

Sir C. Bottomley

Sir J. Shuckburgh.

Sir G. Grindle.

Parlt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Sir,

I have the honour to

acknowledge the receipt of your

despatch No. 188 of the 10th

September regarding a petition

addressed to His Majesty the King

by the Ishaak Shariff Community of

Somalis resident in Kenya.

2. I now enclose, for your

information, a copy of a despatch

which I am sending to the Off.

Administering the Government of

Kenya, from which you will note that

he has been asked to discuss with

you the terms of any Bill affecting

the status of Somalis, before its

submission to me.

I have,

etc.

(Signed) PASSFIELD.

DRAFT for a/c

SOMALILAND PROTECTORATE

NO. 170

Govr.

Desp. to C.A.G. Kenya

Dpt. Sec.



C. O.

16295/30/Kenya.

67

Mr. Eastwood. 17/12  
 Mr. Allen 7/12  
 Mr. Perkins 18.12.30  
 Mr. [unclear] 18/12/30  
 Mr. C. Bohonley  
 Sir J. Shuckburgh.  
 Sir G. Grindle.  
 Permt. U.S. of S.  
 Parly. U.S. of S.  
 Secretary of State.

DOWNING STREET,

33 December 1930.

Sir,

I have the honour to  
 acknowledge the receipt of your  
 despatch No. 188 of the 10th  
 September ~~concerning~~ regarding a petition  
 addressed to His Majesty the King  
 by the Ishaak Shariff Community of  
 Somalis resident in Kenya.

2. I now enclose, for your  
 information, a copy of a despatch  
 which I am sending to the Officer  
 Administering the Government of  
 Kenya, from which you will note that  
 he has been asked to discuss with  
 you the terms of any bill affecting  
 the status of Somalis, before its  
 submission to me.

I have,

etc.

(Signed) PASSFIELD.

DRAFT for 2 (2)

SOMALILAND PROTECTORATE

NO. 170

Govr.

Desp. to O.A.G. Kenya 22.12.30

S.P. his

C. O.

16295/30/Kenya.

56  
6  
7

Mr. Eastwood. 17.12  
 Mr. ~~Allen~~ 17.12  
 Mr. ~~Parker~~ 18.12/20  
 Mr. ~~Tomlinson~~ *W. Green* 18/3  
 Sir C. Bottomley.  
 Sir J. Shuckburgh.  
 Sir G. Grindle.  
 Permt. U.S. of S.  
 Parly. U.S. of S.  
 Secretary of State.

DOWNING STREET,

23 December 1930

|         |
|---------|
| C. D.   |
| R 19DEC |
| D 22 "  |

Sir,

I have the honour

to refer to Sir Edward Grigg's  
 despatch No. 596 of the 6th 15<sup>th</sup>  
 September, in which he forwarded  
 for submission to His Majesty  
 the King a petition from the  
 Ishaak Shariff community of  
 Somalis resident in Kenya  
 regarding their status and  
 privileges, and various  
 grievances which they allege  
 to exist.

2. I have to request  
 that you will <sup>cause</sup> ~~inform~~ the  
<sup>to be informed.</sup>  
 petitioners that the question  
 of the future status of the  
 Somali Communities in Kenya

DRAFT: 8 for cond  
 KENYA

(3)

NO. 1613

O. A. G.

*Copy for Somaliland - 170 - 23/12/30.*

O. O.

16295/30/Kenya.

56  
6  
7

Mr. Eastwood. 17.12

Mr. ~~Allen~~ 17.12

Mr. ~~Parker~~ 18.12/30

Mr. ~~Tomlinson~~ *W. Green* 18/3

Sir C. Bottomley.

Sir J. Shuckburgh.

Sir G. Grindle.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DOWNING STREET,

23 December 1930

C. D.  
R 19DEC  
D 22 "

Sir,

I have the honour

to refer to Sir Edward Grigg's

despatch No. 596 of the 15<sup>th</sup>

September, in which he forwarded

for submission to His Majesty

the King a petition from the

Ishaak Shariff Community of

Somalis resident in Kenya

regarding their status and

privileges and various

grievances which they alleged  
to exist.

2. I have to request

that you will <sup>cause</sup> ~~inform~~ the  
<sup>to be informed</sup> petitioners that the question

of the future status of the

Somali Communities in Kenya

is

DRAFT: 8 for cons  
KENYA

(3/)

NO. 1013

O. A. G.

Copy for Somaliland - 170 - 23/12/30.

is at present receiving consideration; that in laying their petition before the King I was unable to advise His Majesty to take any action; and that His Majesty was not pleased to give any directions.

3. *note from the Emperor's despatch* I understand that the Attorney General has been asked to prepare a Bill dealing comprehensively with the Somali Communities. You will have received by this time a copy of Sir Harold Kittermaster's despatch to me *September 10* No. 188 of the 10th December, *1930* from which you will see that in view of the possible repercussions on affairs in Somaliland *with which* he *may* be consulted before *legislation in Kenya* any bill is passed into law. I have *decided upon* therefore to request that the Bill may be *revised* discussed in draft with the Governor *if possible* of Somaliland, and agreement reached with him regarding its terms before it is submitted to me *for my approval*.

I have, etc.  
(Signed) PASSFIELD.

*it is desirable to ensure that the Governor's consent should*

*The Bill will, of course, be considered by the Governor (but not be published) until it has been approved by the Governor.*

C.O.

Mr. Eastwood 9/12  
Mr. Allen 9/12  
Mr. Parkes 10/12/30

X.16295/30 Kenya.

B H

~~Sir C. B. ...~~  
~~Sir J. ...~~  
~~Sir G. ...~~  
Permit. U.S. of C.  
Daily U.S. of C.  
Secretary of State

*10/12/30*  
*Arch no. 5*

4to. for Mr. Boyd's signature.  
Downing Street,  
10 December, 1930.

**DRAFT**

*Thick Horn*  
LIEUTENANT-GOVERNOR  
THE LORD STAMFORDHAM, G.C.B.,  
G.C.I.E., G.C.V.O., K.C.S.I.

Dear Lord Stamfordham,  
I enclose, to be laid before *the King* His Majesty, the original of a petition from the Ishaak Shariff community of Somalis resident in Kenya. It should be explained that the Governor of Kenya, in submitting the petition to the Secretary of State, observed as follows:-

(Here insert (without paragraph numbers) paragraphs 2 - 5 and 7 - 11 of No. 23).

Having regard to the views expressed by the Governor, and to the action contemplated by the Kenya Government in respect of a comprehensive enactment covering all the Somali communities

*Petition*  
*Measure no. 3 (in orig.)*

*Lord Panfield*

communities, the Secretary of State  
submits, for His Majesty's approval,  
that the Officer Administering the  
Government should be requested to  
inform the petitioners that the ques-  
tion of the future status of the Somali  
communities  
residents in Kenya is at present  
receiving consideration, ~~and~~ that the  
Secretary of State, in laying their  
petition before the King, was unable  
to advise His Majesty to take any action,  
and that His Majesty was not pleased  
to give any directions.

Yours sincerely,  
*E. B. Boyd*

(Signed) E. B. BOYD.

NOTE B.

9 36  
30a

In the Native Hut and Poll Tax Ordinance No.2 of 1910, the definition of "Native" included both Somalis and Swahillis.

5285 7/16

In 1919 the Somali Exemption Ordinance, (No.17 of 1919) was passed. This Ordinance provided for the exclusion of certain Somalis from the definition of "Native" as it appeared in the Native Hut and Poll Tax Ordinance 1910 and in certain other Ordinances, and for the issue of certificates of exemption - the object being to exempt from the provisions of the Native Hut and Poll Tax Ordinance, 1910, ~~of~~ classes of Somalis who ~~have~~ alleged that their Asiatic origin and education entitled them to be treated as non-natives for the purpose of ~~such~~ Ordinance. The class of Somalis referred to were those who were able to prove that on grounds of education and birth it was undesirable that they should be treated as natives for the purposes of the Native Hut and Poll Tax Ordinance, or other legislation. The facts relating to birth and the educational standard to be obtained were left to the Governor in Council to prescribe by Rules.

Sent notice no 27  
1 1919

The Rules under the Ordinance were issued on the 23rd of January, 1920, and provided:-

(a) That:

Any Somali applying for a certificate of exemption under the Somali Exemption Ordinance, 1919, shall before such certificate is granted satisfy the Chief Native Commissioner that he can speak either Arabic or English, and is able to read and write in either Arabic or English.

of that:

No certificate of exemption shall be granted unless and until the applicant is able to satisfy the Chief Native Commissioner —

- (i) That he is of direct descent from a section of the Somali race the recognised original habitat of which is Asia and that his parents are of Asiatic descent.
- (ii) That not less than the last three generations of his family have lived in Asia.
- (iii) That the applicant has his permanent home in Asia.
- (iv) That he is a British subject or is under the protection of His Majesty. Provided that in the case of an applicant who has been born and has resided in Berbera and whose father or grand-father was born in Asia and whose father and mother are Somalis of Asiatic descent such applicant shall for the purpose of these rules be deemed to be of Asiatic descent.

528/12

The Ordinance of 1919 was repealed by Ordinance 26 of 1921, which provided that in Ordinances the definition of the term "Native" should not include a Somali or a Swahili, except where express provision was made to the contrary. The Ordinance also provided however, that the provisions in certain Ordinances relating to natives should also apply to Somalis, and there was a further schedule of Laws etc, which were not to be deemed to be in any way affected by the Ordinance.

The 1921 Ordinance was repealed by the General Revision Ordinance, 1924, and the definition of "Native" in the <sup>and</sup> Interpretation in the General Clauses Ordinance, is "A native of Africa not of European or Asiatic

11

Asiatic origin, and does not include a Somali  
or a Swahili.

The definition of "native" in the Native  
Hut and Poll Tax Ordinance now in force, (Chap. 51)  
is "Any native of Africa not being of European  
or Asiatic race or origin, and includes any  
Swahili." In general the position is that the  
"native" provisions of an Ordinance do not apply  
to Somalis, unless the Ordinance specially so  
provides.

*J. H. Allen*

*2/11/30*



NOTE A.

The Ishaak Shariff Community consists of a small number of Somalis resident in Kenya. There are three classes of Somalis resident in the Colony:-

(a) Those occupying land in the Northern Frontier Province, who were there at the time of the original occupation of the country by the Administration or have settled there since.

(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.

(c) Somalis from French or Italian Somaliland and Abyssinian Territory.

The Somalis concerned in the present petition are mainly those classified in (b), but may include some of (c).

It will be seen that the prayer of the petition is

(a) that the members of the Ishaak Shariff Community domiciled in Kenya should no longer be treated as natives of Africa or included within the definition of the word "Native" in the Ordinances of the Colony, but

(b) that henceforth they should have the rights and privileges of, and for all purposes be included amongst, Asiatics;

(c) that various grievances detailed in the body of the petition should be remedied.

The position of the Somali communities in Kenya raises questions of considerable difficulty. They are entirely distinct from the African tribes, which the majority of the native inhabitants of the Colony belong to and

and they are equally distinct from the true Arab and Asiatic communities. In the past, as the petition states, they have for many purposes been treated as natives, though since 1919 they have paid the Non-Native Poll Tax instead of the Native Hut and Poll Tax. Their treatment as natives has admittedly given rise to many difficulties, and the Governor states in his despatch covering the petition that he considers that a comprehensive enactment dealing with the whole position of the Somali communities would be justified. The Attorney General is therefore to be requested to draft a Bill in the light of which the whole matter will be considered.

So far therefore as relates to prayer (a) of the petition, the Ishaak Shariff community, with other Somali communities, have, it is admitted, a <sup>certain</sup> ~~peculiar~~ grievance, which the Government of the Colony is at the moment doing its best to remedy. It is not, therefore, suggested that His Majesty should give any directions in regard to it.

See no. 2.

As regards prayer (b), namely that the community should be regarded as Asiatics, the Secretary of State is advised that neither on ethnological nor any other grounds could this claim be substantiated. Further, if granted, it would lead to considerable difficulties in the ~~subsequent~~ Protectorate of British Somaliland. It is therefore suggested that no directions should be given in regard to this prayer.

As regards prayer (c), the following extract from the Governor's covering despatch may be quoted:—

"Turning

"Turning to the specific grievances alleged in the petition, I would remark that it is quite inaccurate to say that Somalis were ever recognised as Arabs or Asiatics. It is true that, at their own request, they were allowed to pay non-native poll tax instead of native hut and poll tax, but their legal status remained unaltered in other respects, and they continue to be classed as natives for the purposes of the Ordinances mentioned in item 12 of the petition.

As regards education the Somali community is not sufficiently numerous to justify the establishment by Government of special schools for their exclusive benefit, and being Mahomedans, they are reluctant to send their children to Mission schools.

I am by no means prepared to admit the claim of the Somalis that they have been instrumental in enlightening and encouraging the African native of the Colony in the methods of civilised trading. On the contrary their disregard of the law, especially where it relates to trespass or animal quarantine, and in many cases their methods of trading, have been anything but a good example. On the other hand, it must be admitted that those of the community who in the early days of European settlement brought down livestock from Abyssinia, the Northern Frontier or Jubaland, carried on trade which was to the benefit of the Colony; but those days are long past, and owing to pleuro-pneumonia, which is now endemic in the Northern Frontier Province, trade in livestock has performed been closed for some years. But the Somalis, instead of selling their trade stock, have deliberately acquired more and more, with no intention whatever of selling them. They are now comparatively large stock owners and

and cause frequent administrative difficulties by reason of the fact that they continue to acquire and to breed as many stock as they can without any regard to the fact that they own neither land nor grazing rights. To the extent to which the Somali is prepared to be a genuine stock trader, that is to say a trader who purchases stock for immediate sale or slaughter, he is under no disability which does not apply to any other trader.

As regards representation in local government I am unable to find any grounds upon which such a claim can be based. The Somalis are divided into many sections, which to a considerable degree are mutually antagonistic. The Ishaak Shariff section is but one of many, and its few members resident in Kenya are scattered over the various townships. It is in no sense an organised or united community, and has no more claim, in my opinion, to specific political representation than might equally be put forward by other small immigrant groups such as Parsees, Sheshiri Arabs or natives from the neighbouring East African territories".

The Secretary of State therefore submits for His Majesty's approval that the Officer Administering the Government should be requested to inform the petitioners that the question of the future status of the Somali communities <sup>in Kenya</sup> is at present receiving consideration, and that the Secretary of State, in laying their petition before the King, was unable to advise His Majesty to take any action, and that His Majesty was not pleased to give <sup>any</sup> directions.



315



KENYA.

GOVERNMENT HOUSE,

NAIROBI,

KENYA.

No. 596

15<sup>th</sup> September, 1930.

RECEIVED  
13 OCT 1930  
COL. OF

My Lord,

I have the honour to transmit a petition, which has been submitted by the Ishaak Shariff Community of Somalis resident in Kenya with a request that it be presented to His Majesty the King.

2. Petitions of a similar nature have from time to time been addressed to my predecessors and to myself, but this Government has always declined to accede to the demands of this small section of immigrants, because it is clear that they do not suffer under any real disability, and no grounds exist for conceding to them more favourable treatment than that which is accorded to the African races of the Colony. Whatever may be the origin of the Somali tribes, the fact remains that they have been for many generations in Africa, and may properly be regarded as Africans by domicile.

3. Ethnologically, Somalis are of Hamitic origin, but their physical characteristics vary considerably and show signs of a mixture of Galla, Abyssinian and Arab blood. Physically, except for their colour, and in some cases their hair, they have nothing in common with the negro. From the point of view of social development, culture and intelligence, they are undoubtedly far ahead of other Africans, and the racial pride which this superiority has engendered in them finds expression in an intense resentment at being classed for any purpose in the same category

THE RIGHT HONOURABLE  
LORD PASSFIELD, P.C.  
SECRETARY OF STATE FOR THE COLONIES.

- with -

Ans'd 10/13 - 23/12/30.

with the negro races of Africa, or in being required to submit to any special legislation to which the latter are subject.

4. They claim the right to be classed as Indians or Arabs, but it is to Swahilis that they are properly comparable, and this was pointed out by Sir H. Kittermaster in 1936 at a meeting at Burao, British Somaliland at which the local natives raised the question of the status of Somalis in Kenya.

5. There are three classes of Somalis resident in this Colony:-

(a) Those occupying land in the Northern Frontier Province who were there at the time of the original occupation of the country or have settled there since;

(b) Those who came within recent times from British Somaliland or from Aden and are British subjects, but reside for the most part outside the Northern Frontier Province;

(c) Somalis from French or Italian Somaliland and Abyssinian Territory.

The Somalis concerned in the present petition are mainly those classified under (b), but may include some of (c).

G. I have delayed transmitting this petition to Your Lordship in order to avail myself of the opportunity of a meeting of Provincial Commissioners held between the 11th and 16th August to consult them on the question. I append hereto a copy of the minute of the discussion from which Your Lordship will see that the unanimous opinion of the Provincial Commissioners favours the enactment of a special Ordinance to deal comprehensively with all the different aspects of the Somali question. A copy of a Report by a Sub-Committee of Provincial Commissioners which was appointed at a previous meeting

to make recommendations on Somali policy is also appended.

7. Though there are many objections to legislation of a sectional or tribal nature I feel that the Somali difficulty is exceptional, and that a comprehensive enactment, dealing with the various aspects of Somali residence and activities in this country, might in itself remove the main cause of complaint, namely, that of being subject to legislation which is specially applicable to natives. The Ordinance might also serve other useful purposes, and I propose therefore to give further consideration to this proposal in the light of the Bill which the Attorney General will be requested to draft.

8. Turning to the specific grievances alleged in the petition, I would remark that it is quite inaccurate to say that Somalis were ever recognised as Arabs or Asiatics. It is true that, at their own request, they were allowed to pay non-native poll tax instead of native hut and poll tax, but their legal status remained unaltered in other respects, and they continue to be classed as natives for the purposes of the Ordinances mentioned in item 12 of the petition.

9. As regards education the Somali community is not sufficiently numerous to justify the establishment by Government of special schools for their exclusive benefit, and being Mahomedans, they are reluctant to send their children to Mission schools.

10. I am by no means prepared to admit the claim of the Somalis that they have been instrumental in enlightening and encouraging the African native of the Colony in the methods of civilised trading. On the

contrary, their disregard of the law, especially where it relates to trespass or animal quarantine, and in many cases their methods of trading, have been anything but a good example. On the other hand, it must be admitted that those of the community who in the early days of European settlement brought down livestock from Abyssinia, the Northern Frontier or Jubaland, carried on trade which was to the benefit of the Colony; but those days are long past, and owing to pleuro-pneumonia, which is now endemic in the Northern Frontier Province, trade in livestock has heretofore been closed for some years. But the Somalis, instead of selling their trade stock, have deliberately acquired more and more, with no intention whatever of selling them. They are now comparatively large stock owners and cause frequent administrative difficulties by reason of the fact that they continue to acquire and to breed as many stocks as they can without any regard to the fact that they own neither land nor grazing rights. To the extent to which the Somali is prepared to be a genuine stock trader, that is to say a trader who purchases stock for immediate sale or slaughter, he is under a disability which does not apply to any other trader.

1. As regards representation in local government I am unable to find any grounds upon which such a claim can be based. The Somalis are divided into many sections, which to a considerable degree are mutually antagonistic. The Isheak Shariff section is but one of many, and its few members resident in Kenya are scattered over the various townships. It is in no sense an organised or united community, and has no more claim, in my opinion, to specific political

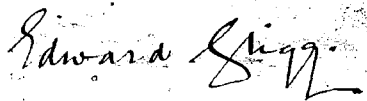


representation than might equally be put forward by other small immigrant groups such as Parsees, Shehiri Arabs or natives from the neighbouring East African territories.

I have the honour to be,

My Lord,

Your Lordship's most obedient  
humble servant,



GOVERNOR.

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P E T I T I O N .

HIS MOST GRACIOUS AND IMPERIAL MAJESTY  
KING GEORGE THE FIFTH.

MAY IT PLEASE YOUR IMPERIAL MAJESTY,

THIS IS THE HUMBLE PETITION of the undersigned Members of the Ishaak Shariff Community, presently domiciled in Your Majesty's Colony of Kenya, requesting Your Majesty to afford consideration to your Petitioners' grievances and complaints, and to give such instructions as Your Majesty may be pleased to see fit with a view to remedying and ameliorating the harsh and inequitable treatment which your Petitioners have, for years past, suffered, and are still suffering, at the hands of Your Majesty's Government.

Your Petitioners humbly beg to draw attention to the fact:-

(1) That your Petitioners are of Asiatic origin and extraction, and, being emigrants of Aden and Southern Arabia, are Ishaakian Arabs Shariff, and their rules and their regulations are Mohammedan Shurrah.

(2) That your Petitioners are members of a Community which has, since generations past, emigrated to and permeated through Egypt, Somaliland and the Eastern countries of Africa.

(3) That in other countries which are under the sovereignty and protection of Your Imperial Majesty, the Ishaak Shariff Community are recognised as Arabs and Asiatics, and are not treated as Natives of Africa.

(4) That your Petitioners represent those of the Ishaak Shariff Community who, for years past, have been inhabitants of Kenya, in which land they have established their home, and have had their means of livelihood.

(5) That your Petitioners, or their ancestors, forebears and themselves, were pioneers in the introduction and fostering of the stock and cattle trade within the Colony of Kenya, have played a prominent part in the development of the Colony, and have been instrumental in enlightening and

encouraging the African Native of the Colony in the methods of civilised trading.

(6) That, during the period of the Great War, 1914 to 1918, representatives of the Ishaak Shariff Community domiciled within the Colony of Kenya, took their place in the defence of the Colony, and, along with other defenders, made equal sacrifices.

(7) That, in 1919, your Petitioners made representations to His Excellency the Governor and Commander-in-Chief of the British East Africa Protectorate, which resulted in the recognition of your Petitioners as Arabs and Asiatics, inasmuch as they were exempted from the Native Hut and Poll Tax, and were required to pay retrospectively, and are still required to pay, the same amount of Non-Native Poll Tax as was, and is, payable by Europeans and Asiatics.

(8) That, despite the facts hereinbefore set forth, your Petitioners are being treated by Your Majesty's Colonial Government in a similar manner to, and as if they were, Natives of Africa.

(9) That no facilities are afforded to your Petitioners for the education of their children within the Colony of Kenya.

(10) That the facilities for trading in livestock, which has been for thirty years past the main source of livelihood of your Petitioners within the Colony of Kenya, have been so curtailed by Your Majesty's Colonial Government as almost to destroy the trade built up as a result of hard and incessant labour.

(11) That the Ishaak Shariff Community has received neither recognition nor representation in the local Government of the Colony of Kenya.

(12) That the members of the Ishaak Shariff Community are included within the definition of the word "Native" in the Ordinances of the Colony of Kenya, including the

Criminal Procedure Ordinance, the Civil Procedure Ordinance, the Native Liquor Ordinance, the Courts Ordinance, the Native Authority Ordinance, the Native Registration Ordinance, the Native Trust Fund Ordinance, the Resident Natives Ordinance, the Employment of Natives Ordinance, the Native Food Stuffs Ordinance, the Native Arms Ordinance and the Prisons Ordinance.

(13) That your Petitioners have been, and are, treated within the precincts of the African Nursing Home in Nairobi, and all the Hospitals throughout the Colony of Kenya, both as regards accommodation and diet, as if they were Natives of Africa.

(14) That the members of the Ishaak Shariff Community, in the month of February 1928, presented to Your Majesty's East African Commission on Closer Union, under the Chairmanship of Sir Hilton Young, a Memorandum setting forth the grievances of the Community, that an assurance was given by the Chairman of that Commission that the Memorandum would be read and discussed by the Commission, and that careful consideration would be given to the views expressed in the Memorandum when the Commission were considering their Report, but that, in spite of that assurance, when the Report was published, no reference was made therein to the Memorandum, nor was the Memorandum productive of any measure of redress to the representations of the Ishaak Shariff Community.

(15) That, on the 11th February 1928, the Ishaak Shariff Community presented to His Excellency the Governor and Commander-in-Chief of the Colony of Kenya a document referring to the inequitable treatment to which the members of the Community were being subjected in regard to their trading in stock and cattle, but, though that document was acknowledged, and a further communication was promised, that

promise was not redeemed, and no further intimation was vouchsafed to the Community.

(16) That, on the 20th May 1930, your Petitioners presented to His Excellency the Governor and Commander-in-Chief of the Colony of Kenya a Petition setting forth their grievances and complaints, to which Petition a reply was received from Your Majesty's Colonial Secretary which intimated that Your Majesty's Colonial Government did not consider that your Petitioners suffered any disability under the present laws of the Colony of Kenya, and regretted that Your Majesty's Colonial Government was unable to take the steps requested in the Petition.

(17) That, upon the 1st July 1930, your Petitioners requested that His Excellency the Governor and Commander-in-Chief of the Colony of Kenya might be pleased to give audience to a deputation of the tribes of the Ishaak Shariff Community, in order that their case might be personally presented to His Excellency before the opening by His Excellency of the Session of the Legislative Council of the Colony of Kenya at Mombasa on the 8th July, 1930.

(18) That, in response to the request referred to in the preceding paragraph, your Petitioners were informed, through Your Majesty's Colonial Secretary, that, owing to illness and his early departure for Mombasa, it would be unlikely that His Excellency could see the deputation before his return to Nairobi.

(19) That His Excellency the Governor and Commander-in-Chief of the Colony of Kenya did not, in fact, give audience to your Petitioners before the opening by His Excellency of the Legislative Council of the Colony of Kenya at Mombasa, which opening duly took place on the 10th July, 1930.

WHEREFORE your Petitioners HUMBLY PRAY:-

- (a) That the members of the Ishaak Shariff Community domiciled within the Colony of Kenya should no longer be treated as Natives of Africa, and should no longer be included within the definition of the word "Native" in the Ordinances of this Colony.
- (b) That the members of the Ishaak Shariff Community should henceforward have the rights and privileges of, and for all purposes be included amongst, Asiatics.
- (c) That the fullest consideration of Your Imperial Majesty may be afforded to this Petition, and that such equitable measure of redress as may seem fit to Your Majesty may be accorded to the members of the Ishaak Shariff Community domiciled within the Colony of Kenya.

SIGNED this 16<sup>th</sup> fourteenth day of July, 1930, by the undersigned members and representative leaders of the Ishaak Shariff Community, who have been empowered by the members of the Community domiciled within the Colony of Kenya to sign and present this HUMBLE PETITION.

- |                               |                                |
|-------------------------------|--------------------------------|
| 1. <u>Ali Hassan</u>          | 7. <u>Ahmad</u> <i>Ali</i>     |
| 2. <u>Ega Hassan</u>          | 8. <u>Hassan</u> <i>Ali</i>    |
| 3. <u>+ Benad Mohamed</u>     | 9. <u>Abdullahi</u> <i>Ali</i> |
| 4. <u>+ Mohamed Jama</u>      | 10. <u>Hassan</u> <i>Ali</i>   |
| 5. <u>+ Abdi Hassan</u>       | 11. <u>Hassan</u> <i>Ali</i>   |
| 6. <u>Abdullah</u> <i>Ali</i> | 12. <u>Ali</u> <i>Ali</i>      |

REPORT OF SUB-COMMITTEE APPOINTED BY THE  
PROVINCIAL COMMISSIONERS' MEETING TO MAKE  
RECOMMENDATIONS AS TO THE POLICY TO BE  
ADOPTED BY GOVERNMENT IN RESPECT OF SOMALIS.

The Committee consisted of:-

- The Chief Native Commissioner
- The Provincial Commissioner, Nzoia  
(Lieut.Col. O.F. Watkins, C.B.E., D.S.O.)
- The Provincial Commissioner, Masai (Mr. S.F. Deck)
- The Actg. Provincial Commissioner, Northern  
Frontier Province (Mr. V.G. Glenday, O.B.E.)

Mr. Glenday did not attend any of the meetings but Mr. R.G. Stone (Provincial Commissioner, Turkana) was kind enough to attend.

2. Somalis may be considered to fall into three categories, namely:-

- (a) Somalis who may be regarded as subjects of Kenya Colony through permitted residence and occupation of land in the Northern Frontier Province;
- (b) Somalis who are British subjects but do not belong to Kenya, e.g. those from Aden, Berbera, etc. Many of these are living in parts of Kenya outside the Northern Frontier Province; and
- (c) Somalis who are alien subjects e.g. those who come from Italian, French or Abyssinian territory. There are also many of these resident in various parts of the Colony outside the Northern Frontier Province.

3. The Sub-Committee submits the following recommendations:-

Recommendation No. 1. As regards Class A, the Sub-Committee considers that this section of the Somali tribes, which have hitherto been permitted to occupy areas in the Northern Frontier Province, should be allowed to remain within specified areas but only on condition that they submit to all laws and orders of the Kenya Government and pay such taxes as may be imposed.

Recommendation No. 2 (Relates to Classes B & C.)

In view of the fact that there is no accommodation in the way of grazing and water available for additional

pastoral population in the Northern Frontier Province, the Sub-Committee recommends that the Immigration Laws and the Outlying Districts Ordinance be rigorously enforced against all who enter the Colony without leave and that for this purpose every District Commissioner whose district is on the boundary of the Colony should be appointed ex officio to be an Immigration Officer.

Provided that any persons who satisfy the District Commissioner that they are genuine fugitives from persecution (e.g. from Abyssinia) may be afforded asylum provided that they are prepared to go to any part of the Colony in which accommodation is available for them and to work for their living. Each case to be reported to Government for instructions. (In this connection the Sub-Committee was informed by the Chief Native Commissioner that there is Crown Land in the Coast Province, particularly in the Kilifi and Tana River districts, on which such people could be accommodated.)

Recommendation No. 3. That an endeavour be made to arrive at reciprocal arrangements between Kenya Colony and the neighbouring territories by which each party will agree to receive back any Somali or other immigrant who has gone from its territory to a neighbouring territory in contravention of the laws of the latter territory. If this principle were accepted the arrangement could be made between District Officers.

Recommendation No. 4. That either a tax registration slip or a tax receipt for the current year should be a sufficient passport for Somalis domiciled in the Northern Frontier Province whilst they remain in their own area.

Recommendation No. 5. That every Somali travelling or residing in any part of the Colony or Protectorate outside the Northern Frontier Province shall, unless



in possession of a valid passport duly visa'd if necessary under section 40 of Cap. 62 (as amended by section 5 of Ordinance 25 of 1928) and endorsed by the District Commissioner of the District in which he is residing at the time, be required to carry a Registration Certificate issued under Cap. 127.

In this connection the Sub-Committee recommends that Rules be framed to authorise a special form of Certificate for such people and that a photograph should be accepted whenever tendered in lieu of finger prints for purposes of identification. Such Certificate would contain no references to employment and would require no endorsement other than that by the District Commissioner on change of residence.

Recommendation No. 6. That grazing fees be imposed and collected in respect of all stock grazed on township commonages or on any Crown land upon which grazing is permitted.

Recommendation No. 7. That any land outside the Highlands, which is available for settlement, should be open to acquisition by Somalis on the same terms as any one else, but the Committee considers that it is neither practicable nor desirable to set aside any special areas as commonages for Somalis and their stock.

Recommendation No. 8. That, if there should be any demand for small agricultural holdings for Somalis who are old Government servants or who have come into the Colony as refugees, definite areas should be set aside for the purpose at a nominal rental but subject to strict conditions as to residence, cultivation, good behaviour, etc. It is understood that land could be made available in the Kilifi and Tana River districts.

PROVINCIAL COMMISSIONERS' MEETING, AUGUST, 1930.

Minute 53. Agenda 39 - STATUS OF SOMALIS.

The Report of the Sub-Committee appointed by the Provincial Commissioners' Meeting of the 4th March 1930, to make recommendations as to the policy to be adopted by Government in respect of Somalis, had been circulated to Provincial Commissioners prior to the Meeting.

The Colonial Secretary said that three questions required decision as a result of the Sub-Committee's report:-

- (1) the general policy to be adopted with regard to the tribe;
- (2) the legal status of Somalis; and
- (3) the proposals with regard to the Native Passes Ordinance.

In the course of a discussion on recommendation No. 1 of the Report, the Provincial Commissioner, Northern Frontier Province said that this was in fact being carried out in his Province by Administrative action, i.e. that Somalis who have hitherto been permitted to occupy areas in the Northern Frontier Province are being allowed to remain within specified areas.

A long discussion followed on Recommendation No. 2 of the report, viz. that the Immigration Laws and the Outlying Districts Ordinance be rigorously enforced against all who enter the Colony without leave, and that for this purpose every District Commissioner whose District is on the boundary of the Colony, should be appointed ex officio to be an Immigration Officer.

The Provincial Commissioner, Northern Frontier Province thought that once it was known in the North that strong measures are being taken to restrict immigration,

it/

it will be automatically checked.

The Colonial Secretary said that repatriation of every undesirable immigrant would be a very heavy financial burden on the Government.

The Provincial Commissioner, Northern Frontier Province replied that action which had already been taken under the Immigration Ordinance had already had the effect of checking the movement from Northern Somaliland to Kenya. But there was one difficulty which had caused him some anxiety, and that was that the Government of Italian Somaliland freely issued passes for Somalis from that Territory to enter Kenya. He thought that the Italian Government should be approached on this matter.

The Colonial Secretary said that the remedy lay in his own hands if he liked to enforce strictly the Passport and Visa Laws.

The Meeting agreed to recommend to Government that all District Commissioners should be Immigration Officers throughout the Colony.

On Recommendation No. 3 of the Report it was decided that the Provincial Commissioner, Northern Frontier Province should make a report after three months' experience of the workings of the immigration restrictions.

The Colonial Secretary suggested that we might tell the Government of Italian Somaliland that our Immigration Officers had been instructed not to accept the "laissez-allers" issued in Italian Somaliland.

The Meeting agreed that Recommendation No. 4 can only be put into effect after the introduction of taxation.

A discussion followed arising out of Recommendation No. 5 as to whether Somalis should be regarded as/

as Natives or Non-Natives. The Meeting accepted the Recommendation with a rider to the effect that a uniform identification Certificate should be adopted rather than a passport, and that enquiry be made as to the form of certificate used in Tanganyika and also as to the rules and laws in Tanganyika governing the issue of such certificates and the penalties prescribed for contravention.

The Meeting agreed to Recommendation No. 6.

With regard to Recommendation No. 7, the Colonial Secretary asked if the Meeting thought this was practicable.

Provincial Commissioners were unanimously agreed that even if they so desired, it had now become impossible for Somalis to get rid of their stock. They recommended the adoption of graduated grazing fees.

On Recommendation No. 8 the Meeting considered that there was no demand for small agricultural holdings by Somalis as suggested in the Recommendation.

LEGAL STATUS OF SOMALIS. The Provincial

Commissioner, Nzoia said that it had for some years past been advocated that there should be a Somali Ordinance. The Chief Native Commissioner wished to support this.

The Provincial Commissioner, Northern Frontier Province said that such an Ordinance should include all Gallas and Abyssinians resident in Kenya. The Colonial Secretary asked the Provincial Commissioner, Northern Frontier Province if he advocated a special Ordinance for Somalis. The Provincial Commissioner, Northern Frontier Province replied that he thought it was incumbent on Government to introduce some sort of legislation.

The Provincial Commissioner, Nzoia said he would like to advocate an Ordinance for the Northern Frontier Province on the lines of the Punjab Ordinance in

India. The Colonial Secretary said that a special Ordinance of this sort could include the definition of the status of Somalis.

The Provincial Commissioner, Nzoia said that a special Northern Frontier Province Ordinance could also include provisions for taxation in that Province.

It was the general feeling of the meeting that a draft bill covering these suggestions should be produced for discussion at a subsequent meeting of Provincial Commissioners and that Government should reconsider the question of legislating on these lines by a special Northern Frontier Province Ordinance.

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SOMALILAND PROTECTORATE.



GOVERNOR'S OFFICE.

No.188.

S H E I K H,

10th September, 1930.

RECEIVED  
29 SEP 1930  
COL OFFICE

My Lord,

I have the honour to inform Your Lordship that my attention has been called to a paragraph in "East Africa" stating that the Somalis in Kenya have addressed a petition to His Majesty the King as to their status. If this is true I make no apology for addressing this despatch to you on what appears to be a matter of domestic policy in Kenya because I feel that it may have important reactions in this territory.

2. I was in Kenya in 1919 when Asiatic status was allowed to the Somalis of Nairobi to the extent of payment of the Non Native Poll Tax instead of the Native Hut Tax. I expressed my disagreement with this decision at the time and nothing which I have seen since coming to this Protectorate has caused me to alter my opinion.

3. I cannot trace anything in this office to show that this Government was consulted before the decision was taken in Kenya at that time and in connection with this present petition I have received no communication from the Government of Kenya.

4. The paragraph in the paper states that the Somalis in Kenya are known as the "Isaac Shariffs". I do not clearly

*Ans. 170 - 23/12/30.*

The Right Honourable  
LORD PASSFIELD, P.C.,  
etc., etc., etc.,  
Secretary of State for the Colonies.

clearly understand what this means but it appears to signify that not only do the Somalis claim to be Arabs but they claim to <sup>be</sup> members of the Qoreish tribe and therefore descendants of the Prophet himself.

5. In my opinion the claim of the Somali to Arab nationality cannot be substantiated. That there is Arab blood in them is not denied but the amount in the whole race must be small. The Isaac Somalis who inhabit this Protectorate claim descent from an Arab, Sheikh Isaac Ibn Ahmed. Other main divisions of the Somali race are the Darod, Hawiya, Gadabursi and Esa. The Isaac Somalis admit the Darod as true Somalis, their ancestor being an Arab, Sheikh Jaberti Ibn Ismail but they refuse to admit that either the Hawiya, Gadabursi or Esa are Somalis, though one legend makes the Gadabursi descended from a slave wife or concubine of Sheikh Isaac Ibn Ahmet. Yet language and customs seem to prove conclusively that all these various divisions are sprung from the same stock.

6. The probable course of development was that a few Arabs, fishermen or shipwrecked sailors or traders, intermarried with the women of the country and settled here as permanent residents. They would establish nuclei of Arab culture and would gain importance by their superior mentality. Other natives of the country would tend to associate themselves with these stranger communities and would adopt their name and nationality. You have only to look at the present day Somali to realise that divergent strains have gone to his make-up. Few of them of course present negroid features but then the same thing applies to all the "Nilotic" tribes such as the Masai. I do not however consider that they have a much better claim to be Arabs than have the Irish to be Spaniards because the Armada brought a certain amount of

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END

Spanish blood into the West of Ireland.

7. The Somali is so different in mentality to the Bantu that I am not suggesting that in Kenya he ought to be treated in every respect as other "natives" there but if he is allowed in Kenya the status of "Asiatic" if for instance he is placed on the same footing as the Indian I feel that the whole administration of this Protectorate at once becomes involved. There is frequent interchange of Somali residents in Nairobi with their homes here, and they maintain their roots here even after years of absence. To give them a status in Kenya so different from what they must have here would tend greatly to embarrass the administration of this Protectorate.

8. I am addressing a copy of this despatch to the Governor of Kenya.

I have the honour to be,

My Lord,

Your Lordship's most obedient,  
humble servant,

*Harold M. Kittermaster,*