

1923

KENYA

33108

FROM  
C. K. Archer

DATE  
2 July

RECEIVED  
3 JUL 23

FOR CIRCULATION

SUBJECT

*Desk*

Mr.  
Mr.  
Mr.  
Asst. U.S. of S.

*Andran' question' in Kenya*

*Proposals of European Delegation*

Perm. U.S. of S.  
Paid U.S. of S.  
Secretary of State.

Previous Paper

*M. 9*  
*32586*

MINUTES

*W. H. ...*  
*ALL*  
*5.7.23*

*So - C. K. Archer 6 July '23*

Subsequent Paper

*M. 9*  
*33367*

C. 5  
33103  
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RECEIVED 3 JUL 23

*Cosme* 19  
33, GROSVENOR PLACE,  
LONDON, S.W. 1

2nd July, 1923.

Sir,

I have the honour to forward herewith the  
Proposals for settlement which Lord Delamere promised,  
at our recent interview, to send on to you.

I have the honour to be,

Sir,

Your obedient servant,

*Alfred Bacher*

To <sup>Under-</sup>  
The Secretary of State for the Colonies,  
A Downing Street,  
S.W.

PROPOSALS.

1. That the boundaries of the Native Territories be finally demarcated forthwith, and that thenceforward the local legislature in Kenya shall have no jurisdiction in any questions dealing with the territorial rights of the inhabitants of these reserves, but that these native lands shall be held in trust for the native inhabitants of the country by the Governor of Kenya acting as High Commissioner of Native Affairs, directly responsible to His Majesty's principal Secretary of State for the Colonies.

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2. That in the event of any further step towards self-government, such as an unofficial majority, being granted to the Colony, native affairs shall remain a subject reserved to the Crown until such time as the local legislature is considered capable of control of native administration.

This will enable the Secretary of State to keep final control over such matters as the incidence of native taxation and labour policy.

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This will enable the Secretary of State to keep final control over such matters as the incidence of native taxation and labour policy.

3. That, in view of the safeguards to native rights in Proposals 1 and 2, an undertaking be given that, when Proposal 1 has been carried into effect, or at latest in five years from this date, the European Colonists of Kenya shall be granted an unofficial elected majority on the Legislative Council.

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4. That in the interests of British Colonists and African natives alike, the necessity of controlling Asiatic immigration be admitted, and that a law be passed forthwith, the wording of which shall not differentiate against any of His Majesty's subjects, nor be calculated to exasperate Indian opinion unnecessarily, but which will enable strict control of immigration to be exercised.

The law to be framed on economic lines in such a way as to admit immigrants who are required by the trades and industries of the country, and to exclude those whose entry is economically detrimental, more especially with regard to the aspirations of the native African peoples.

in force throughout the country, which was originally initiated to protect native areas from penetration by non-natives.

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6. Separation of all widely differing races of subjects to be the policy in towns and suburbs. This is necessitated by the great divergence in habits and ideals between Africans, Asiatics and Europeans.

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7. British Indian subjects lawfully domiciled in the Colony to be given the right to elect to the Legislative Council two Indian Members on a Communal Franchise, to represent Indian interests in the Colony. The electoral roll to be a common one for all the Indians in Kenya.

A strictly limited number of seats, with a Communal Franchise, is the greatest concession possible ~~concession possible~~ in view of demands of Arabs and Africans, now and in the future; the necessity to limit dilution of the Council to-day, and the fear of undue dilution or domination in the future.

The question as to whether the Arabs should not be given the right to elect one member on a communal franchise, in addition to the Arab civil servant already on the Council, should be seriously discussed. These two Arabs to represent all Arab interests in the country.

Native African policy should be to allow free development of Native Councils to manage native affairs, and the whole of these Councils together, through delegates, might ultimately, if and when it is thought advisable, elect two native members to represent all native interests on the Legislative Council. It is agreed by all that at present nothing but harm can result to the natives from being mixed up in the politics of the country, and a long probation on Native Councils is indicated.

In the meanwhile it is recommended that one unofficial European should be nominated by the Governor to represent native interests on the Legislative Council, in addition to the Chief Native Commissioner who does so at present.

Also that a Central Board be formed to advise on native affairs.

If Indian British Subjects were to be placed on a Common Franchise with Europeans, all the natives and Arabs would want also to be admitted, and it would be extremely difficult to deny it to them, if they could pass the tests, which are not in fact true tests, as to capacity to govern.

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8. It is not contended that there should be any bar in the Constitution to the Governor choosing anyone he thinks is fitted to fill the three unofficial seats on the Executive Council.

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9. That a definite policy be laid down by the Colonial Office for the native territories, under which direct British influence and teaching is to be encouraged in every way by the local administration.

If these proposals are agreed to as a definite foundation on which to base discussion of details, and the details of working them be satisfactorily arranged, the Colony should be able to go forward without the friction that has hindered its development for the last few years.



The question of native territories would be ~~settled~~ settled.

A great obstacle to the Federation of the East African Colonies would be removed.

A settlement on these lines admits the European political status quo, while removing the chief objections to it from the native policy standpoint.

It makes it easier to oppose Indian demands to enter the Colony on the grounds that, the native territorial rights being protected from European aggression, that question is removed from the arena of argument, and the matter can then be considered from the point of view of Indian competition with African native artisans, clerks, shopkeepers, etc., and there can be no two opinions that the Africans must be protected from this competition if they are to reap the results of education and technical training.

Also from the broad Imperial points of view:-

- (1) As to whether British Africa is to be a producer of cotton and raw materials for the factories of Britain, and a market for British goods, or whether this trade is to be diverted to India who is erecting protective barriers against

British trade.

- (2) As to whether in the future British Africa is to be largely influenced or dominated politically by India when it is uncertain as to whether India's future lies within or outside the Empire.
- (3) As to the general effect of unchecked Indian immigration on the future development of the native African races.

It places the franchise on a footing which gives representation to the peoples of the Colony, but keeps the final control of policy in the hands of the British community who are the ~~legal~~ trustees of native interests.

It will be necessary to provide machinery by which Proposal 1 can be carried into effect. It is suggested that this can safely be left to Sir Robert Coryndon, who has had wide experience.

It must be made clear that these proposals are put forward as a whole, and that the European Delegation is not to be understood to agree to any alteration, even in detail, until it has been submitted to them and has been formally accepted.

This does not mean that the European Delegation is not willing to explore all avenues in order to reach a settlement, but only that nothing they put forward must be taken alone out of its context.

of 3500 Kenya



**DRAFT.**

C. Kenneth Archer Esq.

**MINUTE.**

Mr. Archd 2/2/23

Mr.

Mr.

Mr. Davis.

Sir G. Grindle.

Sir H. Read.

Sir J. Masterton Smith.

Mr. Ormsby-Gore.

Duke of Devonshire

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for a settlement of the  
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Indians in the Territory.

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(Signed) H. J. READ