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EAST AFRICA IN TRANSITION

Being a review of the principles and
proposals of the Commission on Closer
Union of the Dependencies in Eastern
and Central Africa

With a preface by
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FOREWORD

THE object which the authors of this booklet have in view is, as stated in the Introduction, to present a careful summary of the issues raised in the *Report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa*,—with which they have embodied brief references to some of the arguments and criticisms which the Report has evoked. Without committing myself to any of the views expressed, I am glad, at their request, to record my opinion that it is a fair and an able summary of the Report, and that the Authors, who prefer to remain anonymous, are eminently well qualified for the task they have undertaken. They have performed a public service by their efforts to secure that the purport of the Report should thus be made accessible—in a briefer and less expensive form than the original—to a wider public, and in particular to those groups in the colleges and universities who are interested in the problems of the Empire.

Broadly speaking the Commissioners raise the question whether the system of Government adopted in Tropical Africa—and not in East Africa alone—is suitable to these vast dependencies, and how the responsibility of Government for their control is to be effectively discharged while allowing latitude for



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the development of self-government by each community. They discuss the means by which the progress of the white and the black races may be complementary and beneficial each to the other in the political, as well as in the economic sphere. On these and other important issues public opinion must be adequately informed, in order that right conclusions may be reached, and I hope that the labours of the authors of this précis will facilitate the intelligent study of, and stimulate interest in, these questions of Imperial responsibility. They affect areas under British control in East and West as large as Europe, and populations numbered in millions ; and will have their reactions on the relations between the white and the coloured races throughout the world.

LUGARD.

June 26th, 1929.



INTRODUCTION

THIS pamphlet is the work of a group, the members of which have studied the *Report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa*.¹ The purpose in view is to present the issues raised by this Commission to a wider public than those who have the leisure to read the Report itself or the previous knowledge required to follow easily its more technical features.

There are two weighty reasons why a briefer and more popular exposition of the main ideas of the Report should be made available for students in British Universities and Colleges and for others who are interested in Imperial and inter-racial questions.

The first is that the Report is a valuable contribution to the study of questions of the first importance in the world to-day. The right adjustment of the relations between different races is perhaps the major problem of the twentieth century. It is in a

¹ This Commission was appointed in 1927. The Commissioners were : Chairman, Sir Edward Hilton Young, M.P. ; Members, Sir Reginald Mant of the India Council, Sir George Schuster, now financial member of the Viceroy of India's Council, Mr. J. H. Oldham, Secretary of the International Missionary Council. The Commissioners spent the first half of 1928 in East Africa. The Report was published in January, 1929. (Cmd 3234."pp. 350. Price 6/-.)



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peculiar sense the concern of the British Empire, which includes within itself a greater diversity of races in more varied stages of development than any political society which has ever existed. In the nineteenth century the great task which had to be taken in hand was the working out of the relation between the self-governing parts of the Empire. The problem which awaits solution in the present century is that of the relations between the self-governing parts of the Empire and those which are not yet ready for full self-government. The problem presents itself in a specially acute and difficult form in East Africa, but the problem with which the Report deals is not limited to East Africa. Action taken there affecting the relations between natives and non-natives will react on all African territories and beyond Africa on areas where coloured and white races are living side by side.

The importance of the Report, in view of the magnitude of the issues involved and of its treatment of them, is recognised. According to *The Times* "the questions investigated and presented by the Commission . . . apply to the statesmanship of to-day a probe as deep and as critical in its way as the events and times which produced the Durham Report, and likely to be as long remembered."¹ *The Round Table* describes the Report as "The best and most profound summary of the fundamental issues of the problem which has yet appeared."²

The second reason why the attention of a wider public than will read the Report itself should be directed to its contents is that important decisions

¹ *The Times*, February 25th, 1929. ² *The Round Table*, March, 1929.



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will have to be taken in the near future regarding policy in East Africa, and the responsibility for taking these decisions rests on the British democracy. East Africa is the chief concern of the Colonial Office to-day and excites more public attention than any other part of our Colonial Empire. It is vital that an informed public opinion should be brought to bear on the issues which have to be faced.

The General Election deferred any full consideration in Parliament of the proposals made in the Report. A debate took place in the House of Lords,¹ but the debate in the Commons is still to come. Meanwhile, Sir Samuel Wilson, the permanent Under-Secretary of State, has been deputed by Mr. Amery "to proceed to East Africa . . . to discuss the recommendations . . . for the closer union of Kenya, Tanganyika and Uganda, and such possible modifications of these proposals for effecting the object in view as may appear desirable, with the Governments concerned and also with any bodies or individuals representing the various interests and communities affected," in order "to ascertain on what lines a scheme of closer union would be administratively workable and otherwise acceptable." Mr. Amery declared that "any proposals for action . . . will, in so far as the present Government are concerned, be submitted to Parliament before any final decision is taken."² This commitment will without doubt be honoured by the new Government.

There is now an opportunity for the electorate to

¹ See *Hansard*, House of Lords debates, March 13th, 1929.

² *Hansard*, House of Commons debates, March 27th, 1929, p. 2427.



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become familiar with the nature of the issues which have to be determined. What the Commission recommends and the reasons for its recommendations ought to be at any rate roughly understood throughout the constituencies. In this, as in most other questions, public opinion is all-powerful if it is truly public opinion. Whatever is done will be done in the name of, and because of the power of, the British people. If bad decisions are taken, if sectional interests succeed in achieving sectional triumphs it will be simply because not enough people in Great Britain have troubled to find out what is being done in their name. The decisions that determined the loss of the American Colonies and the creation of the Dominions belong to the past ; the lines of progress in the non-self-governing dependencies, where we are responsible for the guidance or control of the destinies of millions of subject races, are not yet determined. It rests with this generation to face the issues involved.

The pages which follow are an attempt to state the nature and magnitude of these issues in a form comprehensible to those who are not experts on African questions so that they may have the material on which to base a sane and reasoned judgment on proposals which may well prove a landmark in the history of colonial policy.



CHAPTER I.

FACTORS IN THE PROBLEM

THE SCOPE OF THE PROBLEM

THE problem at the root of the specific questions which have to be faced in East Africa is, in the Commissioners' words, "to discover a basis on which white and black, with Asiatics as well, can live together under conditions of rapid economic change, and with adequate opportunities for political development."¹ Thus a question of human relationship lies behind the economic and political issues dealt with in the Report. The discovery of ways and means by which people of different races and civilisations can develop side by side to their mutual benefit is fundamental to the consideration of both the principal questions before the Commission, namely, "is Federation or closer union between the different territories of Eastern and Central Africa to be adopted as a means to secure more effective co-operation between them?" and "What form of constitution is suitable for those territories in which non-native immigrant communities have become permanently domiciled?"² The issues which have to be faced are not confined to any single dependency.

¹ Report. Page 35.² Ibid. Page 7.



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This is obvious in regard to transport and the unification of certain services. It is equally obvious in the political sphere. "It is not safe," for instance, "to allow policy in Kenya to be framed regardless of what is being done in Tanganyika and Uganda. It should be framed for Eastern Africa as a whole. But more than this, policy for Eastern Africa should be framed with regard to experience and policy in all other territories of Africa. . . This interconnection of interests extends even beyond the limits of the British Empire to all other European Powers who are responsible for the administration of African territories."¹ This essential unity of African problems must be borne in mind. If it is recognised that the ultimate well-being of a community in a given area depends on the recognition of broad principles applicable to a wider area, principles capable of development in terms of varying conditions, a source of much distrust and opposition will be removed. Recognition of this essential unity provides the spacious setting in which alone questions of relationship and development can be faced without the distortion of bitterness and fear. Thus, behind the consideration of particular situations in East Africa, is the Africa-wide and world-wide question of the adjustment of relationships between peoples of different races and the necessity of discovering the principles on which such adjustment is possible. The first step is to examine the factors involved. These factors may be examined under three headings, the nature of the territories, the communities which inhabit them, and Imperial

¹ Report. Page 9.



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responsibility for these territories and communities.¹

THE NATURE OF THE TERRITORIES

The rise of British power in East Africa has taken place within the memory of living man. Whereas our connection with South Africa goes back more than a hundred years, and our connection with West Africa is older still, East Africa was but vaguely known and explored by white men until the latter half of the nineteenth century. A compound of various motives lay behind the process by which territory in East Africa became a charge of the British Parliament. Desire to suppress the extensive slave-trade carried on by the "Arabs" of Zanzibar and the Eastern littoral, protection of missionaries, the ambition to secure for Great Britain a share in the potential wealth of the area, responsibility, in regard to our relations with Egypt, for control of the Nile Sources, above all the gradual realisation that, as exploration advanced, the choice lay between the irresponsible private activities of individual white men or companies and the deliberate intervention of the British Government led first to control by a chartered company and, finally, by the turn of the century, to full assumption of responsibility by the Crown. After the war, Tanganyika, formerly German East Africa, was committed to Great Britain under a mandate from the victorious allies, thus adding an area larger than Uganda and Kenya together to territories in East Africa already under Crown Colony Government. These terri-

¹ See Report. Chap. II.



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territories now comprise : Kenya, Uganda, Tanganyika, Zanzibar, Nyasaland, Northern Rhodesia.¹

The territories considered in this pamphlet—Kenya, Uganda and Tanganyika—have an area of 692,114 square miles, or about six times that of the United Kingdom, with a population of 10,087,909.

Their character is diversified, including areas of great fertility and of great aridity. Climatic conditions vary from tropical heat in the lowlands to low temperatures in the highlands. The main economic interest of the area as a whole is agricultural. At present the principle export crops produced by immigrant enterprise are coffee, sisal, maize and tobacco, while the chief exports of native production are cotton, maize, ground-nuts, tobacco, coffee and hides. The extent of the world's demand for these commodities is a ruling consideration which has to be taken into account in estimating opportunities for development.

THE COMMUNITIES WHICH INHABIT THEM

I. *The Native Peoples.*

The native peoples in the three territories constitute over 99 per cent. of the population, the white races and Asiatics together numbering less than 1 per cent. They are divided into tribes which vary in capacity and in ways of life. The Baganda in Uganda, for example, are a highly organised people, while, on the other hand, many of the tribes of Kenya and Tanganyika are low in the scale of civilisation and are without any adequate organisation of government. Even the best organised of

¹ For area and population see Appendix I.



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the native races could not maintain themselves in the modern world against the disintegrating activities of stronger peoples if they were not themselves under the protection of a strong power. And these activities have vastly increased in recent years and will inevitably increase still further in the future. As each successive invention has made tropical products more valuable to the world, so it has become more certain that a nation or a group of individuals would seek that wealth. It is not in the realm of practical politics to isolate the African peoples from outside influences. The modern world presses upon them for good or ill. The population of the three territories is only two million more than the population of Greater London. It is a country of vast spaces and of great potential wealth to which the world will not be denied access.

On the British people, therefore, through their Parliament and Government, has fallen the duty of protecting those races which cannot protect themselves. And this duty, since it can never be fulfilled by merely negative safeguards, has involved the positive task of fitting these peoples to hold their own under the conditions created by the sudden pressure of the modern world.

This raises the fundamental question of the capacity of the African for progress. Tribes vary in customs, in physical type, in the degree of social development attained, so that generalisations are both difficult and dangerous. It is true to say that "there are no strictly scientific grounds on which a judgment regarding the degree of progress of which African peoples are capable can be based. All that



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we have to guide us are the broad facts of history and of personal experience, and it is not surprising that opinions should widely differ. Those whose contact has been chiefly with raw natives employed as labourers may easily form a low estimate of their capacity for progress. It is true also that the Bantu peoples have never evolved an advanced civilisation of their own. They have never reduced their languages to writing. They have not made roads. One may travel through the length and breadth of tropical Africa without coming across any permanent building or monument of the past which has been constructed by them.”¹ Yet these facts are not necessarily decisive for the future. Under the pressure of new forces, no one can tell to what level the African peoples are capable of advancing. They have in the past produced leaders of marked ability and statesmanship such as Moshesh, Khama and Lobengula ; in South Africa there are 14,000 natives on the electoral roll of Cape Colony ; in West Africa they play an important part in the political development of the country. Throughout Africa education is advancing and an increasing number of natives are in touch with new ideas through the medium of the schools and of the press. Perhaps most important of all, the security of life, and the introduction of railways and roads have facilitated movement from place to place, and enlarged the horizon and profoundly changed the outlook of hitherto secluded tribes.

Economically, the native peoples are the dominant factor. What is produced in Eastern and Central

¹ Report. Pages 15-16.



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Africa is produced largely by their labour. Their co-operation is essential in any scheme of development, and there is striking evidence as to the capacity of some of the tribes to produce export crops. In 1925, for example, Uganda exported about 180,000 bales of cotton worth over £4,000,000 practically all produced by natives working on their own account. In 1927 the value of exports from Tanganyika produced entirely by natives was estimated at about £1,200,000.¹ The economic development of the native peoples means not only an increase of food-stuffs and raw materials for the world but also a market for manufactured articles in Africa which will increase as the African peoples attain to a higher standard of life and have money to spend on manufactured articles imported from without.

There are those who appear to think that work which is humane must be disinterested. British intervention in tropical Africa is humane but does not claim to be disinterested. The increase of native productivity and of native skill is profitable to the native, but it is also profitable to those with whom he trades. We know that in developing civilised men we are also developing customers and that increased imports of British manufactures is one of the first results of natives earning money. Most political developments are due to a mixture of disinterested and interested motives and East Africa is no exception to this rule. A real passion for justice lay behind the occupation and administration of areas devastated by the slave trade; a desire for markets or for raw material lies behind commercial ventures. We

¹ Report. Page 18.



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have undertaken a civilising mission, in which disinterested and interested motives exist side by side. This does not make it cease to be a civilising mission, but it does create the need for special vigilance at home. Those who administer these territories are being continually subjected to the pressure of the commercial interests of planters and traders, many of whom readily believe that what is to their own financial advantage is also to the benefit of the African, who are apt to confuse the two things in the convenient phrase, "the good of the country."

It is evident from what has been said that the native peoples are a factor of central importance in the whole problem, and that "a far-sighted policy must take account not merely of what they are to-day, after only one generation of contact with Western civilisation, but of what they may become after two or three generations of education."¹

II. *The European community.*

If the political problem of East Africa were simply to find the form of government best suited to secure the progress of civilisation and economic strength of the African tribes there, it would be comparatively simple. But the essential character of East Africa is that it has become the home of more than one race. Unlike South Africa, it is a tropical region; unlike West Africa, it possesses highlands where men from the temperate climates of Europe can live in comfort. Since the beginning of the century settlement in the Kenya highlands has gone on. It is estimated that there are to-day in Kenya slightly over two thousand

¹ Report. Page 18.



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permanent white settlers who, with their wives and children, make up a distinct community of their own.¹ These, and a sprinkling of settlers in other areas of East Africa, form an important section of the white community, of which Government officials, missionaries, and the salaried officers of trading and planting companies comprise the other elements. "Western civilisation is present in . . . three distinct forms, and it is important for our subject that the distinction should be kept clearly in view. This will enable us to avoid the mistake, which is sometimes made, of identifying white civilisation exclusively with European settlement; or on the other hand, of supposing that it is only when settlement takes place that there is a conflict between the interests of natives and non-natives. In the first place, in the activities of Governments and of Christian missions, the relation of European civilisation with the native peoples is largely paternal. Its functions are those of ruler, guide, educator. Secondly, it is present in Africa in the form of European capital, initiative and enterprise directed to the exploitation of the natural resources of the territory, without any attempt on the part of its agents to establish themselves permanently in the country. Thirdly, in those parts of Africa where climatic conditions are suitable, its representatives are Europeans who seek to set up their homes and to create a society in accordance with their own traditions and ideals. All these are alike the expression of white civilisation; it can be identified exclusively with none of them."²

¹ Total European population, 12,529 including 1,772 officials in addition to traders and missionaries. See Appendix I.

² Report. Pages 18-19.



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The total number of Europeans in Uganda, Kenya and Tanganyika—the three territories whose closer union is proposed to-day, and to which the term East Africa will be confined in the pages that follow—does not reach twenty thousand all told, or several thousand less than the population of Hartlepool. Most of them are temporary residents. The white element is, therefore, numerically small. Nevertheless, it plays a highly important part both in the economic and the political development of Kenya where the majority is congregated, an area which since 1920 has been constituted a colony.

Settlement was originally encouraged by the British Government. The officials of the Foreign Office, and in particular Sir Charles Eliot, from 1902-1905 Commissioner for East Africa, found themselves in control of an area too large for the requirements of the native tribes and suitable for white settlement. The spheres of Germany and Great Britain were divided by a boundary which is now the frontier between Kenya and Tanganyika. In an atmosphere of international rivalry, the Foreign Office presumably desired to bring about as quickly as possible some measure of effective occupation of the British sphere and realised that Great Britain enjoyed an important advantage in holding most of the highlands where Europeans could settle. For Englishmen an inducement to settlement has been the prospect of a country life in a good climate with plenty of sport, riding and shooting, and broad acres cultivated with the help of local labour. The reality has proved sufficiently strenuous, but a number of



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the early settlers, particularly those who came from South Africa, have found little to regret.

From the start the development of this white settlement in Kenya has depended on the supply of labour more than on anything else. Without cheap and abundant native labour profits are hard to come by, and the Kenya settlers are naturally and deeply alarmed whenever they think that Government, instead of setting itself to supply their essential need, may concentrate on setting up the natives in business for themselves, as is the policy in Uganda and in Tanganyika ; for the black man can manage without the white settler, but the white settler cannot manage without the black man. This is the root question which occasionally leads to hasty and violent statements in Kenya, statements which, when telegraphed to London, occasion indignant protests. The protests are telegraphed back to Kenya, and cause fresh annoyance, helping to build up an altogether distorted picture of the lack of sympathy in Great Britain for the colonists of Britain's youngest colony.

It must, at the same time, be admitted that the white settlers sometimes fail to recognise that this colony is after all a responsibility of the Imperial Parliament and so of the British electorate. It is because Great Britain is a great power, able to negotiate and defend, that it is possible for individuals to go out to places like East Africa with a large measure of security. The settler communities have a very keen sense of patriotism, but like most Englishmen, they tend to distrust officials, and believe that public opinion at home is ill informed,



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indifferent or fanatical about the problems which they are facing. Though the spokesmen of the settlers are often more politically minded than those they represent, there does exist a definite settler feeling on public questions which envelops newcomers to the colony like the spirit of a college or a regiment. The frame of mind often met with in conversation with settlers may be indicated as follows: "The claim to voice public opinion is habitually usurped by small groups of men, and it is our great fear that, as we have no votes in the English House of Commons, our interests will be sacrificed by indifferent politicians in response to the clamours of those critics at home who enjoy proclaiming principles which cost them nothing but us a great deal. We know the African native as our critics do not. He is often spoken of as though he needed nothing but kindness and sympathy and as though the centuries of force and fraud which make up his tribal history had not left him with mental habits that result in an equal need for discipline."

There is accordingly ill-ease among the settlers in Kenya which anyone who has a little imagination can well understand. Thinking themselves misunderstood and belittled at home, they feel that as long as the government of the colony is supervised by politicians in London they can never be secure, and there is in fact a ceaseless movement among them to get the control of the administration into their own hands, or at any rate to obtain sufficient control so that no policy directly harmful to their interests can be carried out. This movement has created the political problem in East Africa.



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The question of white demands for native labour has tended to be so prominent when Kenya is mentioned in the English Press, that other aspects of white settlement have been lost from sight. The white settlers claim not only that they were encouraged by official authority to invest their capital and devote their lives to the development of a new colony, but that their presence produces benefits to the native peoples. Many activities demand capital and machinery which native organisations could not possibly supply. Economic development brings with it revenue, and the richer the colony the more its Government can do for all the people in it. The white settler contributes a valuable element to the life of the colony, and those who intend Kenya to be their children's home have every reason for desiring high standards of life and conduct to prevail.¹

There is one fact, however, the force of which the permanent settlers, not unnaturally perhaps, are slow to recognise—namely, that white settlement in the tropical highlands is still an experiment.² The best medical authorities hesitate to commit themselves until there are more data by which to judge whether children can be healthily reared and whether deleterious effects from the climate will not show themselves in the second or third generation. It seems probable, on the whole, that white settlement will never reach any very large dimensions. Medical science may extend somewhat the area in which white men can settle in comfort, and there may well be an increasing sub-division of the existing very

¹ Cp. Report. Pages 19-21.

² Ibid. Pages 21-25



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large estates, whose owners have generally more land than they can cultivate. The present figures of settlement may be greatly exceeded. But there is little prospect that the white races will ever be, numerically, more than a fraction of the population.

One check on their expansion is of great importance. At present the settlers are, as a class, men with capital behind them. They rely on native labour and native skill, and it is forthcoming at a price at which no white man could live. Natives are being trained as carpenters, blacksmiths, masons, engine-drivers, motor-drivers, and railway workers, and the climatic conditions make a colour bar, which would reserve special trades to white men, out of the question. Unless, therefore, a white man has money of his own or special qualifications which enable him to fulfil a responsible post, there is, under present conditions, no living for him in Kenya. But when the first generation of pioneer settlers has given way to a generation born locally, the "poor white"—the man who lacks the money or ability to keep in the white man's sphere—is bound to make his appearance as he has done everywhere else, alike in the Southern States of the United States of America, in South Africa, and in the South Seas. The poor white is not only an economic problem, he is also a bad influence, poisoning the relations of white and black communities living side by side. It is of the utmost importance that this class shall not appear in any considerable numbers in British East Africa, and this danger is a strong reason for keeping white settlement within limits and at a high level of individual competence and capital.



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III. *The Arab Community.*

In the days of their prime as a fighting and conquering race the so-called Arabs from the Persian Gulf invaded and colonised the islands and coast of East Africa. Their traders occupied the sea-ports and pushed their trade, which was mainly in slaves and ivory, deep into the interior up to and beyond the Great Lakes. This Arab settlement in Africa was once ruled by the Sultan of Muscat, and later by the Sultan of Zanzibar, who, when the British and Germans began to take an interest in East Africa, still claimed a shadowy sovereignty over most of what is now Tanganyika and Kenya. His dominions are now limited to the Islands of Zanzibar and Pemba, which constitute an Arab Sultanate under British protection, and to a ten-mile strip of the Kenya coast, which is leased to the Kenya Government and called the "Kenya Protectorate" to differentiate it from "Kenya Colony." With the coming of the Europeans and the abolition of the slave-trade and of the slave labour by which their clove plantations were cultivated, the wealth and position of the Arabs has declined. But they still constitute the landowning aristocracy of Zanzibar, and numerous descendants of the Arabs of a greater day are scattered all down the coast.

IV. *The Indian Community.*

Indian traders from the Bombay coast have been in touch with East Africa from early days ; and since the European occupation, both in Kenya and Tanganyika, Indian immigrants have established them-



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selves as clerks, railway employees, and artisans, and have more or less monopolised the retail trade among the Africans. The Indian population in Kenya is not likely to be largely increased from outside, since, among other reasons, the African is now a capable competitor in many of the spheres in which the Indian formerly held a monopoly; but it is, as it stands, an important constituent in the life of the colony. The Government of India takes a keen interest in its treatment. It is now understood in India that the attitude of the self-governing Dominions towards Asiatic immigration is one which the Imperial Government has no power to control, but the test of the sincerity of the Imperial Government is how it behaves to Indians in the Crown Colonies. Indians naturally judge the value of their membership of the Empire, which is constantly being preached to them as a great advantage for India, by the welcome they receive and the rights they enjoy in the Imperial possessions outside India itself.

IMPERIAL RESPONSIBILITY

It must, however, be admitted that the rights and interests of the European and Asiatic newcomers in East Africa are a subsidiary question in the face of the fact that the overwhelming majority of the population are Africans who have no other possible home except East Africa: and this has, indeed, been repeatedly and explicitly recognised by the Imperial Government. But we are pledged to respect the priority of the Africans' claim by something more than White Papers and parliamentary declarations. Tanganyika, which covers more than one-half of the



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area of the three northern territories, is administered by His Majesty's Government under mandate. The terms of the mandate are :

“ To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

“ The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience, or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.”

The Commission point out that :

“ It is implied in these provisions that the interests of the native inhabitants must be the determining consideration in the framing of policy and in the administration of these areas. The Mandate for Tanganyika provides in particular that the Mandatory ‘ shall undertake to promote to the utmost the material and moral well-being and the social progress of the inhabitants ’ ; and that ‘ in the framing of laws relating to the holding or transfer of land, the Mandatory shall take into consideration native laws and



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customs, and shall respect the rights and safeguard the interests of the native population.'

"The standards of administration so imposed are no higher than those which His Majesty's Government have imposed on themselves. . . . The new factor introduced by the Mandates system is that the administration of backward areas, more particularly in Africa, is to a greater extent than previously brought under public scrutiny."¹

It need scarcely be said that the obligations imposed by the fact that Tanganyika is a mandated territory are not for a moment overlooked by the Commissioners where they recommend that Tanganyika should share with Kenya and Uganda in the advantages to be derived from the establishment of a Central Authority. On the contrary, they quote the clause of the mandate itself which authorises a procedure for Tanganyika similar to that which has been carried out, under similar authority, in the association of the mandated territories of the Cameroons and Togoland with Nigeria and the Gold Coast. The text of the clause is as follows :

"The Mandatory shall be authorised to constitute the territory into a customs, fiscal and administrative union or federation with the adjacent territories under his own sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this Mandate."² It was obviously impossible for the Commission to recommend any measures which would go beyond or conflict with the provisions of that clause ; but,

¹ Report. Page 34.

² Ibid. Page 223.



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In view of possible misunderstandings on the part of critics, at home or abroad, who take a special interest in the strict operation of the mandate system in accordance with the intentions of its creators, it must be categorically stated that the conditions of the clause are not infringed, in letter or in spirit, by any of the Commission's proposals. It will be seen in later chapters that the Governor-General, under the scheme recommended in the Report, will have the power to do nothing which the Secretary of State has not the power to do at the present moment in all three territories. Further, no measures of unified administration will absolve the Government of its existing duty of presenting to the Permanent Mandates Commission of the League of Nations an annual report as to the manner in which it is fulfilling its trust in Tanganyika as a distinct territorial entity. In fact, since one of the main purposes of Closer Union is to ensure a greater measure of uniformity and consistency in the basic principles of native policy throughout the whole of British East Africa, the inclusion of Tanganyika, so far from weakening the force of the mandatory obligations, will tend rather to confirm the spirit of those obligations in the administration of its neighbour-territories.



CHAPTER II

NATIVE POLICY

THE DUAL POLICY

A STUDY of the factors outlined in the last chapter leads to the conclusion that "The basis of a satisfactory treatment of the problems of government in Africa must be a definite policy for . . . the fulfilment of the Government's trust for the natives and the regulation of the relations between the native and the immigrant communities."¹ Government has on the one hand permitted immigration and alienation of land in Kenya to non-natives, and, on the other hand, has declared itself the trustee for native interests. This "complementary development of native and non-native communities" has been called the "Dual Policy."²

An essential principle of this policy is that native advancement should be an end in itself. To this Government is already committed, not only for Tanganyika by the terms of the Mandate, and for Uganda by a policy developed over a lengthy period, but for Kenya by more than one pronouncement. The White Paper of 1923 states, "Kenya is an African territory, and His Majesty's Government

¹ Report. Page 35.² Ibid. Page 5.



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think it necessary definitely to record their considered opinion that the interests of the African natives must be paramount, and that if, and when, those interests and the interests of the immigrant races should conflict, the former should prevail.”¹ The White Paper of 1927 reaffirms these principles and makes it clear that native advancement must include progress on political lines.² In the opinion of the Commission, “the creation and preservation of a field for the full development of native life is a first charge on any territory.”³ The Government, once this field is created, has to assist the natives to develop within it. Settlement is possible if it is so regulated that it does not interfere with this development. Once settlers are established, responsibility for their welfare is added to Government’s responsibility for the native peoples. Settlers are surrounded by huge areas inhabited by natives, for whom the proximity of a more advanced civilisation precipitates changes of life and custom which lead inevitably to demands for economic and political advancement. The well-being of all communities depends on understanding the nature of essential native interests, on the recognition of which both the adjustment of relationships between native and immigrant communities and the advancement of the native peoples will depend.⁴

LAND

The native would probably put land first in a list of essential interests. It was the opinion of the Parliamentary Commission which visited East Africa

¹ Cmd. 1922.

² Cmd. 2904.

³ Report, Page 40.

⁴ Ibid. Pages 36-41.



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that, "there is probably no subject which agitates the native mind to-day more continuously than the question of their rights in land, both collectively as tribes and individually as owners and occupiers."¹ Broadly speaking, a land policy has already been laid down. The boundaries of native reserves in Kenya have been gazetted, and there is little prospect of non-native settlement in the greater part of Uganda; but the disposal of vast areas in Tanganyika and of some areas in Kenya still hangs in the balance.² There are divergent views on the handling of land in native areas and provision for natives who wish to hold land by individual purchase has still to be made.

Adequate areas of land for native occupation are obviously essential; and it is undoubtedly the duty of Government to see that enough land—measured not merely by square miles, but also by its suitability and fertility—is reserved for the present population with a reasonable margin for future expansion. But, however generous the allowance may be, a time will come when increase in population will make it insufficient so long as primitive methods of agriculture continue; intensive methods of agriculture and, eventually, the introduction of other forms of employment will then be necessary. This is an inevitable transition for all civilised communities, and the African peoples will have to be fitted by education to make it. But the change is gradual and involves a period when, according to European standards, there is much waste of potential wealth in native areas. The fact of this waste is not an argu-

¹Cmd. 2387.

² See Appendix I.



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ment for the alienation from native areas of land which is not being developed to the full, but rather for stimulating and improving the natives' capacity to develop it themselves. The figures given in the preceding chapter for export of commodities produced by natives show the progress which is being made in this direction.¹

When the boundaries of native areas have been fixed, it is of the first importance that the title to occupation should be secure. "This is a matter on which we feel it essential to avoid any shadow of ambiguity," say the Commission. "The fixing of boundaries of native reserves is rendered necessary as a preliminary to the release of other areas for alienation. A Government which proceeds to such a measure should recognise that it is to the areas outside the native boundaries that it must look for economic development by settlers and that within the native boundaries it must rely primarily on native activities. The decision to make a separation between the two must be regarded as an irrevocable step which has been taken once for all, for better or for worse."² Uncertainty of land tenure inevitably shakes native confidence in the administration. Any programme of alienation of land to immigrants should, therefore, be prefaced by inquiry into the amount of land available without interfering with areas which have been or should be set apart for native occupation, into the agricultural and economic possibilities of such land, and into conditions affecting the native labour supply, in order that the rate at which new settlers are

¹ Report. Pages 48-49.

² Ibid. Page 51.



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introduced may be determined with reference thereto.

The distribution of native and non-native land areas will have to be governed largely by practical considerations. One of these is the importance of sufficient segregation to allow for the development of homogeneous native and non-native communities, in which each may develop on its own lines and within which local and municipal government may be fostered. Homogeneous areas will be largely free from the difficulties of government which confront a mixed community, and they will also afford valuable opportunities for political education, essential for the future well-being of the whole territory. A certain number of natives will settle permanently outside the native areas, but any land policy which forces this process is a menace to both native and non-native communities.¹

The Commission hold, further, that the development of native and non-native communities side by side is only possible if the settlers are men with the experience and resources necessary for success, and of such a character that they will deal justly with the native. They, therefore, consider that Government should take responsibility for the selection of settlers and for the regulation of the rate of settlement.²

ECONOMIC DEVELOPMENT INCLUDING TAXATION AND GOVERNMENT SERVICES

It is important to ensure that taxation be equitable and that an adequate return be made in services

¹ Report. Pages 49-53.

² Ibid. Pages 53-56.



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the taxes which the native peoples pay. This means that some calculation should be made of the total they contribute, and that, after a reasonable deduction for the cost of the general services they receive, the balance should be devoted directly to their benefit. Methods of taxation need to be reviewed and adjusted periodically. The poll and head tax, for instance, are only suited to people in primitive stages of development. A comparative study of taxation throughout Eastern and Central Africa should be undertaken in order to benefit by the combined experience available.

The native should be given every opportunity to realise his economic opportunities. To this end Government assistance is needed in the services of the agricultural and veterinary departments in planning policy and in giving assistance in the production and marketing of crops. It is important to guard against preferring one community to another in the policy of development adopted, and in the distribution of medical, agricultural and other officers. Coffee growing furnishes a small example of divergence in policy. In Kenya natives are not encouraged to grow Arabica coffee, while in the adjoining territory of Tanganyika they may do so with considerable profit.¹ It is desirable that enquiry should be made into divergences of practice of this kind with a view to some consistent policy. The distribution of officers also varies widely. In Kenya, for instance, less attention is given by agricultural and veterinary officers to the native areas than in Tanganyika. The Commission point out that "When

¹ Report. Page 62.



two communities at different stages of political capacity are partners in the life of one state, it needs a strong sense of equity and ceaseless vigilance to ensure that no advantage is taken of the weakness of the more backward.”¹

LABOUR

The question of labour ranks next in importance to that of land. Non-native communities, on the one hand, are dependent for the success of their enterprises on native labour, and their demands, if excessive, may seriously disorganise native society; on the other hand, the development of areas, occupied by Europeans, by the help of natives may, if properly regulated, confer benefits, such as regular habits of work and practical experience of advanced methods of agriculture, on the natives themselves as well as on the non-native community. Government has to hold the scales between the communities with regard to the supply of labour, the conditions of service, and the welfare of the wage labourer. This is necessary because in early days of contact with Europeans the natives cannot understand or protect their own interests. There is danger, on the one hand, that chiefs and headmen may use illegitimate pressure in the recruitment of labour, and on the other, that the advancement of the natives may be delayed by lack of stimulus from without.

A labour policy in the best interests of the natives is bound up with a satisfactory land policy and with adequate provision for development in native areas. A sufficient allotment of land to grow crops both for

¹ Report. Page 59.



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food and for saleable produce wherewith to pay his taxes ensures that the native need only accept employment by his own choice, and makes it possible for him to refuse inadequate wages or unattractive conditions of service. The control of the influx of settlers and of the alienation of land regulates the demand for labour and the effect of this demand on native life. The whole structure of native policy would be endangered if natives were absent from their villages in such numbers as to interfere with the continuance of family and tribal life. In addition to this a grave problem would arise in the future if there were allowed to grow up outside the reserves a landless proletariat free from the discipline of tribal life but finding no scope for advancement in the new society.

Development in native areas will result in improvement in the quality of native labour willing to work on non-native areas, and will eventually compensate for the decrease in quantity. At present wastage through inefficient labour is great.¹

EDUCATION

Economic, social and political advancement depend on the growth in capacity and intelligence of the whole population, of which the natives constitute 99 per cent. The education of the majority of the population is, obviously, a matter of cardinal importance for the well-being not only of the native peoples but of the other communities. A just criticism of much education in Africa is that it has been a transplantation of educational ideas which

¹ Report. Pages 63-72.



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have been proved unsound and have, consequently, been discarded in the West. In the light of the best educational principles, as they are understood in Europe and America, education must be adapted to life. This means in terms of Africa that education should help the native peoples to live a better life in African surroundings. The Commission recognise this when they explain that in speaking of education they have in view "not merely formal or scholastic education, but also the teaching of habits of industry, of better agricultural methods, and of ways of improving hygienic conditions and the standard of living."¹ Unless educational policy is based on this broad conception the African people will be limited by antiquated systems now discredited in Europe and America.

Since the Government is committed to promoting the welfare and advancement of the people in every way, it must be one of the aims of education to open to Africans the opportunity of advancing as far as they can and to place at their disposal all the stores of western knowledge. It must be strongly emphasised that there is not, and cannot be, a desire to put any limits to the educational progress of the African. Practically, however, at the moment the education of the masses and the consequent raising of the level of the general life of the people has the more immediate claim on attention, though, again, this task of raising the masses involves the creation of African leadership so that in time there will be a vast army of African teachers, agricultural instructors, and doctors, etc.

The education of women as well as of men is, of

¹ Report. Page 72.



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course, essential for the progress of African communities.

NATIVE ADMINISTRATION AND POLITICAL INSTITUTIONS

The terms of reference direct enquiry as to how the Dual Policy can best be applied in the political as well as the social and economic evolution of the native people. Homogeneous native communities provide the stage on which this evolution is possible, first in terms of local self-government, and then over larger areas. In encouraging this development the ethnological and traditional relationship between tribes must be kept in mind as a safeguard against premature unification or a too rigid uniformity in forms of local self-government. The advantages of this policy are fourfold : it is built on native foundations ; it provides education in government ; it is a practical method of administration, for it is impossible to provide a sufficient number of British administrative officials to conduct the business of the whole country ; and finally, it gives opportunity for political self-expression and so reduces the likelihood of political agitation.¹

The development of native self-government in the three territories up to the present time reveals striking differences. The native administrations of Uganda and Tanganyika have judicial as well as administrative powers, which are denied them in Kenya. Another substantial difference lies in the degree of financial responsibility they exercise. A larger measure of financial responsibility rests on the

¹ Report. Pages 75-76.



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native administrations of Tanganyika and Uganda than on those of Kenya. It is true that the various forms of tribal government and the different stages of development of the native people have to be taken into account in deciding the degree of responsibility which can be placed on any group at a given moment, but, in order that it may be an effective instrument of political education and advance, the responsibility given must be real responsibility and should operate, whenever possible, both in the judicial and in the financial field.¹

Self-government in local and tribal affairs, however fully it may be developed in the light of experience, will not satisfy for all time the aspirations of the native peoples. It is therefore necessary to consider the share they will ultimately have in the wider spheres of government. In this connection the following considerations have to be taken into account. "First, it is possible that African native society may never become adapted to representative institutions in the form in which they have developed in the British constitution, nor may it be possible to apply representative parliamentary institutions, which are founded on the basis of a single homogeneous community, to States containing European and native communities side by side. Secondly, it is certain that, even if such institutions may ultimately be adapted to African conditions, the natives require a long period of preparation and experience before they can be qualified to take their place in them."²

One line of development is that of a Native

¹ Report. Pages 76-78.

² Ibid. Page 79.



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Advisory Council in each Territory, parallel to the Legislative Council.¹ The Commission hold that :

“As far as concerns any of the territories with which we are dealing, the day is still far distant when representatives of all the various tribes could meet in a common council, so that such a plan lies beyond the region of any practical proposals which we can now make. But it is necessary even during the first steps to consider the general direction of advance, and for this purpose to devote some thought to more distant possibilities. It appears to us that there would be certain dangers in a native advisory council for a whole territory. In a country like Kenya, where there is a strong immigrant community, such a body might emphasise and exaggerate the divergence between native and non-native interests, and create an impression in the minds of the natives that their views did not find adequate expression in the Legislative Council. In the end it might tend to unite native opinion in opposition to the Government, while the existence of so important and formal a council might lead to difficulties if the Government had to decide contrary to its advice.”²

The difficulties in the establishment of an Advisory Council as a parallel institution do not nullify certain ideas of great value in the proposal. The Council would give the traditional native leaders opportunity of asserting their proper influence and authority, whereas native representation in a joint Legislative Council might afford opportunity for the glib poli-

¹ Cp. “Representative Forms of Government” and “Indirect Rule in British Africa,” being chapters of a new edition of *The Dual Mandate*, Lord Lugard. Blackwood and Sons, Edinburgh.

² Report. Page 81.



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...tician, not truly representative of the native peoples and often opposed to their traditional leaders. The Council would provide means of consultation in all legislation affecting native interests. Some of its possibilities are illustrated by the Native Council in the Transkeian Territory of the Union of South Africa.

The Commission recommend that it should be the settled policy of the Government to consult native opinion on legislation affecting African interests through native councils, and hold that experience will have to dictate the advisability of convening a more widely representative body. Informal councils will probably lead eventually to the creation of new machinery adapted to local conditions. Action on these lines is already being taken in certain places and an advanced organisation exists in the Kingdom of Buganda. A survey of actual conditions preparatory to formulating any co-ordinated plan is recommended.

It is recognised that these proposals involve treating the natives in a special manner, and keeping them out of any position which exactly balances that of the other communities, at any rate for a long time to come. The Commission state that :

“ It is not inconceivable that in the distant future the black races may rise to such a high level of civilisation that their interests will be fused with those of the immigrant communities. If white and black can some day meet on equal terms, intellectually, socially and economically, the racial and economic antagonisms may be merged in a community of interests which will admit of some form of



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free representative government. That is an ideal to which, though many would consider it visionary, we would not close the door. Nevertheless, while we most certainly would not accept any assumption that the white races must remain permanently superior to the black, it appears to us safer to contemplate that to whatever stage of civilisation and development the African native can advance there may remain fundamental differences of outlook which will express themselves in a division according to racial lines on certain political issues. If this is so, then in the conditions which are likely to prevail in Eastern and Central Africa it appears that it would never be satisfactory that one racial community should be empowered by the constitution to impose its will on another, merely by virtue of the possession of a majority of votes in an elected assembly."¹

The two ideas which may give guidance in this situation are, first, that of parallel rather than fused political development for natives and non-natives, and secondly that of preserving for the Imperial Government the position of an impartial arbiter in cases of conflict of interest which cannot be settled by mutual agreement. These ideas, in so far as Kenya is concerned, will be examined more fully in the next chapter.

It is clear, in conclusion, that no final decisions can be taken as to the practical steps required for the development of a wise native policy until a fuller knowledge of the subject has been acquired. Organised research should be set on foot in each territory as to the methods by which the interests of the

¹ Report. Page 84.



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natives can best be promoted ; and the results of such research, including, of course, the experience of the departments concerned, should be co-ordinated and embodied in annual reports. Nowhere is new light and new thought more needed than on the complementary development of native and non-native communities, especially in the political field, where greater knowledge and experience may lead to the discovery of new methods of government. Two vital points, however, are self-evident from the outset. First, the principles of native policy, whatever variations in practice may be natural and indeed desirable in different areas, should be fundamentally consistent throughout the territories. Measures of mere expediency or a vacillating or contradictory policy in one area or another will prevent the native peoples acquiring that sense of confidence and security on which their own progress depends. Secondly, the more advanced communities must recognise, as many of their leading members do, that the advancement of the natives is not only required in the interest of the natives and as an end in itself, but is also essential to the welfare of the whole country and all who live in it.



CHAPTER III

THE POLITICAL PROBLEM IN KENYA

CROWN COLONY GOVERNMENT

IN order to understand the political problem in Kenya it is necessary to have a clear idea of the existing system of administration. Throughout East Africa this follows the ordinary model of Crown Colony Government. Uganda, Kenya and Tanganyika are each ruled by a Governor appointed by the King on the advice of the Secretary of State for the Colonies. The Governor is responsible to the Secretary of State, and the Secretary of State is responsible to Parliament. The Colonial Office accordingly exercises a fairly close control over a Governor's actions, though the extent of this control varies. As a rule the Governor works through an Executive and a Legislative Council. The Executive Council usually consists of his principal lieutenants, the officers responsible for the different departments, health, education, land, public works, and so on. In Kenya, in addition, some non-official members sit on the Executive Council. It may be roughly compared to the Cabinet at Home. The Legislative Council consists of these same officers and also, in most colonies, of unofficial members representing the



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local communities. It meets to discuss and decide upon bills, including the bills which grant supplies, and can discuss by way of motion matters of public interest.

The purpose of unofficial representation in a Legislative Council is to ensure that the Governor shall hear the views of persons whom the proposed legislative or executive action may affect. In Kenya representatives of the Europeans, the Indians, the Arabs, and the natives all sit on the Council, but they are not so numerous as the official members, and so, though they can speak as they please, they cannot out-vote the Government.

There is a regular sequence in the development of these councils all over the Empire. First there is a demand, gladly acceded to, for representation, the Governor nominating the representatives. Then, as no representatives ever please the people they represent, there is a demand that the choice of them shall rest not with the Governor but with the community represented, and it is difficult to withhold this change. The Kenya Europeans on the Legislative Council, eleven in number, are all elected by constituencies of white settlers. But unofficial members of legislative councils, whether they are nominated or elected, have no function except criticism and tend to grow restive.

Once the elective principle is introduced it is only natural for the electors and their representatives to desire to have their wishes carried into effect and to chafe against subjection to a majority of officials who must vote with the Government. Hence the demand grows in strength that the elected



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members should be in a majority in the Legislative Council. When this is agreed to, deadlocks are apt to arise between the Legislative Council and the Executive. The former can paralyse the latter by refusing to vote supplies or by voting against the legislation proposed by the Government. On the other hand, since it cannot dismiss or direct the Executive, it cannot ensure that its own policy is carried into effect. In this way the normal system of government may be brought to a standstill and an impossible position created. It was this which led to the concession of responsible government in Canada and subsequently to the other groups of self-governing colonies now known as Dominions.¹

THE NATURE OF THE PROBLEM

A great many of the Kenya settlers have been openly calling for some years for the process to be hurried on in Kenya. The present position in which the elected members have a large amount of power, but no effective responsibility, is a highly uncomfortable one for both officials and unofficials. The settlers have thought and spoken as if they were in the same position as the early settlers in Australia, and had only to wait a little time to receive the normal rights of self-government which belong to British colonies overseas. Such expectations are not unnatural. The settlers bring with them the habit of managing their own affairs and the ideas current in the society in which they have been brought up. They possess a political capacity and experience which the native population does not possess in its

¹ Cp. Report. Pages 86-89.



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present backward condition. Yet the presence of this population in an overwhelming majority, as well as of the Indian and Arab communities, creates conditions quite different from those in which a homogeneous Anglo-Saxon community develops. The problem therefore which the Commission had to examine was what kind of government is suited to a "mixed state," such as exists in Kenya.

The deep and far-reaching question which the Report of the Commission raises is how far representative assemblies in the forms with which we are familiar are suited to the needs of countries with mixed races and permanent minorities. Are we committed to the traditional system of Crown Colony Government, evolving by apparently inevitable stages to responsible government? Or is there a place, or perhaps a necessity, for new political experiments, thought out in relation to the needs and conditions which are found in these "mixed states"? The Report is an appeal for fresh thinking in regard to a problem for which traditional practice offers no solution.¹

RESPONSIBLE GOVERNMENT

From this point of view the Commission examines the question whether responsible government, into which Crown Colony government has generally evolved, as a local community becomes politically self-conscious and articulate, is a form of government appropriate to the conditions which exist in East Africa. Responsible government may mean one of two things. It may mean the exercise by the inhabit-

¹ Cp. Report. Pages 89-90.



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ants of the territory of political power in which all alike—or at least all who are qualified by education and civilisation—equally share. Or it may mean the vesting of political control in a European electorate in such a form as would ensure permanent European predominance.

There is no serious body of opinion which would advocate the establishment in present circumstances of responsible government in the former sense. The future alone can show how far democratic institutions, as these have been developed in Europe and America, are adapted to the mentality and capacities of the peoples of Africa. Moreover, it is the judgment of most experienced African administrators and students of African affairs that, whatever the future may hold, the political progress of African peoples will be most rapid and sure if it takes place through their own traditional institutions. To set up alien institutions which have no connection with Africa's own past, and to admit to a share in their working a few individuals educated on western lines and detached from the life of their own community, is not an effective means of promoting the sound political development of the people as a whole. The important thing is the political education of the masses which can be undertaken successfully only along lines that are in accordance with African traditions and customs.

Hence responsible government, within any period of time that need now be considered, can only mean government by an executive responsible to a predominantly European electorate, and this is the meaning intended when responsible government is



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spoken of in relation to Kenya.¹ It is important to recognise at the outset that responsible government in this sense is something quite different from democratic or parliamentary institutions as ordinarily understood, where ultimate responsibility rests with an electorate based on a wide franchise. Such parliamentary and democratic institutions ensure that if the government proposes or carries out measures contrary to the interests of considerable sections of the community, it can be turned out and another government put in its place. Thus the opposition have always open to them the opportunity of winning over a majority to their view and, thereby, of coming into power. But under the arrangement we are considering, the strength of parties in the legislature would be fixed by the constitution, and one section of the community, and that numerically by far the smallest, would be placed *permanently* in power. By this means they would be given complete control over the lives and interests of the rest of the population. The settlers do not desire or demand such absolute and unfettered control. But apart from control by an outside authority, which in so far as it is exercised is a negation of responsible government, the only alternative to placing the European community permanently in power would be that it might in certain eventualities have to give way to a non-European majority. This is a contingency to which the European community would refuse to submit, since it would mean that interests created by European initiative and enterprise would be at the mercy of an inexperienced electorate and

¹ Cp. Report. Page 90.



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that political power would be in the hands of those who are at present least fitted to exercise it.

Under responsible government power must either be shared by the different communities, which opens the door to political control by the numerically preponderant native population, or it must be vested permanently and unassailably in the European community, which (except in so far as responsible government is limited by outside authority and to that extent ceases to be responsible government) gives to one section of the community absolute control over the destinies of the remainder. The Commission arrive at the definite conclusion that responsible government in this sense is not a form of government that is appropriate to the conditions of East Africa.¹

THE NECESSITY OF EQUAL JUSTICE

The first ground for this conclusion is that the arrangement is not one which would secure in the long run that equal justice for all members of the community which it ought to be the aim of every political system to establish.² The Kenya settlers are quick to resent any suggestion that their sense of fair play is inferior to that of detached critics at home. But it is one of the soundest of maxims that no one is a good judge of his own cause. The settlers often criticise the officials as lacking a stake in the country. Officials, they say, come for a number of years and know that, whatever the consequences of their policy may be in arresting development, they

¹ Cp. Report. Pages 89-95.

² Ibid. Pages 91-92.



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will not themselves be affected. But it is precisely because they have a stake in the country that there is such strong reason why the settlers should not have political power concentrated in their hands. There may be, only too easily, conflict of interests between them and the native. When there is question whether native production of a certain crop shall be officially encouraged, the decision obviously ought not to rest with men whose own incomes may be effected, and who have to safeguard the supply of native labour for those who have elected them. The existence of the system of election of members of Council by a European electorate is of great importance. Men, who if nominated by the Governor for that purpose would defend native interests regardless of their own personal interests, who could be entrusted with any public duty, are necessarily limited in freedom when they owe their position to the votes of their fellow Europeans. If they did not reflect the views and prejudices of their constituencies they would be displaced by more representative men. The temper of policy would be the temper of the ordinary European, and would fall short of the disinterested and far-sighted policy of the few outstanding men. Even to-day the voice of the ordinary European, as it is heard in the Chamber of Commerce and other bodies and in the local Press, is unmistakable. Commercial men are not missionaries and do not pretend to be, and farmers are chiefly pre-occupied with obtaining labour. They have not gone to a remote colony from purely altruistic motives, but to obtain wealth, and they represent a definite and important interest which ought to



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be heard, but ought not to enjoy the decisive voice.

It must also be remembered that the character of the electorate may change very rapidly. The high qualities that are conspicuous among the present generation of pioneer settlers are by no means certain to reappear in succeeding generations. The immediate danger, in that case, would be that European agricultural and economic interests would be preferred to the well-being of the great bulk of the people, and there would be, on the part of the electorate, no enthusiasm for developing the institutions by which the natives might be trained to share in the functions exercised by the whites. To expect such enthusiasm would be to expect a higher level of idealism than anyone is expected to display in English political life. The native in Kenya is not advanced to-day, largely because attention has been focussed in the past on the interests of the European community. It is the calculation of the Europeans that it will be a very long time before the African will demand political rights, and that when he does he can be placated by electing representatives to the Legislative Council who will be in a permanent minority, or by receiving local powers to be exercised in native councils. This, the Commission hold, is dangerous reasoning. Whether native capacity and native demands come soon or late, one thing is certain. In the political as in other fields, the Africans will imitate what they see the whites doing, and will try to follow on the path that has already been trodden by other races.



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THE POLITICAL DEVELOPMENT OF THE NATIVE PEOPLES

This brings us to the second reason why the Commission hold that responsible government does not provide a satisfactory solution of the political problem of East Africa. If the fateful step is taken of transferring political authority from the Imperial Government to an electorate in East Africa, it must not be assumed that the native population, though at present politically negligible, will refrain for long from demanding a share in political power.¹ Native education is making rapid progress throughout East Africa. The Commission recognise that if the responsibilities of trusteeship, to which the British Government is definitely committed in Kenya, no less than in Uganda and in Tanganyika, are to be taken seriously, there is an obligation to promote not merely the economic, social and intellectual, but also the political advancement of the natives. This can best take place for a long time to come, as has already been pointed out, through the development of native institutions. But ideas are infections. If responsible government were granted to the European community, the natives, as they have done elsewhere, would quickly perceive where the seat of power lay and would begin to press for electoral rights. It may be a very long time before the natives acquire the experience and capacity to exercise political power. But the degree of capacity and interest which might lead to a demand for political rights, and give rise to a serious problem, is by no means an advanced one. Once the demand began to

¹ Cp. Report. Page 92.



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be made it would be difficult to resist. The claims of the immensely preponderant native population for an adequate representation of their interests could hardly be refused. But if they were conceded, political power might pass into the hands of a native electorate before the African peoples had acquired the capacities necessary to maintain a modern state, a result which would almost inevitably lead to racial strife. The future alone can show how far the peoples of Africa can dispense with European initiative, guidance and leadership.¹ An inexperienced and ignorant electorate might, as has happened elsewhere, prevent the adoption of constructive plans which would contribute greatly to their own welfare and advancement. The world in which the peoples of Africa have to find their place is one of increasing competition in which efficiency is necessary for success. Far-sighted consideration of the interests of all the races alike should make us hesitate before surrendering to an electorate, the future composition of which cannot be foreseen, the direction which the Imperial Government with its larger experience and the immense scientific resources at its disposal can give to the progress of these territories and of all their inhabitants.

DIVERGENT PROPOSALS

It should be made clear that in rejecting responsible government, in the sense that has been described, the Commission do not question the necessity of encouraging the growth of local political responsibility and the desirability of enlisting to the utmost

¹ Cp. Report. Page 93.



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extent possible in the service of the state the initiative, enterprise and political capacity of the European and Indian communities. The object in making plain the unsuitability of responsible government, in the accepted sense, is to encourage the search for other means of achieving these important ends.

The question as to whether we are to look forward to responsible government as the goal towards which political evolution in East Africa must be directed is of fundamental importance. It must be recognised that a quite different conception of the natural course of political development from that contemplated in the Report has been hitherto regarded by high authorities as holding the field. Mr. Churchill stated in a speech which is constantly quoted that "he did not contemplate any system which would prevent British East Africa from becoming characteristically and distinctively a British colony looking forward to the fruition of full self-government." He went on to add, however, "we wish to apply broadly and comprehensively, and as far as is practicable, Mr. Rhodes' principle of equal rights for all civilised men. That means that natives and Indians alike who reach and conform to well-marked European standards shall not be denied the fullest exercise and enjoyment of civic and political rights." Still more recently, Mr. Amery, in a speech at a dinner of the African Society on May 8th, presented the same view. He said :

"Responsible government is not likely to come in any period with which we are dealing to-day, but as His Majesty's Government laid down in 1923, it is not ruled out for all time. Progress towards it must



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be left to the future. For my part, I look upon responsible government here, as in other parts of the Empire where circumstances clearly preclude its application at present, as the ultimate goal, and I adhere to the declaration of Mr. Winston Churchill in 1922, namely, that we do not contemplate any system which will prevent East Africa looking forward to self-government in the process of time on Cecil Rhodes' principle of equal rights for all civilised men."

This represents quite a different view of the question of advance from that taken by the Commission. It may be noted that a large body of public opinion in South Africa has repudiated the principle laid down by Mr. Rhodes of equal political rights for all civilised men, and it would seem from the results of the recent general election that the majority in South Africa is opposed to this doctrine. The Commission has put forward a reasoned case why a solution of the political problem of East Africa is not to be found along lines that must lead either to the creation of a white oligarchy or to a premature imposition of the forms of European democracy on African peoples. It is necessary to choose between the two alternative principles. To allow action to be governed by two quite different and irreconcilable political aims can only result in weakness and vacillation of policy. The first step in constructive statesmanship is for the Imperial Government to make up its mind on what foundations it intends to build.

Having reached the conclusion that a solution of the political problem of Kenya is not to be found within the bounds of the familiar process by which



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Crown Colony Government evolves by successive stages in the direction of responsible government, the Commission proceed to examine various other proposals which have been put forward.

The proposal made by the settlers is that there should be a majority of elected European members in the Council. This would, however, create a situation which as we have seen has been found in the past to lead to a deadlock. The majority of unofficial members in the Legislative Council would be in a position to hamper the executive, while debarred at the same time from assuming the full responsibility for government. The teaching of colonial history shows that such a situation becomes intolerable, and the way of escape from it has almost invariably been the establishment of responsible government. If the latter offers no satisfactory solution of the problem, it would be foolish to set up a system which under the pressure of natural forces could develop only in that direction.

Attempts have been made to find a way through the difficulties by some form of separation of the interests of white and black—either by dividing off the settled areas and granting them self-government, while keeping the remainder of the territory under imperial administration and control, or by granting self-government to Kenya subject to the reservation of matters affecting native interests to the decision of the imperial authority.¹ The difficulty of finding a solution along these lines lies, in the opinion of the Commission, in the fact that the interests of white and black have become almost inextricably inter-

¹ Cp. Report. Pages 96-99.



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twined. The interests common to both races are so much more numerous and important than those of each race separately, that the degree of self-government which could be accorded to the settled areas would be quite insufficient to satisfy the political aspirations of residents in the Colony. Similarly, any attempt to make a clear-cut division between subjects which are reserved to the imperial authority and those which fall within the province of a self-governing colony would, they consider, be beset with almost insuperable difficulties. Native interests are involved in almost every department of government, and consequently the field over which imperial control could be relaxed would be so small that the sphere of self-government would be very restricted. But while for these reasons the Commission regard any *constitutional* division of the functions and powers of government between the Imperial Government and a self-governing colony as impracticable, it will be seen when their proposals are examined in the following chapter, that a distinction between the field in which the authority of the Imperial Government is exercised and that in which scope is left for local responsibility has a place in the plan recommended by the Commission.

THE FUNDAMENTAL PRINCIPLE

The fundamental principle underlying the Report is that where, as in Kenya, widely different racial communities are living side by side, questions in which the interests of the different communities conflict must be decided in the last resort by an independent and disinterested authority. It follows from



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this that ultimate control must continue to remain in the hands of the Imperial Parliament. But within the framework of a policy laid down in its broad outlines by the Imperial Parliament—in the formulation of which, it is important to note, the inhabitants of Kenya ought, in the view of the Commission, to have a voice—it is intended that everything should be done to foster the growth of local initiative and responsibility.

This may take place in two fields. The first is that of local government, both for the settled areas, where so far as the interests of those areas alone are concerned responsibility may be practically complete, and also for the native peoples through native administrations controlling their own funds. Local government institutions provide an indispensable training ground in the exercise of political responsibility and may at the same time be a most important factor in economic development. It is difficult to set a limit to the progress which might be achieved through the fostering of such institutions under wise guidance.¹

The other field in which the Commission look forward to the growth of local responsibility is the Kenya Legislative Council. Providing that the guiding principles of Imperial policy are clearly defined and are respected in practice, it is desirable that within those limits the largest possible freedom should be accorded to the local communities to manage their own affairs.²

Such growing freedom and responsibility, however, can in the view of the Commission be accorded

¹ Cp. Report, Pages 180-182.

² Ibid. Pages 101-104.



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only to a Legislative Council in which the interests of the native population are adequately represented. It is a matter of common experience that in any assembly the interests of the unrepresented receive scant attention. At present native interests are represented in the Legislative Council by one missionary nominated by the Governor.¹ The main responsibility, however, for the protection of the native interests has lain with the Government itself, which is able to instruct the official members, who constitute a majority in the Council, how they are to vote. That responsibility the Government must retain. But it does not seem to the Commission the best arrangement that the responsibility should be exercised, as at present solely, or almost solely, by reliance on the official majority in the Council. This places the Government in the position of being at the same time counsel for the natives and judge of the question at issue. The Government, knowing that it must in the end decide between the conflicting interests, is not free to advocate the native's case with the same insistence as the representatives of other communities in the Council are able to press their cases. Moreover, the fact that the onus of defending native interests in the Council has been recognised as devolving upon the Government has contributed to the tension which has existed between it and the settlers. In a Council in which the European, the Indian and the Arab communities are directly and adequately represented, it seems necessary, in order to maintain a right balance, that the interests of the natives should also be directly repre-

¹ Appendix II.



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sented. The Government would then be left free to exercise its function of acting as arbiter between conflicting claims.

Since, in the view of the Commission, there are not yet natives sufficiently advanced or representative to be appointed members of the Council, it is proposed that until natives possessing the necessary qualifications are available native interests should be represented by Europeans nominated by the Governor.¹

THE MAJORITY AND MINORITY PROPOSALS

At this point we may notice a difference between the Chairman and the majority of the members of the Commission in regard to the constitution of the Council. The Commission is unanimous in regard to the direct representation of native interests and in recommending that the number of members of the Council nominated for this purpose should, for the present, be five. The majority of the members of the Commission, however, are of the opinion that the membership of the Council should be so arranged that the official members with the support of any one of the three groups of unofficials—European, Indian or native—will have a majority. In this way the Government will, in any question, be able to act as arbiter between the three groups by casting the official vote on the side of that which it believes to be in the right.²

The Chairman, on the other hand, proposes a constitution of the Council which would enable the elected European members and the unofficial Euro-

¹ Cp. Report. Page 105.

² Ibid. Page 96 and Appendix II.



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peans who represent native interests to outvote all the other members of the Council. He bases his recommendation on the ground that if the proposal of the majority of the Commission were adopted the official element could still control the legislature so long as it could get any one racial group to support it, and that the result would be that "the Government would be carried on in an undesirable atmosphere of bargain and of the strategy of the lobby."¹ He holds that there should be a reasonably stable repository for the controlling influence in the legislature, and that, if there is no longer an official majority over all other members of the Council, a stable repository must be sought in a majority of unofficial European members. While he recognises that where the interests of the European and the native communities conflict the majority would break up and the Government would regain control, he thinks that in general matters there would be a similarity in outlook which is of great practical moment. The European members, whether elected by the European community or nominated to represent native interests, would contribute "to the force to which Eastern Africa now looks for its advancement along the path of civilisation, the force of European culture and political capacity."¹

To this the majority of the Commission reply that they have grave doubts whether it is possible for the representatives of native interests "to fill the double rôle of acting as champions of native interests, and at the same time of combining with the European members to constitute a stable party in the Legis-

¹ Report. Page 246.



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lative Council.”¹ Experience seems to show that where a European community settles in the midst of a native population the main line of cleavage is between native and European interests. The majority of the Commission therefore hold that for such period as can at present be envisaged the stable repository must continue to be the Government.

It will be observed that the Commission is unanimous in recommending that, subject to the setting up of a central authority for East Africa, there should no longer be a majority of officials in the Council, and that the proposed change is intended to be “the first step in the progressive relaxation of official control in the Council to be undertaken in proportion as the control of the central authority in essential matters is made secure and effective.”²

The proposals of the majority of the Commission have been criticised on the ground that they embody a double form of control, i.e., an external control by the central authority and an internal control by the official vote within the Council, which can with the support of any one racial group be made decisive, and it has been suggested that it would be better to place a fuller reliance on the control by the central authority. It has also been urged that these proposals do not leave sufficient scope for the exercise of the political sagacity possessed by the European community. Justice to the European community requires that they should have full opportunity of development in the social and political, as well as in the economic, field, and any denial of progress in these directions is a form of repression. The difficulty

¹ Report. Page 251.

² Ibid. Page 191.



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here lies in conceding to the European community larger powers without thereby putting them in a position of effective and complete control. The essential problem is how to provide adequate scope for the political aspirations of the most advanced section of the community without at the same time sacrificing the interests and welfare of the less advanced.

A further criticism which has been made is to the effect that by according representation to native interests in the Council, except as a purely transitional necessity, the Commission do in fact recognise the continuance of those representative forms of Government which they have emphatically condemned as unsuited to the country and by so doing the aspirations of the educated African youth will be directed towards these institutions instead of towards their own Native Administrations.

It will be seen how difficult and delicate is the constitutional problem for which a solution has to be sought and how desirable it is to avoid dogmatic expressions of opinion for or against any particular plan for meeting the difficulty.

THE CHOICE TO BE MADE

There would appear to be three principles on which the political development of East Africa may be based, and it will be necessary in the last resort to choose between them. First, ultimate authority may be vested in a local electorate in which political rights are open to members of all races who are qualified to exercise them, in which case power may pass into the hands of the section of the community least compe-



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tent to exercise it. Secondly, ultimate authority may be vested in a European electorate on the grounds that the European community is politically the most advanced, in which case the interests of other communities will be largely at the mercy of those who possess the power to enforce their will. Thirdly, it may be reserved to an impartial authority which can adjudicate fairly between conflicting claims. One or other of these three principles must be made the basis of political development in East Africa, and the British nation, which is ultimately responsible for the good government and welfare of these territories, must make up its mind which principle is to be adopted. When the choice has been made the principle ought to be applied in a way which will give the largest possible recognition to the elements of truth in the political ideals which have failed to secure recognition. The view of the Commission is that in all circumstances the power of final decision must rest with an independent and disinterested authority and that, whatever precise form the constitution of the Legislative Council in Kenya may take, it must be in accord with this fundamental principle.¹

NECESSITY OF SECURITY

No solution of the Kenya problem can hope to be successful which does not take account of the desire of the settlers for security.² British communities overseas have always been suspicious and restive under the control of a distant authority. Its remoteness from the scene of action gives rise to the fear

¹ Cp. Report. Page 103.

² Ibid. Pages 103-104.



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that it cannot have a real understanding of local conditions and needs, and the doubt is always present that unknown forces may be at work to influence its decisions in a sense unfavourable to the colonists. Any plan proposed must be of such a nature as to allay this anxiety. The only course which the settlers are able to propose at present to make their interests secure against arbitrary action by a distant authority, lacking a full understanding of the facts and liable to be influenced by the exigencies of party controversies at home, is to take control into their own hands. But the difficulty is that, in attempting by this means to make their own interests secure, the interests of the other communities are rendered insecure, and it may be that in a not very distant future, as we have seen, the course proposed for present security may defeat its own object. The problem is not dissimilar to that of disarmament. So long as war is a possibility each nation wishes to make itself secure against the threat to its existence which would result from the outbreak of war. But in so far as it seeks this security by armaments it can only make itself secure by outstripping other nations in armaments and thereby making their position insecure. The only escape from these difficulties would seem to be to abolish war by a determination on the part of the leading nations that all disputes will be settled not by force, but on the basis of reason and justice. Similarly, the only solution of the Kenya problem would seem to be that the European community should abandon the claim to a position of dominance, and that at the same time they should be freed from the fear of political subjection to a preponderant



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native electorate. This could be accomplished if the issues arising between the different communities were determined in the last resort by an independent and disinterested authority, so constituted that the settlers recognise it as an authority that is really impartial, well-informed and in close touch with the realities of the situation.



CHAPTER IV

THE PROPOSALS OF THE COMMISSION

THE ULTIMATE AUTHORITY

THE fundamental principle underlying the Report is that, for such time as can now be foreseen, the ultimate authority in East Africa must be the Imperial Parliament.¹ On this general principle there is little serious difference of opinion. As has been said in a recent article in *The Round Table* :

“ Every authority who has investigated the situation and local opinion on the spot are agreed that, for any period that need be taken into consideration at present, responsibility for good government in East Africa must continue to rest upon the shoulders of the Imperial Authority. Whatever opinions may be held about the merits of this or that proposal of the Hilton Young Commission, whatever steps may be taken to associate local elected bodies with the government or to enable them to share responsibility in local affairs, it is vital that the central fact should be kept clearly in mind that ultimate responsibility for policy, and for seeing that even justice is done as between the different races, rests and, for as

¹ Cp. Report. Page 143.



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long as we can at present foresee, must rest with the Imperial authority and not with any local representative body.”¹

The settlers themselves frankly admit the need for some outside authority capable of intervening when necessary to protect the interests of the natives. In the manifesto which they issued after the publication of the Report it is stated that “the colonists have never questioned the present necessity of investing some central authority with powers for holding the balance even in racial matters.” There is thus a common basis for discussion as to the means by which effect may be given to this principle.

WEAKNESS OF THE PRESENT SYSTEM

The Commission are of opinion that, if the control of the Imperial Parliament is to be effective and acceptable, a change in the system by which that control is at present exercised is essential. If there is no alternative to the existing system of Crown Colony Government, then the forces which have operated elsewhere to transform that system by successive stages into responsible government will operate in the same way in East Africa and lead in the end to the same result.

The weakness of the present system is that the Secretary of State, subject to Parliament, who has the ultimate responsibility for decisions, and his advisers, are not in sufficiently close touch with the scene of action.² Their knowledge is derived largely from reports and dispatches, and opinions thus formed are apt in any real trial of strength to give

¹ *The Round Table*, June 1929 (No. 75), page 477. ² Report. Page 144.



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way before the first-hand knowledge and resolute purpose of those on the spot. On the other hand the feeling that their interests are subject to the control of a remote and, it is thought, imperfectly informed authority is apt to make the local communities distrustful and suspicious. What the Commission desire to see substituted for the present system, under which decisions arrived at locally are reviewed by a distant and outside authority, is one in which there would be more personal touch, and in which local experience and opinion on the one hand, and considerations affecting wider Imperial interests and responsibilities on the other, could be brought together and related to one another in a more living way.

Again, a fundamental weakness in the present position is that the main principles of Imperial policy have never been clearly defined, and that without such definition there can be no consistent and continuous policy. One reason for this absence of a clearly-defined policy is the absorption of the public mind in Great Britain in affairs nearer home and the widespread apathy in regard to the Empire and its responsibilities. A further reason is that the existing machinery is not well adapted for the framing of a considered Imperial policy. It is impossible that such a policy should be thought out in London without the co-operation of those who are directing affairs in the colonies, for the necessary knowledge is lacking. On the other hand the views of members of Council are generally confined to the colony of which they have had experience, and even the Governor may be unduly influenced and his outlook cramped by the



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pressure of purely local and perhaps temporary circumstances. There is little hope of obtaining a clearly thought-out Imperial policy, which alone can provide a sure foundation for the successful administration of the East African territories, unless it is made the special business and responsibility of someone to work out such a policy, by bringing into fruitful conference all who have something to contribute to its formulation. These include representatives of the different political parties at home, those who are and have been responsible for the administration of the territories overseas, representatives of the overseas communities and, in regard to particular questions, experts of various kinds.

THE APPOINTMENT OF A GOVERNOR-GENERAL

The means by which the Commission propose to meet these difficulties is that the control of Parliament and of the Secretary of State should be exercised through a Governor-General in East Africa whose main functions would be to secure Imperial interests and the proper discharge of the responsibilities of His Majesty's Government, to hold the scales of justice even between the various racial communities, and to co-ordinate services of common interest to the three territories. For a proper understanding of the plan proposed it is not necessary to enter here into detailed consideration of the intermediate stage of a High Commissioner, whose appointment is recommended by the Commission as a first step.¹

It is important to consider carefully the relations

¹ Cp. Report. Pages 145-148.



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of the Governor-General on the one hand with the Imperial Government, and on the other hand with the Governments of the three territories.

It is obvious that the Governor-General must be responsible for his policy and actions to the Secretary of State for the Colonies, who is himself responsible to Parliament. It has been suggested that the effect of appointing a Governor-General in East Africa may be to weaken the authority of the Secretary of State. It is undoubtedly true that the Governor-General, in virtue of his first-hand knowledge of conditions in East Africa, will have a powerful influence with the Secretary of State, and that this influence will be greater in proportion to the ability and force of character of the holder of the office. But this need not imply a weakening of the authority of the Secretary of State; it may make that authority stronger by ensuring that the decisions of the Secretary of State are based on intimate knowledge of the facts and are consequently more likely to command respect.

It is evidently not the intention of the Commission that the Governor-General should be free to act as he pleases. This would in any case be impossible, since the Secretary of State is constitutionally responsible to Parliament for everything that the Governor-General does. The proposal for the appointment of a Governor-General must be viewed in relation to the other proposals of the Commission. The most important of these is that a definite policy should be laid down by the Imperial Government with the approval of Parliament, and the main responsibility of the Governor-General will be to supervise the



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carrying out of this policy. It is recommended that an annual report should be submitted to Parliament as to the progress made in giving effect to the policy, and also that the working of the whole arrangement for the government of East Africa should, after a definite period, be subject to fresh review by the Imperial Authority. A further recommendation is that the Secretary of State should have the assistance of an Advisory Council in London, with whom the Governor-General would be in constant touch. Such a Council would, they suggest, provide an opportunity for enlisting the help of disinterested persons, possessing a wide experience of public affairs, and would help to humanise and energise the work of the Colonial Office; also its support would strengthen the hands of the Secretary of State in any difficult decision. It has been suggested¹ that representatives of the local communities might appear before such a body and argue their views.²

The effect of these arrangements would be to make Imperial control more far-sighted, intelligent, real and operative than it is at present. But the plan proposed should at the same time make that control much more acceptable to the communities in Kenya. This may seem a contradiction in terms, since Imperial control is just what the settlers dislike and resent. It may prove, however, on deeper examination, that the real objection is not to Imperial control in itself (which in some form the settlers recognise to be necessary for the protection of native interests), but to Imperial control exercised in a wrong way.

¹ *The Round Table*, March 1929 (No. 74), page 249; June 1929 (No. 75), page 477.

² Cp. Report. Pages 166-169.



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The Commission take the view that the communities in Kenya are entitled to a voice not only in the management of their own local affairs, but also in the shaping and carrying out of Imperial policy. The Governor-General will, it is suggested, have the assistance of an advisory body in East Africa and will be in close touch with opinion there. It is one thing that the local communities should have to submit to the decisions of an outside and remote authority, and quite another that they should loyally accept decisions reached only after they have had a full opportunity of personally stating their views and so ensuring that the fruits of their local knowledge and experience are not ignored.

THE METHOD OF ENQUIRY

This leads to a feature in the Report which has thus far received perhaps less prominence than it deserves. The Commission attach great importance to the method of public enquiry as a means of ensuring that in the decisions of the Imperial Authority full account is taken of the point of view and experience of those who will be affected by them. It is suggested that, when large, difficult and controversial issues have to be settled, a final decision should be arrived at only after full enquiry into all the facts and circumstances involved. If the enquiry is undertaken by a commission appointed for the purpose, an opportunity will be provided for the local communities to make their contribution to the formulation of policy by serving as members of such a commission and by giving evidence before it. It will also result from such enquiry that the decisions of the Imperial



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Government will be based on full knowledge and consequently carry greater weight and authority. The Commission recommend a number of enquiries into important matters which they suggest should be undertaken without delay.¹

A new factor may here be mentioned which is likely to have an increasing, and perhaps decisive influence on the working out of the East African problem, namely, the contribution of modern science to administration and government. There has been no more remarkable development in the past few years than the progress made in the scientific organisation of the Empire. There is a growing recognition that it is through the mobilisation of the scientific resources of the whole Empire that the progress of its component parts can best be promoted and the prosperity of their inhabitants increased. This opens up altogether new possibilities which did not exist in the early days of colonial administration in Africa. The new developments in scientific investigation and organisation have thus far been concerned mainly with the application of science to the study of questions of health, of soils and crops, and of mineral resources.² There is no reason, however, why the scientific method should not be applied also to the disinterested study of human relations. The importance of the human factor in industry is becoming increasingly recognised—perhaps even more in America than in this country. There is similar need for the detached study of human relations in East Africa. Great help in the study of the native races may be gained from the

¹ Cp. Report. Pages 164-166.

² Ibid. Pages 133-136, 141.



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newer kind of anthropology,¹ and there is room also for the investigation, with the help of the right technique, of the problems arising from the contacts of different races. Advance along these lines would be in accordance with the general tendency, which is observable in modern public life, to take questions out of the field of party controversy and to deal with them by constructive statesmanship based on disinterested examination of the facts. The real hope for East Africa lies, in the view of the Commission, in substituting for racial conflict in the political sphere an attempt to secure the settlement of its difficult problems on the basis of reason and justice in the light of a disinterested investigation of all the facts.² The Report may be regarded as a plea that, instead of allowing a racial struggle for power to develop, the attempt should be made to stabilise the situation by a system of intelligent and consistent control in the best interests of all communities.

THE GOVERNOR-GENERAL AND THE GOVERNMENTS OF
THE THREE TERRITORIES

The Commission next consider the relations of the Governor-General with the Governments of the three territories. In Uganda and Tanganyika there is no serious constitutional problem. In both these territories there is an official majority in the Legislative Council, and no change in this position is likely to take place for some time to come, so that the Governments of these territories can give effect, in

¹ Cf. Review of the Report of the East African Commission in *Africa* (the Journal of the International Institute of African Languages and Cultures), July 1929.

² Report. Pages 158-160



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legislation or administration, to any orders issued by the Governor-General, as they do now when orders are issued directly by the Secretary of State. A constitutional difficulty arises only in Kenya, in consequence of the Commission's proposal that there should no longer be a majority of officials in the Legislative Council, and where, even now, the power of the elected members is such that it is not easy for the Government to use its official majority to carry measures to which the unofficial members are strongly opposed.¹

The problem for which a solution has to be found is how to ensure that the authority of the Imperial Government is effective and unchallengeable in vital questions in which that authority needs to be asserted, without at the same time setting up a Centralised Government, which would leave insufficient initiative and freedom to the Governments of the three territories and allow too little scope for the growth of political responsibility. In other words, how may it be secured that certain large questions, involving Imperial responsibilities, or issues in which racial interests are in conflict, shall be decided in accordance with the policy of the Imperial Parliament, while other matters of a less fundamental nature are left to be decided locally ?

There is a familiar means of dealing with a problem of this kind, namely, by the method adopted in a federal constitution. In a federal constitution the powers and functions are divided between two separate and distinct organs of government, i.e., the States Governments and the Federal Government, each of which retains the sovereign authority within

¹ Cp. Report. Pages 182-194.



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the sphere assigned to it. The division is made by an instrument which is in the nature of a treaty between the two parties, and the terms of which are alterable only by the mutual consent of the two parties, or by the calling into operation of some special machinery provided for in the constitution as a means of effecting alterations when these become necessary. Is it possible to adopt this expedient in East Africa and to set up a constitution in which certain subjects are recognised as being within the province of the Imperial Government while others are left to the unfettered discretion of the Government and Legislative Council of Kenya? The Commission, after examining the question, reach the conclusion that it is not. The main ground on which they arrive at this conclusion is that the subject of native affairs cannot be divided and touches almost every department of government. The danger of overlapping is present in all federal constitutions. It is impossible for the framers of the constitution to foresee all contingencies, and, no matter how carefully the constitution may be drafted, questions are bound in the course of time to arise which cut across the dividing line and give rise to friction between the Federal and State Governments. These difficulties, which beset every federal constitution, become insuperable where a backward native population is involved. When the Convention met to draft a constitution for the Union of South Africa difficulties arising from the existence of the native question were seen to be insurmountable, and this was one of the main reasons why South Africa has a unitary and not a federal form of government. If a constitutional division of the



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powers and functions of government between two separate authorities, each supreme in its own sphere, is impracticable, some other solution must be sought for the political problem of East Africa.¹

Before proceeding to examine the solution proposed by the Commission it must be noted that the difficulties to which reference has just been made have an important bearing on the possibility of the eventual establishment of responsible government in Kenya. The Chairman of the Commission, dissenting in this matter from his colleagues, holds that so long as Kenya remains an isolated unit, the forms of responsible government may be inappropriate to local conditions, but that the establishment of a Central Authority which would hold the balance between conflicting racial interests would remove the objections to responsible government, which might, in that case, prove to be perfectly reconcilable with the general scheme for the constitution of the Eastern African territories recommended by the Commission.² He does not, however, suggest any solution of the fundamental difficulty that the only possible way in which Kenya could have responsible government, and at the same time remain subject in certain matters to a Central Authority, would be that there should be a clear definition of the respective spheres of the two authorities. Without a clear statutory division of functions and powers, which it would fall to the Courts to interpret, there would be two distinct Governments operating in the same field, which would give rise to incessant conflict and produce an intolerable situation, as experience else-

¹ Cp. Report. Pages 99-102.

² Ibid. Pages 244-249a.



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where has shown in the past. The view of the majority of the Commission is that such a division of powers is impracticable on account of the pervasive nature of the native question, and, consequently, that Kenya could not have responsible government and at the same time be a member of a federation subject in certain matters to Imperial control.¹

IMPERIAL CONTROL AND LOCAL INITIATIVE

The Commission come back, therefore, to the crux of the political problem of East Africa, which is how to maintain effective Imperial control in major and vital questions while leaving open a real field for local initiative and responsibility. A solution will be satisfactory in proportion as it does justice to both factors in the problem.

On the one hand the control of the Imperial Government, in matters in which it is necessary for that authority to be exercised, must be real and effective. It is generally agreed that for such time as can be foreseen the ultimate responsibility for the government of the East African territories must rest with the Imperial Government, and if that view is accepted it follows that the Imperial Government must have the means at its disposal of giving effect to its policy. It is thought by some that Imperial protection of native interests may be secured, even under responsible government, by the reservation to the Imperial Government of powers of intervention for this purpose, as is done in the constitution of Southern Rhodesia.² Experience everywhere seems to show, however, that once the fateful step has

¹ Cp. Report. Pages 250-251a.

² Ibid. Page 94.



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been taken of transferring ultimate responsibility to a local electorate, powers reserved to an outside authority are difficult to exercise and quickly fall into disuse. The reason for this is plain. No ministry responsible to an electorate could submit to outside dictation without loss of prestige. If, therefore, a divergence of view should arise between the ministry and the Imperial Government, the former, rather than give way, would offer to resign. If, as would almost certainly be the case, the attitude of the ministry was a reflection of local opinion, there would be no alternative ministry which could take office for the purpose of carrying out the instructions of the Imperial Government. The Government of the country would thus be paralysed and the Imperial Government would have to choose between executing its policy over the heads of the settlers (which would entail the abolition or suspension of the constitution) or giving way.

It seems clear, in fact, that the authority of the Imperial Government and its agent, the Governor-General, can only be real and effective if it remains legally complete, as it is now, over the whole field of legislation, administration and finance. Hence, while in the plan of the Commission it is intended that the functions of the Governor-General should be, in the main, the guidance and supervision of the broad lines of policy laid down by Parliament, and that a large degree of freedom in legislation and administration should be accorded to the territorial Governments, it is nevertheless proposed that the legal authority of the Governor-General should cover the entire field and that, as in the case of the



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Government of India under the Government of India Act, he should be the sole judge whether a particular matter is of such a nature as to call for his intervention. This is necessary because, though the concern of the Governor-General is with broad questions of policy, rather than with ordinary legislation and administration, there is always the possibility that what may at first sight appear to be a detail may involve a principle which is essential to the proper discharge of the Governor-General's responsibility.

It is intended further that the Governor-General should be armed with the power both to veto legislation and to enact by certification bills which the Legislative Council may be unwilling to pass and which the Governor-General considers to be essential for the discharge of his responsibility. The plan of the majority of the Commission is that the Government of Kenya should have the power to control legislation in regard to which there is conflict between the different communities, through its power to cast the official vote in the Legislative Council in Kenya on the side of the representatives of the community whose interests, in any particular instance, the Government deems most deserving of support. It is, moreover, necessary that the Governor-General should have the further powers described in order to deal with the contingency that the unofficial members might unite in opposition to the Government with regard to a matter which, in the view of the Governor-General, was essential for giving effect to the purposes of the Imperial Parliament.



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This legal supremacy of the Governor-General over the whole field of legislation, administration and finance does not differ in any way from the present state of affairs in which the constitutional authority of the Secretary of State extends similarly over the whole field. While the Commission see no escape from this legal supremacy of the Governor-General, inasmuch as no statutory division of the powers and functions of government is practicable, they make it equally clear that what they intend is that, in practice, the exercise of the authority of the Governor-General should be restricted to the supervision of broad lines of policy and that, within these limits, there should be real initiative and freedom for the territorial Governments and Legislative Councils. That there should be this freedom is essential for two reasons. The first is that a system of devolution may be expected to result in better administration than the centralisation of everything in the hands of a single authority. Secondly—and this is a matter of vital importance—it is essential that there should be a field, and a wide field, in which the natural and legitimate aspirations of the local communities to manage their own affairs should find expression. Unless a real outlet can be provided for their political energies and capacities these repressed forces will ultimately disrupt the system. What the Commission seem to contemplate is that broad principles of policy will be clearly laid down by the Imperial Parliament and, with growing experience, will be given an increasingly definite content. They will thus come to be generally understood and accepted. It will be the function of the Governor-General to see



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that these principles are not infringed. So long as nothing is done to violate them the local Legislative Councils will be free, without interference, to pass such legislation as they think best, and the Governments of the different territories will likewise be free to administer the territories in accordance with the general principles laid down.

The question of the relations between the Central Authority and the territorial Governments is obviously one of great difficulty, and the right solution can only be arrived at in the light of experience. The problem has, however, parallels elsewhere. It is similar to the problem which is being worked out in India in the relations between the Government of India and the Provincial Governments. There the problem is being approached from the other end. It is a question of the devolution of powers possessed by the Government of India to the Provincial Governments. In East Africa, on the other hand, the problem arises from the setting up of a Central Authority over territorial Governments which have hitherto been directly responsible to the Secretary of State. But the problems of the relations between the Central and the Provincial Governments are similar, and the dominating factor is the same in both cases, namely, how to find a place for local autonomy and the realisation of growing political aspirations within a system in which the control of the Central Government over certain matters of common interest is still necessary.

In addition to the guidance and supervision of the policy laid down by Parliament, it is proposed that the Governor-General should be entrusted with the



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co-ordination of services common to the three territories. It is recommended that he should become High Commissioner for railways, as the Governor of Kenya is at the present time the High Commissioner for the Kenya-Uganda Railway, which serves both Kenya and Uganda, and that, for the purpose of carrying out this function, he should have the assistance of an inter-colonial advisory board on which the three territories would be represented. Similarly, it is proposed that he should be ultimately responsible for the control of customs and should be assisted in this matter by an inter-colonial advisory board. Other services of common interest to the three territories, such as defence and research, might also be placed under his direction.

There would clearly be considerable advantages in this proposed co-ordination of common services. It is, however, impossible to take any step in this direction, beyond agreement voluntarily arrived at between the Governments of the three territories with the approval of the Secretary of State, until a decision has been reached in regard to the future political development of the territories. Whatever authority is ultimately responsible for the control of customs and of railways, including the fixing of rates on the latter, has a power over finance which makes it the real ruler of the country. It is impossible, consequently, to go far with co-ordination of services between the three territories without deciding where the ultimate seat of authority is to lie. If difficulties and conflicts are to be avoided in the future it is necessary to look far ahead and not to allow common economic bonds to be created between the three



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territories before a clear decision has been made with regard to their control.¹

FUTURE DEVELOPMENTS

We shall not attempt here to follow out the possible future developments of the plan recommended by the Commission as the common interests of the three territories grow in importance. The important thing is that the principles on which the political structure in East Africa is to be based should be clearly thought out at the start. If this is done experience of the working of the early stages will show what the next steps in the experiment should be.

The plan of the Commission has been criticised on the ground that it does not provide the Governor-General with a separate staff of permanent advisers and that the working of the plan is consequently dependent in a dangerous degree on the personality of a single individual. This may well be so, and further examination of the scheme may show that it is desirable that the Governor-General should be assisted by a larger staff than is suggested in the Report of the Commission.

SETTLERS AND THE PROPOSALS

It remains to consider what is offered to the settlers by the scheme of the Commission. In the first place, within the limits set by the broad lines of Imperial policy, it is intended that they should have a large voice in the management of the affairs

¹ For review and summary of proposals cp. Report. Pages 234-243 and 288-297.



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of Kenya.¹ The removal of the official majority represents a definite increase in the influence of the unofficial members of the Legislative Council. Collectively, they will be able to control the executive in matters in which the common interests of all communities are concerned. The unofficial members will thus be able to check extravagance and to resist bureaucratic tendencies. Moreover, it is definitely contemplated by the Commission that there should be a progressive relaxation of official control, in proportion as the powers of the Central Authority are made effective. It is true that, under the arrangement proposed by the majority of the Commission, this power of the unofficial members of the Council will be exercised only in so far as they are agreed. If, however, the representatives of the different communities are unable to resolve their differences and conflict arises, it cannot justly be claimed that one community should be able to impose its will on the others, and the only remaining alternative is that the matter should be decided by a disinterested and independent authority.

It may also be claimed that this method of settling differences between the various racial communities is in the ultimate interests of the settlers themselves. Nothing could in the long run be more inimical to those interests than a racial struggle for power, and this struggle can be avoided in the future only if all communities alike are willing, after they have had opportunity of fully expressing their views, to allow the final decision to rest with an arbitral authority.

Again, the plan of the Commission substitutes for

¹ Cp. Report. Pages 184-185, 198-203.



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the distant and inaccessible authority of the Secretary of State, machinery which provides for effective consultation with the local communities so that their point of view can find full expression and they may be able to feel that the final deciding authority is open to the influence of their ideas as well as those of their stay-at-home countrymen. It is a matter of great importance from the point of view of the settlers that, while Imperial policy must be determined in the last resort by Parliament acting as an arbitral authority between the interests of different races, the plan of the Commission ensures to the local communities the means of having an effective voice in the formulation and carrying out of Imperial policy.

THE IMPORTANCE OF THE DECISION TO BE MADE

We have reviewed in some detail the proposals made by the Commission. The importance of the Report does not lie so much, however, in the particular measures that are proposed as in the clearness with which the issues are stated and in the insistence that definite decisions should be made as to the principles on which policy in East Africa should be based. The necessary data are now available for arriving at a decision, and both the advantages of closer union between the three territories and the instability of the existing political situation in Kenya are likely to compel a decision in the not distant future.

On the nature of that decision much will depend. It is not only the welfare and good government of the inhabitants—native, European and Asiatic—of a



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huge area of more than a million square miles,¹ with immense potential resources, that are involved. Success or failure in East Africa is bound in the long run to influence policy throughout the rest of Africa and to have a profound effect on the relations of the white and black races as a whole. The fact that the greater part of the three northern territories is held under mandate brings all that is done in East Africa under the scrutiny of public opinion in other countries, and a right or wrong handling of the issues will affect the international reputation of Great Britain. As was suggested in a letter to *The Times* signed by several distinguished Peers, "a question affecting such large and varied Imperial interests clearly calls for more than usual deliberation."² It was suggested in the same letter that, as a means of ensuring that policy in regard to East Africa should as far as possible be a national policy commanding the support of all parties, any proposed constitutional or administrative changes in East Africa should, after being embodied in a draft bill or draft orders in council, be submitted for consideration and report to a Joint Select Committee of the two Houses of Parliament. This follows the precedent adopted in the case of the Government of India Act. It seems to offer the only means of arriving at a policy in regard to East Africa which will be raised above party controversy and be a truly national policy. The adoption of such a policy would lift the whole question out of the

¹ This includes Nyasaland and Northern Rhodesia as well as the three northern territories.

² The signatories were: Lord Lugard, Lord Davidson of Lambeth, Lord Buxton, Lord Cecil, Lord Olivier, Lord Reading, and Lord Southborough. Cp. *Times*, February 25th, 1929.



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reach of accidents of local administration and the exigencies of party warfare and make possible an orderly and continuous advance. The appointment of a Joint Select Committee would, moreover, provide an opportunity for representatives of the local communities to come to this country and state their case. As a result of face-to-face consultation between representatives of the local communities and those who are responsible for the determination of Imperial policy, it ought to be possible to arrive at a solution which would at once be just to the legitimate aspirations of the former and at the same time provide for the carrying out of Imperial obligations and the maintenance of the best traditions of the government of the Empire.



APPENDIX I

STATISTICAL SURVEY¹

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	Kenya.	Uganda.	Tanganyika.	Zanzibar.	Nyasaland.	N. Rhodesia.
LAND (SQ. MILES).						
Area alienated to non-natives	10,511	253	3,430	—	6,268	18,197
Area included in native reserves	48,297	No native reserves. 9,713 sq. miles owned in freehold by natives in Buganda and Western Province, and 25 sq. miles in Eastern Province. Remainder available for native occupation.	No native reserves. All land is "public" land, held in trust for natives.	—	No native reserves. Most of balance of Crown Land is to be earmarked for native occupation.	107,775
Balance unallotted	149,512	—	—	—	—	165,028
Total Area of Land ..	208,320	110,300	373,494	—	39,964	291,000
POPULATION.	(Non-native Census, 1926.)	(Estimated, 1926.)	(Estimated, 1927.)	(Estimated, 1927.)	(Census, 1926.)	(Estimated, 1927.)
Native	2,549,300 (estimated)	3,123,581	4,319,000	183,781	1,290,885	1,237,486
Non-native :						
1. European and other white races	12,529*	1,752	5,274	272	1,716	5,581
Including officials ..	(1,772)	(370)	(727)	(79)	(211)	(291)
2. Arabs	10,577	—	4,041	18,844	—	—
Other Asiatic	30,583	11,613	19,659	13,859	982	60

* Of 2,100 are engaged in agriculture.

APPENDIX II

KENYA LEGISLATIVE COUNCIL¹

	Present Constitution.	As proposed by majority of Commission.	Chairman's alternative Proposals.	
			(1)	(2)
British Officials ..	19	15	9	10
Elected Arab ..	1	1	1	1
Nominated Arab ..	1	1	1	1
Elected Indians ..	5*	5	5	6
Nominated to represent general interests (In- dian)	0	0	1	1
Nominated to represent general interests (European) ..	0	0	2	2
Nominated to represent Native interests (European) ..	1	5	5	5
Elected Europeans ..	11	11	11	13

¹ See *Round Table*, June 1929.

* Owing to the objections maintained by the Indians to communal representation, there is at present only one Indian elected member; the Governor has power to fill the remaining seats by nomination.