

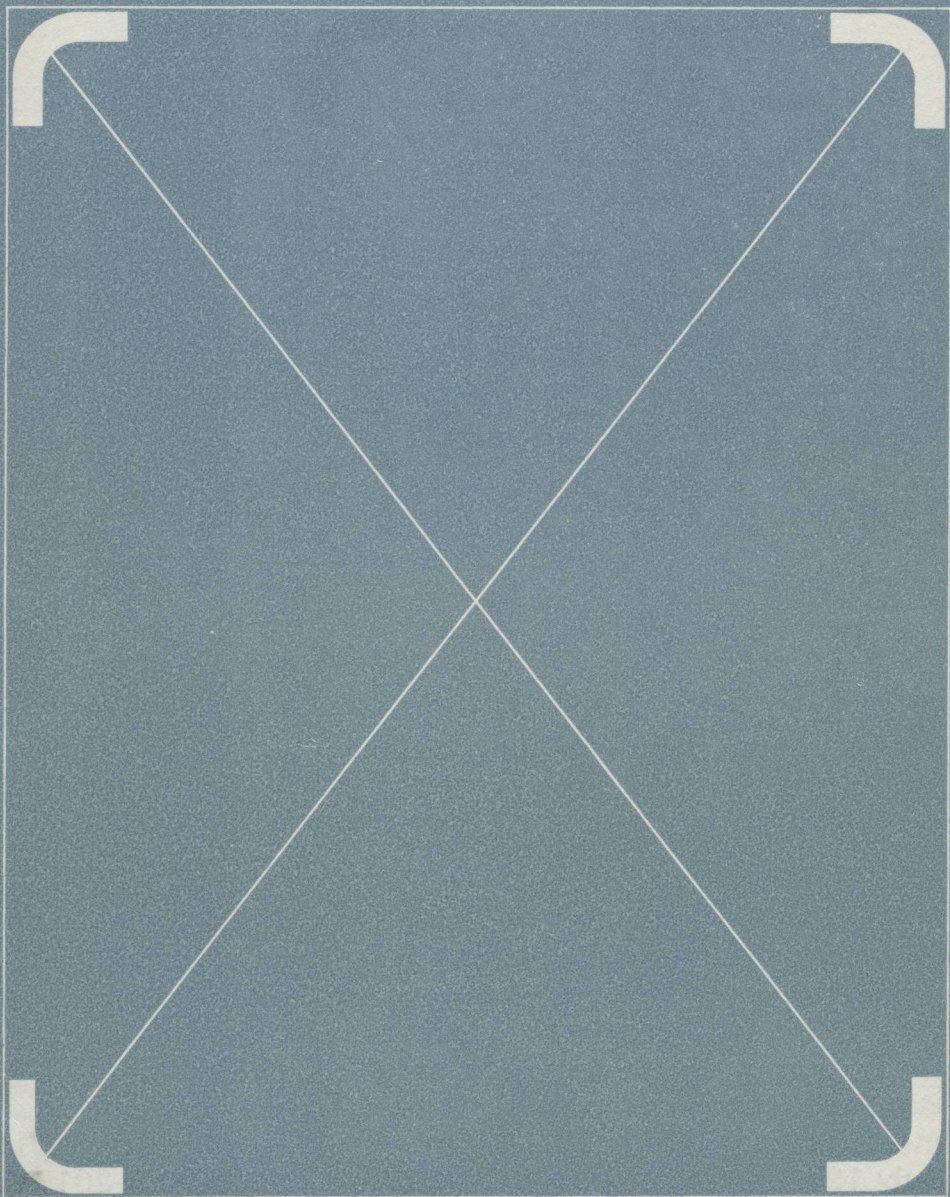
# whither Kenyan emigrants?

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Vincent Cable

young fabian pamphlet 18

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July 1969.

SBN 7163 2018 5

# 1. the Asian minority in Kenya

There is a serious temptation to regard the 1968 Immigration Act as dirty water under the bridge, as an unpleasant episode best forgotten; but there are 40,000-50,000 people in Kenya and many more in the rest of East Africa in a serious predicament; and it is this human aspect of the problem which has been overlooked in the arguments about the allocation of legal and moral responsibility, the plugging of administrative loopholes, the management of international relations and the concern for public opinion. A purely racial classification of the Asian minority in East Africa is highly misleading. "Asians" have at various stages included Arabs, Somalis, Goans, Seychellois and others, according to the whims of the government administrators and statisticians. The term "Asians" is generally taken to refer to those whose antecedents originated in the Indian sub-continent, but even this group includes a vast diversity of religious, linguistic and other sub-groupings which are of enormous importance in determining the behaviour of the individuals concerned. Nevertheless, this arbitrary racial distinction persists in official and unofficial usage and is consequently the most relevant classification available.

## historical background

The Asian immigrants in Kenya have faced two major challenges to their position: one, from the white settlers culminating in the early 'twenties, resulted in an uneasy compromise; while the second, from the Africans, is still taking place.

Indian traders penetrated the interior of Eastern Africa very early, possibly long before the legendary European explorers "discovered" it and they had long operated commercially on the Arab dominated coast, where there were about 5,000 of them in 1900. Specifically imported Punjabis were also important in building the "Uganda" railway at the turn of the century. There is a popular Kenyan novel about petrified Indian labourers being eaten by lions in Tsavo (I. H. Patterson, *The Maneaters of*

*Tsavo*, 1910). But the majority of the survivors did not stay on. Contrary to local myth Asians are not descended from these labourers, but from the middle caste Gujerati merchants who followed the railway to trade. Many of these traders or "Dukawallas" penetrated "in all sorts of places to which no white man would go and in which no white man could earn a living . . . and more than anyone else developed the early beginnings of trade and opened up the first slender means of communication" (Winston Churchill, *My African Journey*).

The major issue facing the authorities was to finance the railway by developing the economy. At that time there was no observed over-population and the supposition that Kenya was an "empty" country was largely justified. Settlement was seen as the solution (except for present day Uganda and the West, where the problems were different) and the issue was by whom. The 1901 report by His Majesty's Special Commissioner of the Protectorate of Uganda, which included much of present day Kenya, referred to the territory as the "America of the Hindu". Others, notably the British Commissioner from 1901 to 1904, Sir Charles Eliot, encouraged white settlement, urged on by the handful, like Lord Delamere, already there. This latter group was rewarded by the Elgin "pledge" of 1906 to reserve the agriculturally promising highlands in Kenya for white settlement. Both Indians and white settlers were arriving and there was competition, the Indians having numerical ascendancy and probably more aggregate wealth but less political influence. They were excluded from the first elected body in 1907 which provoked Winston Churchill, then a juniors minister, to remark, "there can be no reason for the exclusion of this large and meritorious class. Begin early and instill good principles in the East African Protectorate".

The conflict came to a head after the first world war. By this time the Indian settlers were being strongly supported by the Imperial government in India, which was under pressure from nationalists to

demonstrate the existence of racial equality in the British Empire. At one stage the Indians appeared to be getting their way. Of the four white settler demands: a halt to Indian immigration; segregation of urban housing; exclusion of Indians from the legislative council (the Indians wanted a common role) and exclusion of Indians from the Highlands by law, none were met outright. Eventually, after a threat of rebellion in 1923 by the white settlers and telegrams to Queen Mary by the ladies soliciting protection from the "Asiatic menace that threatens to overwhelm us", the Highlands claim was conceded while the Indians were given only a restricted franchise. The significance of the compromise "that Kenya is primarily an African country and the interests of the African natives must be paramount" was largely overlooked.

These few early years largely determined the evolution of the next 40. On the one hand the white settlers never got a real grip on the country as they did in Rhodesia, though they were able to consolidate their economic position and impose *de facto* "apartheid" in education, housing, and the use of social amenities. On the other hand the Asians were contained within an unedifying but secure position as second class citizens in terms of social status, political rights and job opportunities, but with freedom to expand in business, largely in the urban areas. Immigration to Kenya also continued relatively freely. The Asians contributed greatly to the Kenyan economy. They helped the settler economy by providing finance as well as other business functions and were Kenya's main reserve of skilled labour. They worked in the colonial administration as clerical staff and executive officers.

In the absence of African traders, they helped to monetise the peasant by buying and selling local produce and acting as a source of rural credit. Though this role may not have been popular with the Africans, whose bargaining position was weak, it did help to get the African economy off the ground at a time when African peasant farming was not encouraged by the government, as it attracted

labour from the white farms. Also as the East African Royal Commission (1953-1955) pointed out, the government tended to be particularly sensitive to African complaints on this issue and there were several measures to protect them; notably the limits of contractable debt, differential trading licence fees to encourage African trade and prohibition of Indian trade in remoter areas, and a government bulk buying policy.

However, this situation contained within it the seeds of future conflict. First, while the Indian trading activities were admirable in a macro-economic sense, and while there is no evidence that the "dukawallas" worked other than exceedingly hard for their profits, many Africans, despite protection, felt themselves to be exploited, particularly in the purchasing of farm products at uneven prices and in borrowing at high rates of interest, even if these were the best in the market. There were other complaints about overcharging and false weights. After the second world war African traders, mainly Luo and Kikuyu and often ex-servicemen, started to emerge in Kenya, while the Chagga in Tanganyika and the Baganda in Uganda, were already well advanced in their own trading. However, inefficient practices, shortage of capital, lack of experience, as well as Indian competition and domination of wholesale channels, combined to keep them down.

Secondly, there was increasing job competition from Africans trying to enter paid employment, as clerks and semi-skilled labourers. While this was not significant during the early colonial period it began to become important during the 'fifties, when increasing population pressure in the African reserves, better African education and rising aspirations were beginning to create a clash with the interests of a still expanding Asian middle class. The long term solution has been seen as the movement of Asians into the professions and the application of their innovating and entrepreneurial ability to manufacturing industry where there is less competition from Africans, but so far this has been for the minority.



Thirdly, there has been strong anti-African prejudice amongst the Indians. There was already a "colour" feeling derived partly from the caste colour consciousness in Indian society, to which was added the very unedifying example of the local whites. It is also partly explained by status and job insecurity at the bottom levels of Asian society, which will inevitably result in rationalisations of racial superiority if the whole society is based upon racial distinctions.

Fourthly, the burgeoning African movement against the colonial government and the settlers passed by the Asians almost completely. Tandon in Ghai's collection of essays attempts to explain this political quiescence which was common to all but a few, like the Sikh, Makhan Singh, and the Goans, Fitz de Souza and Pio Gama Pinto (who helped the Mau Mau guerillas, and was assassinated in 1965). To some extent it was the result of economic self interest and prejudice against Africans, but not entirely. After the rejection of a common role" during the 'twenties, the Asians had been confined to communal politics which increasingly crystallised, around parochial issues (e.g. Indians versus Pakistanis or Goa for the Portuguese, Indians, Goans). Their only way of achieving radical reform was by extra constitutional methods yet the Asians had neither the numbers nor the outside support to attempt physical resistance and were too vulnerable to attempt economic sanctions. Communal politics also tended to result in representation by the more solidly conservative Asians rather than the young and educated who might have been expected to pioneer multiracial political organisation.

Undoubtedly the Asians constituted under the colonial system a privileged minority which did nothing to divest itself of its relatively superior status. Most were prepared to accept the restrictions and racial segregation that attended it. Some undoubtedly welcomed the opportunity to preserve traditional values and loyalties. Nevertheless it is far too easily assumed that this was a happy form of collaboration. At the time of the Lan-

caster House conference, Asian representatives showed a positive and constructive attitude to the approach of majority rule and favourably impressed Iain Macleod and others. After independence other matters came into prominence such as the Asians' reactions to the offer of citizenship and the degree of quick integration that could be achieved. But before this there were already signs of strain.

### size and main characteristics

In the last Kenyan Government statistical estimate (*Kenya, statistical abstract*, 1967; population figures were given as: Africans approximately 9,671,000; Asians and Arabs 192,000; Europeans 42,000) which is based on the 1962 population census, the Asian population was at a peak, 192,000 compared with 176,000 in 1962. By contrast the European population which was 61,000 at its peak in 1960 had fallen to 42,000 by 1967, as a result largely of Kenyanisation. The Asian population increase is mainly natural with increased immigration continuing to balance emigration until last year. 43 per cent are 14 or under, much nearer to the African 45 per cent than the European 24 per cent. One important factor highlighted by the population census is that the fertility of the Kenyan Asian women is now falling noticeably, though the Asian population is demographically very young.

As might be expected from the colonial restrictions imposed upon trade in rural areas and on Asian ownership of land, most lived in towns where long leases could be obtained. Over three quarters now live in the four largest towns as compared with not much more than 5 per cent of the total population (which was very inexactly estimated at being in the region of 10 millions in 1967/68). Until recently they made up about one third of the population of Nairobi. This had important implications, facilitating the formation of tightly knit religious and communal groups believed locally to be "typically Indian". It is difficult to decide to what extent this exclusiveness

is an ingrained property of Indian society at home and overseas, or due to artificial restrictions. Both are relevant, but it is my entirely subjective impression that in an open mobile society this exclusiveness could break down to a considerable extent.

Occupationally the Asian minority have been on the middle rung of the ladder, as might be expected. 23 per cent of the economically active males in 1962 were professional and managerial, mainly doctors, accountants and business executives, 42 per cent were clerical and sales staff, 26 per cent craftsmen and skilled manual workers, and a mere 5 per cent semi-skilled or unskilled. The European figures were 42 per cent, 6 per cent, 6 per cent and 2 per cent respectively, with many servicemen and technical/supervisory personnel. Africans, on the other hand, were overwhelmingly unskilled. The importance of the Asian's role in the private sector can be assessed from the fact that over 80 per cent are employed in "private industry and commerce", mostly in trading, but also in manufacturing industry, transport, and construction. The rest are mostly civil servants.

In terms of income groups, in 1965/66 under 25 per cent of Asian men earned less than £180 per year, and about 25 per cent over £720. Of Europeans, 25 per cent earned under £600 and about 30 per cent over £2,400 per year, while the average African income for the small minority with work, is under £100. Income figures are highly misleading, however, in the Asian case. Most small businesses are taxed imperfectly and wealth which may be far more important than annual income is not open to assessment.

One factor which has already been mentioned is the highly fragmented and communal nature of Asian society. The term "Asian community" is sociologically a meaningless one, and various writers, notably Bharati have written in detail on its component parts. Suffice it to say that there are distinctions firstly of religion; about 55 per cent are Gujerati speaking Hindus (some of them Jains),

12 per cent Sikhs, about 24 per cent Muslims and 10 per cent Catholics (nearly all Portuguese speaking Goans). Secondly, these groups are themselves divided; for example, the Muslims include the highly westernised and distinctive Ismaelis as well as others from Pakistan and Gujerat. The Gujeratis are composed of subgroups based on caste and the traditional family; the Shahs and Patels are perhaps the most famous. Even the small group of Goans have separate clubs for separate castes and pro- and anti-Portuguese factions. Most social activities, educational institutions and even political parties tended to be built around these subgroups rather than around the "Asian" group as a whole.

One question which is of particular importance is the degree of westernisation of the Asians in East Africa, which can be taken as an indication of the potential for easy assimilation into western society. There is an apparent contradiction between the obvious technological and educational impact of western society and the much less obvious ideological and cultural impact. Most East African Asians have had six to eight years compulsory schooling in schools where English is the medium. Bharati's survey concludes, "humanism, self-reliant kinship-free planning, autonomous value judgments . . . is secularism: this has not transpired to the Asians of East Africa". But he acknowledged some of the tentative changes—individual courtship, western music and films, freedom from religious education, a trend to small families. Released from the artificially segregated racial compartments of Kenyan life and removed from the inhibiting influence of the older people, the younger Asians would almost certainly adapt rapidly.

The more progressive groups, like the Khoja Ismaelis under the leadership of the Aga Khan, have realised that acceptance must be based on some degree of assimilation. As a result, they have made some attempt to drop taboos, mix freely, and adopt western dress and most have taken local citizenship. They have maintained their religious links, however, and

one can partly attribute their relative success to self-confidence as an independent group, like Jews in Britain and America.

The potential British immigrants do not include the Ismaelis. Nor do they include the most conservative element who typically have their main links in India, have had a parochial education suffused with religion, and who have a strongly traditional outlook towards the family and society. The typical British Kenyan Asian, if there is one, is perhaps somewhere between the two.

This leads on to the question of what the Kenyan Asians regard as their home. There is the minority who were born and bred in India and received an Indian education. In 1962 almost exactly one third had been born in India, Pakistan or Goa, as opposed to East Africa, which gives a very rough indication of the number involved. Some have kept up their Indian business and family connections and were either confidently expecting to go back to India to work or to retire, or would have had no inconvenience doing so. Second, there is the small number, mostly professionals who, while they do not regard Britain as home, regard it as the nearest thing to a home after Kenya. Some have relatives already settled here or have had a British education and their connection with India has been limited to correspondence with grandparents and an occasional visit.

They would find resettlement in India exceedingly difficult. Third, there are the majority who are Kenya born and who do not really belong to either India or the United Kingdom. They failed to acquire the Kenyan citizenship which abstracted from political anxieties, they would have preferred. Their preference for the UK or India is probably determined by economic factors; in other words, wherever their skills are in greatest demand. Of this group the preference was perhaps initially for Britain, but fears of encountering racial prejudice have probably reduced the number of these with skills and capital assets and therefore some degree of choice, leaving

a disproportionate number of clerks and small traders who feel they would stand a better chance in manual work in Britain than on the breadline in India.

## Uganda and Tanzania

The situation in Uganda and Tanganyika differed from that in Kenya in the absence of large scale European settlement, although European-Asian competition was not entirely absent. In Uganda climatic factors determined that agriculture could develop only by African, or Indian, peasant farming or by expatriate tropical plantations. The Indians came to trade rather than farm, Uganda's officials showed a preference for native agriculture and European estates, in the absence of extensive protection, showed little resilience during the depression.

Thus, eventually, African peasant farming and the absence of land alienation for white settlement became respected priorities. In Tanganyika this was also the case, due to the inhibiting effect of Britain's trusteeship after 1919, though there was some alienation in the north.

There was Kenyan style competition between unofficial Europeans and Asians over electoral matters and Asians were denied collective, let alone individual, equality of representation until 1934 in Uganda, although it was realised earlier in Tanganyika. Both Europeans and Asians alike, however, seemed anxious to avoid the influence and example of the Kenyan settlers. The main conflict was between African and Asians over the same issues that were to come to the fore in Kenya many years later. Before the war there were complaints about "exploitation" in Tanganyika, which were solved amicably, though in Uganda restrictions were put on Asian trade. In both cases the governments tried to pose as protectors of African interests against Asian "exploitation", playing the two off to its own advantage. In Uganda, even as early as the 'twenties, the government was faced with pressure from Africans who found Asians blocking their path to advancement. Asian entry salaries

in the civil service were lowered and clerical posts were restricted to Africans. Nevertheless, Asian dominance of middle level employment was generally maintained.

As in Kenya, African nationalist movements largely by-passed the Asians. In Uganda this was not surprising as the main political issue was the infighting between the Kabaka's Baganda supporters and other tribal elements, with both groups taking time off to boycott and burn Asian shops. In Tanganyika the Asians and Europeans opted for a tripartite parity of electoral representation with the Africans. They were outdistanced by TANU, which initially discouraged non-African membership and was interested in the more ambitious solution of "one man, one vote".

The figures given earlier for the economic and social position of the Kenyan Asians are roughly similar to those in the rest of East Africa, with 90,000 in Tanganyika in 1963 out of a population of 12 million, and 80,000 in Uganda out of 8 million. Clerical staff are relatively more important in Kenya and private self employed business men are relatively more important in Tanzania and also Uganda. The Tanzanian and Ugandan Asians are, however, slightly more affluent than those in Kenya. In Uganda Asian industrialists still control many of the "commanding heights" of the economy—iron and steel, textiles, the sugar factories and plantations, cotton ginning and coffee curing, while the Tanzanian Asians had large sisal estates until their recent nationalisation.

Thus the Ugandan and Tanzanian situation, although it did not approach the severity of the three tier society of Kenya, has had gross inequalities and considerable potential for African/Asian conflict, which the Europeans did not refrain from exploiting and which has only very partly been remedied over the years by African advancement. We now turn to how the three East African countries tried to deal with the problem under majority rule and with political independence.

During the recent controversy the role of the Kenyan government was much misunderstood. The *Spectator*, among others, regarded it as the "villain of the piece". There were also a lot of crocodile tears spilt about these "poor" Asians expelled after generations of toil by the nasty racist Africans. On the other hand there were others who seemed only too willing to apply a double standard of racial intolerance; one for a newly independent African country, and one for their own.

## Independent Kenya and Kenyanisation

As far as Kenyanisation itself was concerned there was little dispute in Kenya.

For most Kenyans, and almost everyone else, the arguments about replacing non-Kenyans by trained Kenyans was almost entirely one of timing and of economics, not one of morality. The main reason for this was that Kenyan citizenship had been offered to everyone resident in Kenya on quite generous terms. Automatic citizenship was given to about 50,000 Asians with local roots, that is those born in Kenya and with one parent born there, and an option open for two years for anyone else. About 20,000 (less than 20 per cent of those eligible, applied under the latter scheme, very many of them Ismaelis. This was a dismal response, made in most cases during the last few weeks of the offer. The Europeans were even less enthusiastic.

The Kenyan government took the view that choice of citizenship within a fixed period was a fair test of commitment to the country and that afterwards it was quite entitled to discriminate between its own citizens and aliens in the provision of jobs and school places, both in acute shortage. The pressure to do so comes from the large and growing pool of unemployed Africans. The level of employment in Kenya in 1966/67 was no higher than the average figure for 1956-60, though the population had increased rapidly; partly due to a slump over the independence period, and partly due to the capital intensive nature of industrial



investment. Perhaps more important than the unskilled illiterate are the semi-educated primary and secondary school leavers. Here one comes to the unpleasant facts about the Kenyan education system, that the very best schools, and they were excellent, were for "Europeans only", until just before independence, while the middling schools were for "Asians only", and the worst understaffed schools were for Africans, with a few outstanding exceptions in the mission schools. This has now been altered to some extent and as the output of the improved and expanded African secondary education sector comes on to the market they are looking for places in jobs currently occupied by non-citizens. The justification, on moral and political grounds, for some degree of Kenyanisation of employment under these circumstances seems inescapable, especially as many of the jobs, but by no means all, were obtained as a result of explicit racial discrimination against Africans in the 'fifties and earlier.

But was the citizenship offer a fair test of commitment as the Kenyan Africans claimed? There is some indication that even at that time the Kenyan government itself was not fully committed to full protection for citizens as opposed to ethnic Africans. In the civil service the government reserves the right to discriminate on racial grounds to correct any "historical imbalance". Clearly there was discrimination before independence at the expense of Africans and in practice this post-independence discrimination may not have been very important. Nevertheless, the mere fact of its existence being officially recognised would have deterred a great many from becoming citizens, in view of the alternative of continued British citizenship. However, this kind of thing could have been much worse if the response to citizenship had been fairly universal. One cannot avoid the suspicion that the Kenyan Government was secretly rather pleased that its responsibilities towards non-Africans were no greater.

In fact, however, what deterred most Asians from citizenship were matters en-

tirely out of the control of the Kenyan government, the Zanzibar massacres, in particular, and the vague uneasiness about independent Africa in general, as well as Kenya's own reputation for racial strife, though this was being rapidly repaired by the end of 1965. Prejudice against Africans and a belief in their inability to run the nation's affairs probably was an important ingredient, and in so much as this was the case, and the soft option of a British passport certainly did not help them to make an unbiased evaluation of Kenya's prospective merits, the Kenyan government was justified in regarding the citizenship offer as a fair test.

The issue for the Kenyan government has been largely an economic one of the extent to which Kenyanisation, resulting in a loss of skills, is compatible with the fast economic growth to which Kenya is committed. It is important to distinguish long term and short term effects and also the effects of the different pieces of legislation which make up the Kenyanisation policy. First, there is the Kenyan immigration act which stipulates that non-citizens residing in Kenya should have work permits and, in practice, these are only granted where a Kenyan is not available to do the job (as decided by a Kenyanisation bureau) and on the payment of a deposit to cover possible repatriation. Through 1968 this legislation has been put into effect for skilled office workers, such as clerks and typists and semi-skilled workers, and these have had to leave the country or been given short term permits. Secondly, there is the Trades Licensing Act which produced its first marked effects early in 1969. Under this act certain areas are to be cleared of non-Kenyan traders and certain products, mostly consumed by Africans, such as maize, meal, and charcoal, are to be handled only by Kenyan shopkeepers. Thirdly, the Transport Licensing Act regulates the granting of B or C licences to citizens. This is important as the small transport companies are heavily dominated by non-citizens, yet are an easy way into business for up and coming Africans. The Kenyanisation of jobs presents a mostly short term problem. The removal

of large numbers of personnel at once cannot but fail to have its effects on efficiency, but there is no reason to assume that even in the absence of prior training there is likely to be any long term problem of "learning by doing" assuming (and this is a big "if") that supervision is equally tough in the future and that promotion is on merit rather than on a kinship basis. Unfortunately the government has been rather cavalier in its treatment of certain specific skilled groups, such as registry clerks, telephone operators and stenographers, and in many cases irreplaceable skills born of long experience have been carelessly lost.

As the Kenyanisation policy extends to artisans, managerial and professional staff, the economic losses will probably be greater and a recent controversial article in the *East African Journal* of March 1968 argued that given reasonable projections of economic growth and of the supply of trained Kenyans into the increasing number of skilled jobs, there was likely to be plenty of scope for most non-Kenyans to continue, and that drastic Kenyanisation could be damaging. It is an ironic commentary on Kenyanisation that at a time when large numbers of skilled people are leaving Kenya, the government is recruiting substantial numbers of skilled workers, mainly for the building trade, on contract from India.

The transport licensing legislation has created considerable confusion in the farming sector where the sudden disruption of recognised transportation has hindered the ability of farmers to ship their products smoothly. However, the long term problem will only be serious if Kenya loses its mechanics. The traders licensing legislation is likely to have a much worse impact if it is applied severely. In practice it is mostly being applied to non-citizen traders in rural areas and one small town, that is to about ten per cent of the total, and is not draconian so far. Its effects will depend upon whether African traders are able to step into the breach quickly. This seems unlikely given the motivation of the Asians and the fact that Africans lack

experience and credit, although the government is trying to help in this respect. In addition Kenyan Asians still control much of the wholesale system which can break or make a new trader, and only an unproved and not conspicuously efficient government organisation has been able to break into this.

A partial collapse of the retail system will badly affect the local import substitute industries, and the valuable service of supplying a wide variety of consumer goods to the peasant farming sector.

Employment prospects will also be adversely affected as will government revenue in the form of customs and excise duties and income tax, although possibly many traders dodge a high proportion of this. There is undoubtedly an inefficient duplication of Asian shops, but small private African ownership will fragment the market still farther. All this may be over pessimistic, but it is difficult to avoid the conclusion that these measures against traders will have adverse economic results. The main argument against over rapid Kenyanisation, however, is the impact on the balance of payments of a large flight of repatriated capital.

According to the government and the banks the maximum allowance of £2,500, previously £5,000, per head of family is being fully claimed and is probably a gross underestimate of what has actually been taken out of the country legally or otherwise. It is doubtful, however, even if this is the end of the story. A great many professional men, such as accountants, engineers and doctors, will leave, not waiting for the axe, taking their skills and money with them. They will be replaced in the short run by European expatriates on contract, earning vastly larger salaries, with much less experience of Kenya and probably less ability. An even bigger loss will be those with genuine entrepreneurial skills in manufacturing. Asians dominate many industries like sugar, cotton ginning and textiles, and have shown great inventiveness in others, as at the steel plant in Uganda. It may be that over a generation pressure on the lower cadres will drive Asians

into these fields, where they can be of more use, but in the meantime Kenya is losing a great deal of skilled manpower and foreign exchange.

## Kenyanisation or 'Blackenisation' ?

While the issue of how Kenya has treated its Asian citizens is of no direct relevance to the British Asians, it is important to set the record straight. The fact that this Kenyanisation policy has been directed at the Asian dominated private sector is often construed as being implicitly "anti-Asian", but this is quite unfair, for the farming sector and administrative grades of the civil service, dominated as they are by European expatriates, have attracted the government's attention for the last few years, while the traders and clerks have been largely overlooked. It would, however, be naive to pretend that racial hostility is not present. The marked differences in wealth and opportunities; the lack of identification of Asians with African nationalism and an identification with the colonial system; complaints, sometimes justified, of exploitation or abuse by individual Asians were the main causes of this hostility. With independence there came others: the lack of interest in citizenship and the delay, the fence sitting, or calculated self interest of those who did respond; the apparent unwillingness to break down communal barriers; the absence, except in a few Ismaeli concerns, of any attempt at partnership with African business; rising prices and rents which may have been the result of official policies, but which were blamed on Asian traders and landlords.

The greatest influence has been the pressure on jobs. Asians are more vulnerable to this than Europeans as they are more numerous and occupy jobs to which most Africans might aspire. Even in the European case it was in fact necessary to Africanise substantially. This has very important implications for Kenya, as the Africanisation of the upper civil service and the transfer of over a million acres of the white highlands to African ownership have helped very substantially to im-

prove relations between Africans and Europeans. The fact that Europeans are now tolerated while Asians appear to be actively disliked, owes a great deal to the British aid and compensation scheme which enabled Kenya to carry through the Kenyanisation of many posts previously held by Europeans without any appreciable hardship, but unfortunately this scheme was not extended to cover Britain's Asian subjects.

Has the government been able to resist pressure to give in to anti-Asian racial feeling? The Kenyan government formally talks about Kenyanisation but reference to "blackenisation" or "Africanisation" are common. An example of true Africanisation has been given in the civil service, and in deportation arrangements. There are also cases of licences being refused to Asian citizens, apparently on racial grounds; however, in the one celebrated case where Asians were deliberately denied tenancies in a market by the Nairobi City Council, their appeal was upheld in court. Other obvious cases of discrimination have been rectified and are probably due to over enthusiasm or nastiness by junior staff, coupled with administrative inefficiency. The worst examples of "racialism" which have official sanction are the occasional radio broadcasts of the Voice of Kenya, some of which are extremely offensive. For the most part, however, there is a large gap between "official" policy, which is generally fair, and "unofficial" speeches and activities, where extremism is more manifest. MPs, trade unionists, branch officials of political parties, and students best express this prejudice.

A historical evaluation of the record of the Kenyatta government would not only take into account the domestic forces acting upon it and which to a large extent it has humanised, but also how its record of racial tolerance contrasts with its colonial predecessors. There have been malicious broadcasts and unnecessary deportations, but there is also an almost total end to the segregation of schools, hospitals, and public places and to inequality before the law, and that at least is an improvement.

Given this background, moderate Kenyanisation is both understandable and reasonable from all except an economic viewpoint. The occasional official manifestations of real racialism are exceptional. The suggestions from Britain that the Kenyan government should reconsider its citizenship criteria or stop Kenyanisation, is not only hypocritical but politically naive. The best that can be hoped for is that a reduced number of Asians, mainly Kenyan citizens, will be able to protect their position, once Kenyanisation has reduced some of the hostility against them.



## 2. India and its expatriates

The important role of the Indian government has generally been overlooked. Before the 1968 Commonwealth Immigration Act the relationship of India with the Kenyan Asians, and other Indians overseas, had been ambiguous.

The connection between India and its overseas communities arose out of their common subjection to Britain. Several British colonies, such as Guyana, Mauritius, South Africa and Fiji, lacked sufficient willing natives to do the hard work required on the sugar plantations and elsewhere, and cheap coolie labour from India was the next best thing to the slaves of the 18th century. This, crudely, was the rationale behind the indentured labour system. In East Africa a slightly different situation existed as, despite the importance of manual labour on the railway, the Indian immigrants were largely merchants.

The Imperial Indian government first became seriously embarrassed by the indentured labour system in the early twentieth century when, partly as a result of Ghandi's influence, the appalling conditions of overseas Indians roused the anger of the increasingly powerful Indian nationalists. The nationalists were also concerned about the hypocrisy of racially restrictive immigration policies in the supposedly multiracial Empire, and at about the time of the first world war there were a few daring gestures by the Indian government, such as the attempt to break physically the "White Canada" policy with a boat load of Sikhs in 1918. It failed, though they had a small success with Australia. The privileges of the white settlers in Kenya and the Elgin pledge were the issues which the Indian government was urged to take up, and it exerted considerable pressure, mainly against South Africa, which supported the settlers and with whom India was already in acrimonious conflict over the conditions of the Indians in Natal. The Kenyan Asians were not totally defeated partly as a result of the Indian government's pressure. It also gave moral support to Tanganyikan and Ugandan Asian in their efforts to get a better franchise.

Although the independence of India doubtless gave a fillip to the local Indians, it seems to have had little permanent effect apart from dividing the community even further into communal camps. Certainly there was little inspiration to take up the cause of a Kenya under majority rule, as happened in Guyana and Mauritius, though as stated earlier, Asian conservatism may have been over estimated and at least at the time of the Lancaster House conference there appeared to be a genuinely forward looking approach by the leaders.

India behaved with propriety throughout this period. At no stage does India seem to have been eager, or able, to use the Asian minority to exert political influence on Kenya or to pursue commercial interests. In fact Kenya has proved to be a loophole by which hard currency finds its way out of India to Britain and elsewhere. When Kenya attained independence, the Indian government lent strong support to the new Kenyan government, offered training facilities to Kenyans, and urged the local Asians to take out local citizenship, though it offered nothing like the British Nationality Act (1964) to Indian born Asians as a security for their taking Kenyan citizenship.

India's attitude to the Kenyan Asians is a curious mixture of distant paternal responsibility and active dislike. On the one hand "they are Indians", and when overseas Indians have been a trouble in the past, as in Burma, they have usually been admitted on compassionate grounds despite the lack of facilities for coping with them. On the other hand more sensitive Indians resent the materialism, the wealth, the arrogance and the lack of commitment of many of the Kenyan Asians. The local Asians' lack of success at good race relations also spoils neighbourly relations with the East African governments. The Pakistanis hardly come into the picture as most Kenyan Muslims are Ismaelis, whose first loyalty is to their spiritual leader, the Aga Khan, who has persuaded his followers to adopt local citizenship.

# 3. Britain and the act

It is not intended to go into the general problems of coloured immigration into Britain: first because they are of little applicability to the East African Asians, who are a special case; secondly because they are already very well documented and thirdly because most of the immigrant problems, such as overcrowding of housing and bad conditions are not in themselves the result of coloured immigration at all. Some of these features are the result of general large scale movement into the areas where there is excess demand for labour and where immigration is taking the place of internal mobility within the British Isles. Some are merely long standing problems for which responsibility has been directed on to the coloured fraction by the present residents of the areas concerned. Both the Milner Holland report and the Rex study of Sparkbrook, Birmingham, provided supporting evidence for this point, and a few politicians have tried to communicate it to their constituents (*Race, community and conflict in Sparkbrook*, Rex and Moore).

However, it may be useful to summarise some of the main recent contributions to the growing body of knowledge on immigration problems. One is the very important study of Miss Jones, which helps to explode the myth of the immigrants being a burden on the social services (*National Institute of Economic and Social Research Review*, 1967). She finds that the cost of health and welfare is on average five per cent lower than for the British natives, due to the small proportion of old people. The National Assistance benefits claimed are 55 per cent lower than for natives. Only in education (15 per cent higher) are immigrants a relative burden on the rest of the community.

Secondly, there has been an increase in the contributions on the economic role of immigration. The report of the West Midlands Regional Council recently identified a need for labour considerably in excess of projected supply. The overall manpower gap of 200,000 to 400,000 by 1970 highlighted by the National Plan may be less glaring in a period of

slower than predicted growth, but it is still there. A recent theoretical contribution by Nicholas Kaldor (Inaugural lecture, Cambridge, 1966) has given further indication that the role of a growing labour supply has been more important in the recent growth experience of the advanced industrialised countries than is usually recognised. Indeed the economic importance of future supplies of immigrant labour is implicitly recognised in Britain's acceptance of increased amounts of alien labour proscribed in the Rome Treaty, which we aspire to sign, and to whose free immigration provision no politician has yet taken exception. In as much as the declining areas of Scotland, Wales and the North East are now being revitalised this demand will have to be met externally.

It is important to go over these points. The House of Commons debate on the Act was full of pained references to constituency immigration problems, without a proper balance sheet being presented. There are of course genuine physical problems due, firstly, to the short term influx in certain areas of people who have special demographic characteristics. It is largely a young population making heavier demands on the primary schools and maternity wards than is caused by local population, or by migrants into the same areas from any of the depressed areas of Britain, except Ireland; though it is likely that services such as hospital geriatric wards are not affected at all. There are also very genuine problems caused by language difficulties in some schools or classes. Above all a large influx of immigrants seeking accommodation has inevitable repercussions in exacerbating housing shortages and inflating rents within certain limited areas.

The real problem as most truly honest observers admit, however, is not an immigration problem, but a question of race. There are racial ghettos being formed partly as a natural result of new arrivals congregating in areas of labour shortage and scarce housing and due to discrimination by private landlords and public authorities, and in the Indian and Pakistani cases a usually exaggerated desire

to live in closed communities. In so much as city councils are still struggling with long council house waiting lists it is impossible to see how local authorities can seriously combat this in the short run. There is thus a genuine problem of a lack of meaningful integration which is particularly acute in the Indian case because of cultural and linguistic barriers, and it is this which exacerbates the suspicions and hostility of the local community. In so much as the inhabitants of these areas cannot disperse when they wish, a secondary cycle of poor environment, poor schools, poor job opportunities and more vigorous discrimination sets in. The British policy of restricting coloured Commonwealth immigration rests implicitly on a racial argument; that only by control can a systematic attempt be made to break up the existing concentrations, by gradual diffusion and aggressive urban redevelopment housing policies, thus weakening the links of immigrant groups with the Indian subcontinent and eventually reducing the hostility of the host community. The fact that immigration control is based more on this argument rather than on any concern for the "pressure on social services" and "our already overcrowded island" is clear from a study of comparative immigration trends for the United Kingdom. As far as the total inflow is concerned, this has dwindled very considerably.

	coloured commonwealth immigration	total net immigration
1960	57000	124000
1961	136000	183000
1962	108000	125000
1963	56000 *27000	50000
1964	58000 *39000	54000
1965	51000 *39000	43000
1966	44000 *39000	17000
1967	54000 *50000	minus 11000

\*dependents

source: Race Relations' Board Annual Report 1967/68.

We have approached a situation of negative net immigration and moderate gross immigration, mostly dependents of coloured Commonwealth citizens already here. A recent estimate by Sukden and Eversley (*Dependents of Commonwealth Immigrants*, 1969) gave a figure of about 250,000 as the *maximum* number of future dependents who could possibly come here under the present laws. However, there is a marked shift taking place from Commonwealth to alien white immigration: the number of aliens admitted for twelve months' employment has risen from 20,000 in 1963 to 23,000 in 1967, and for shorter stays from 17,000 to 22,000 over the same period. In 1967 only about 5,000 coloured immigrants were accepted for work here. They qualified for residence immediately, however, while in 1967, 7,000 alien workers qualified for residence after four years stay. Taking into account dependents, there were 61,000 Commonwealth citizens in 1967 taking up residence, all but 4/5,000 non-white and 18,000 aliens. The immigration of Irish workers who come into neither category appears to have stabilised at about 40,000 per annum since 1962 and is probably greater. Thus there is contingent evidence to suggest that the fall in Commonwealth immigration is to a small but perceptible extent being cushioned by a steady flow of workers from the continent and Ireland, some of whom are settling in England. Presumably they present much the same problem as Commonwealth immigrants in all except a racial context.

The decision, therefore, to exclude a small number of relatively mobile, easily assimilable and economically useful Asian immigrants is a particularly difficult one to justify, though the logic behind it has been manifest in policies pursued over several years.

## the Commonwealth Immigration Bill 1968

On 23 February the Government published a bill to restrict the entry of holders of British passports issued overseas. The crucial words were in Clause

1: after the words "citizen of the UK and colonies" (in the 1962 Immigration Act) insert the words "and satisfy the following conditions specified in sub-section 2A of this section". The condition referred to is that "he or at least one of his parents or grandparents was:

- (a) born in the UK.
- (b) is or was a person naturalised in the UK.
- (c) became a citizen of the UK and colonies by virtue of being adopted in the UK.
- (d) became such a citizen by being registered under Part II of the British Nationality Act 1947 or under the British Nationality Act 1964, either in the UK or in a country which on the date on which he was so registered was one of the countries . . ."

The Nationality Act of 1964 was introduced with the intention of enabling British born Kenyan residents to renounce their Kenyan citizenship and return to the UK. It does not apply to Kenyan born Asians, nor was there comparable legislation by the Indian government for Indian born Asians.

When the bill came up for the second reading in the Commons on 27 February, it was passed by 372 votes to 67, with very many abstentions. The opponents of the bill, the Government and Opposition voting officially for it, included some of the traditional left, the Liberals, a few Liberal lawyers (Sir Dingle Foot, Alexander Lyon, Norman St. John Stevas) and other liberals from both sides, notably Iain Macleod, and a few solid Conservatives who were appalled at the breach of promise.

Others voiced their strong distaste at the measure (Reginald Maudling, Quintin Hogg, Andrew Faulds) but voted for the bill or abstained. Very few MPs from areas with immigrant problems, voted against the bill, with the courageous exceptions of Brian Walden, Joan Lester and Sidney Bidwell. The debate was

largely an apologia from all sides setting the cost of a breach of promise against the benefits of relief from racial conflict, though there was the usual confusion between "immigration" and "racial" problems. Only Duncan Sandys tried seriously to deny the existence of a commitment, and he got a rough reception.

Very few concessions were obtained in the passage through Parliament, only on the appeals procedure and in the Home Secretary's promise to treat the limit on entry "with flexibility". Later he appeared to give a more definite commitment to the effect that if a man was out of work and rejected from Kenya, "we shall have to take him. We cannot do anything else" (*Hansard*, col 1150). The Lords were less easily satisfied. This may have been due to the absence of constituency pressures in part, but it did demonstrate that even in the rather more illiberal upper chamber, which had rejected sanctions against Rhodesia, the passage of time brought more critical reflection on the bill.

## the Immigration Act (U.K.) 1968

The debate in the House of Commons and in the country raised several crucially important questions which were only partially answered at the time.

- (a) to what extent did Britain have a prior moral or legal obligation to the Kenyan Asians to safeguard their right to entry?
- (b) did the situation in Britain in February 1968 justify urgent action to limit further the flow of coloured immigrants by breaking an obligation, if such there was?
- (c) even if it did; was the Government right to insist on a limit of 1,500 per year for heads of families and to insert the "grandfather" clause? Should there and could there have been a proper appeals procedure? Should the Kenyan Asian problem have been dealt with at the same time as other immigration reforms?



# 4. the implications of the act

No promise to the Kenyan Asians appears to have been made explicitly. Thus perhaps the best way of approaching the problem is to explain the situation as it was understood by the Government and then point out the alleged errors of fact and interpretation.

Before the 1962 Immigration Act and Kenya's independence Asians and others resident in Kenya were "citizens of the UK and Colonies" and obtained their British passports freely from the territorial colonial government. After the Commonwealth Immigration Act of 1962 colony passport holders, although technically citizens, were no longer guaranteed free entry rights. After Kenya became independent, British passports were no longer issued by the Kenyan authorities. However, Kenya's Independence Act created a new type of British citizen, non-Kenyans and non-Indians, who were British by default. If they applied to the British Government at the UK High Commission new passports were issued which, as a result of an administrative decision, were automatically exempt from the Immigration Act. Quite separately, these people who were largely Asians, had never been offered or acquired British citizenship after Kenya's independence: they were already British subjects or "citizens of the UK and colonies", inasmuch as they had been born or naturalised in Kenya colony. They only became British inasmuch as the Kenya Independence Act (1963), never actually removed British citizenship from them.

This explanation fails to explain why the Asians, and others, were given the opportunity to remain British citizens in the first instance and, secondly, why these citizens were freely issued with passports not subject to the workings of Commonwealth Immigration Act (1962).

The Sandys argument (*Spectator*, 2 March 1968), which started the controversy, was that the free admission of Kenyan Asians was never intended, though it was intended to allow an escape clause for those who wished to opt out of Kenyan citizenship, and who were British. The argument implied that this

was to provide the means for European settlers to remain British and later to return, but that he had not been able for reasons of good taste to introduce an openly racial clause. Thus 120,000 Asians found themselves as British citizens in order that a much smaller number of white people could opt out of Kenyatta's Kenya. The British born had, of course, the additional route to safety through the British Nationality Act, as already mentioned, if they assumed Kenyan citizenship and then changed their minds. However, citizenship and freedom of entry were two entirely different matters, and presumably Sandys would argue that control-free passports should not have been issued in Kenya to Asians. The fact that they were was perhaps an error or an error in good faith, to enable the people concerned to travel to India, for example, but to quote his words "it was certainly never intended to create a privileged back door entry into the United Kingdom".

The Macleod counter argument (*Spectator*, 9 March 1968), supported by Sandys' former junior minister, was that the implications of the Kenya Independence Act were fully understood at the time and that the right of entry was acknowledged to be given to anyone, Asian or European, who retained British citizenship, though hopefully most people would not need it at the same time. He replied to Mr. Sandys in the *Spectator*, "leaving aside the emotive words, this is what was proposed, special entry in certain conditions which have now arrived. We did it. We meant to do it and, in any case, we had no alternative". The Liberals and most opponents of the bill took this view. Added force was given to this argument by the fact that many Asians quite definitely refused Kenyan citizenship on the grounds that the British offer, as it was regarded, was preferable. They were left in little doubt by the Kenyan government that this decision would be irreversible after December 1965. Britain could, at a pinch, have changed its mind before this date when it realised the trend of events in Kenya, but not after. The Home Secretary seemed quite unaware of this important aspect to the

argument and seemed to imagine that the option of Kenyan citizenship was still open.

A rather broader ranging argument than this previous one was originally broached by Mr. Powell in his Deal speech of 17 October 1968. He uncovered an anomaly that all over the world there were pockets of people with British citizenship and British passports (outside the scope of the Commonwealth Immigrants Act) or with access to them, such as the 600,000 Tamils, the million Malaysians of Chinese origin, and the Kenyan Asians. These figures were later used by Government ministers during the debates and they undoubtedly scared the public.

The important fact about these "millions who can come here tomorrow," as Lord Gardiner called them, is that the connection between freedom of entry to Britain and citizenship could have been severed as in nearly all cases the people concerned had dual nationality, were not in danger of being expelled, and could travel in and out of their adopted countries without hindrance. As there was no urgency the matter could have been tidied up at any time, though clearly research would have been needed to find out why these commitments had been entered into and what they entailed. If British Malayan Chinese were being massacred like the Indonesian Chinese many would undoubtedly have wished to call upon urgent British help. The lack of urgency made this an irrelevant consideration at the time as did the fact that there was no problem of a special arrangement having been made which left them with only British citizenship. The cases of Hong Kong and Fiji, cited by MPS, are even more irrelevant as independence legislation has not yet been approved and could be drafted to eliminate the possibility of exclusion from the Immigration Act, if that is the eventual intention. The Tanzanian and Ugandan Asians are in the same position as the Kenyans, as they can no longer go back to local citizenship. A more difficult case are the Zambian, Malawi and Mauritian Asians and some Adenis for whom special treatment did not appear to be

intended at independence and who can still get local citizenship. In the event they were all lumped together with the Kenyan Asians. It is quite correct that there was an anomaly in general, but for Mr. Powell and others to apply it to Kenya—"hundreds of thousands of people in Kenya who never dreamt that they belonged to this country started to belong to it like you and me"—is to miss the point of their special situation shared to some extent by those in Tanzania and Uganda.

The main concern of opponents of the Act was that the Kenyan Asians would be left virtually stateless. This has both legal and a practical aspects. In practice, with Kenya unwilling to reconsider granting citizenship or to let the British Asians stay indefinitely in their jobs, they had to go somewhere else. They were not acceptable anywhere else, even on holiday, without the acceptance by Britain of ultimate responsibility which was denied by the Act. It has been argued that the Callaghan pledge to admit any ex-pelees removes much of the sting from the Act. It remains to be seen whether the obligation is honoured when it is required.

Britain had signed the Universal Declaration of Human Rights, the UN Convention on Civil and Political Rights and the Fourth Protocol to the European Convention on Human Rights, "no one shall be deprived of the right to enter the state of which he is a national", although the first two have failed to become international law by virtue of the lack of ratifications. We had also ratified the UN Convention on the Reduction of Stateless: a "state shall not deprive a person of his nationality if such deprivation would render him stateless".

Contrary to the spirit of these conventions, we had created *de facto* statelessness. Even though British Kenyan Asians owe allegiance to Britain, their right to enter is no longer embodied in the law but hinges on a possible concession during the parliamentary debate. In fairness it might be said that Britain is not the only offender. Kenya had previously de-

ported several Asian Kenyan citizens, making them stateless, and with little sense of regret.

The consensus view was a reluctant and apologetic acceptance of the bill; the argument being that a promise had been made implicitly in the 1963 Act, whether for the Asians' benefit, or only the settlers' or because of carelessness, and that this had led to Kenyan Asians taking the British promise at its face value, declining Kenyan citizenship and retaining British citizenship. Be all this as it may, British racial exigences meant that we could do no other than break our promise. Of front bench speakers, Mr. Maudling put this with perhaps the greatest frankness and whether or not one accepts it, this argument represents the only justification for the act.

### was the act necessary?

Even if one accepts the basic premise that a severe racial situation in Britain was a justification for breaking an obligation of such importance, there is still the problem of deciding whether a coloured immigration crisis did actually exist in Britain. As has already been explained the size of the immigrant inflow was being very substantially reduced by 1967. The question was (i) to what extent the Kenyan Asians would swell the inflow; (ii) to what extent they would add to the absorption problem; (iii) to what extent public opinion was prepared to tolerate an additional influx.

There was no greater misunderstanding at the time of the Act than that of the size of the potential inflow. The numbers coming from Kenya up to January 1968 were as follows: 1965, 6,149; 1966, 6,848; 1967 to June, 3,400; 1967 June-December, 9,100.

There was a noticeable jump in the latter half of the year and this was almost entirely due to Kenyanisation policies. The artificial panic engendered by threats of British action did not start until late January 1968. At 30 June 1966 the number of Asians in Kenya (according to

the Kenyan statistical abstract) was 188,000. If 16,000 had left for Britain in the 18 months to January 1968, 4,000 to India, though this is a guess, and 2,000 more had come to Kenya, there were 170,000 in Kenya in January 1968. There were about 48,000 natural Kenyan citizens, some of them children of British passport holders, and 20,000 other applicants, almost 8,000 of whom were still awaiting confirmation. If we assume that most of these 20,000 were to remain in Kenya and if we exclude 5,000 Indian and Pakistan citizens, there were 97,000-100,000 Kenyan Asians of British citizenship. 12,000 of these left in January/February 1968.

Thus Parliament was dealing with about 85,000 people. This is slightly higher than the figure given by Martin Ennals in his careful study (*UK citizens of Asian origin in Kenya—an independent survey*) which indicated about 70,000 for the same point in time. The difference is due to the effect of continued immigration from India to Kenya up to 1967, to the Kenyan children of British or Indian parents who were probably emigrating also and to differences in estimates of those leaving Kenya permanently. A rough compromise figure is 75,000.

To these should be added the Tanzanian and Ugandan Asians who were indirectly affected: those of British citizenship numbered very roughly 35,000 and 30,000 respectively. There were a few thousand others in Zambia and Malawi and the grand total is about 150,000 in the very approximate ratio of 30,000 heads of family to 120,000 dependents, if the distribution is similar to that of the East African Asian population as a whole. As indicated earlier, the number who definitely regarded immigration to Britain as a natural line of retreat were almost certainly a minority, mainly amongst the young, and the rest could be totally disregarded for immigration purposes. Various studies have tried to identify the number of those with a preference for India. Michael Young's Institute of Community studies had carried out a survey before the crisis which indicated that 25 per cent wished to go

to India, 40 per cent to remain in Kenya, while the rest were undecided. Martin Ennals survey carried out after the act in early June 1968 indicated that if the respondents were obliged to leave Kenya nearly 70 per cent would prefer India or Pakistan and less than 20 per cent the UK. The findings may be misleading in that many Kenyan Asians were intimidated at this time by lurid reports of racism in Britain arising from the aftermath of the act, and by disgust as being excluded. Many were probably in the process of revising their previously favourable opinion of Britain, hence the fact that few sought vouchers in 1968, but the situation has now changed. Though the British Government did not have access to the Ennals' study at the time, they did have access to the institute's work and the High Commission should have been able to give a reasonable guess.

If we were dealing with, at the very most, 75,000 people, probably very much less, in the whole of East Africa, their impact on Britain would have been determined by the speed of arrival. It is difficult to imagine that the exodus would have been spread over much less than five years with perhaps a bunching after two or three, given that there was no breakdown of law and order in Kenya, giving a rate of arrival of 15,000 a year. This is an outside figure and 10,000 would have been a reasonable working estimate. In view of the present inflow of coloured immigrants from non-East African sources of about 50,000, the number was very small. This may seem like the wisdom of hindsight, but reasonable local intelligence at the time would have produced comparable estimates.

An inflow even on this small scale could have been troublesome if all the immigrants had gone to the ghetto areas of the West Midlands and London. Some would have done so, undoubtedly. However, research done on Kenyan immigrants in Britain suggested that they do not remain there long. Very many had substantial assets in Kenya, the former businessmen in particular. These assets were supplemented by money already

invested in Britain before exchange control and in spite of it, and could have been used for moving out of the ghetto areas by the purchase of residential property in the suburbs, or commercial property. Their capital would have represented a direct balance of payments gain, as opposed to the usual reverse flow of immigrant remittances.

A second consideration is that most Kenyan Asians are literate, English speaking, and used to dealing with British people and it is most unlikely that serious cultural shock problems would have been encountered. Occupationally, they were well equipped to be useful in Britain. Those with British or East African professional training were no problem: the artisans and the technically oriented businessmen (in car repair, for example) had marketable skills and most small businessmen could find a niche with their accumulated finance behind them. The latter would have run up against established interests, but it is most unlikely that Indian competition (as opposed to SET and the supermarkets) would have affected many British shops. Only the clerks and others who brought little money with them would soon find themselves in manual jobs.

Thirdly, the only social service which would be put under strain would be education, but only for a short time and through pressure of additional numbers rather than language problems. On the other hand, the Kenyan Asians would not have ceased to follow their usually inward looking and communal pattern of life immediately. It is easy to exaggerate the degree of westernisation. While important in many ways, it has not touched to any great extent the institution of marriage, the family, religion, food and dress. This would, however, have changed quickly with dispersal and a society which allows adaptation by integration as well as assimilation would not have been greatly troubled by it.

The problem of numbers and the problem of absorption were thus very limited and there is no reason why the promise should have been revoked on these



grounds. There remains the state of public opinion on immigration and racial matters. It is not easy to evaluate retrospectively, although in 1966 and 1967 it had ceased to count very much politically. This may in part have been due to the Government's endorsement of Conservative immigration policy, though the proposals to legislate against discrimination and to introduce improved appeals procedures together with the promise to bring alien and Commonwealth immigration policies into line, contained important liberal elements which appeared to become more dominant during Roy Jenkins' tenure of the Home Office. It was also true that no maverick MPs found any profit in exploiting the racial issue in the same period. This may have been due to tight party discipline, but it is fair to say that even if racial feeling was latent in the constituencies it was not finding expression. Declining immigration figures were available. There was also hope that the Government's housing and education policies would help remove existing difficulties.

This euphoria lasted through 1967. Enoch Powell raised in October the issue of the large loophole in the immigration laws, but this was treated more as a technical point and it failed to arouse much response. What undoubtedly did help to damage seriously the reputation of immigrants in general were the periodic reports of Pakistanis being smuggled ashore in small but not insignificant numbers. These cases were given considerable publicity in the popular press as were cases connecting Asian immigrants with drug traffic and arranged marriages. Then the problems of Wolverhampton were brought into the limelight by Mr. Powell on 9 February, 1968, with his speech about the one white child in the eventually untraced primary school. He followed this up with a Panorama interview in which he mentioned a figure of three and a half million immigrants by 1985 at the then rates of inflow. The *Sunday Express* added "Mr Powell's call for a virtual end to coloured immigration will raise a howl from righteous left-wingers and other woolly do-gooders. But of course

he is absolutely right". The *News of the World* which, together with the *Express*, reaches probably the majority of British Sunday readers, had a similar approach. In February 1968 the 1967 figures for coloured Commonwealth immigration were available, showing a slight increase, as were those for rising Kenyan immigration and in the first weeks of February publicity was also given to charter flights of Asians coming from Kenya. When Duncan Sandys and several others put a motion before the House on 13 February to limit Kenya Asian immigration, the political storm had broken, though as yet there was no evidence at all of incipient racial conflict in the country.

In the circumstances the Government should have made a firm declaration of its commitment to the Kenyan Asians, coupled with an explanation of the very limited numbers, the special nature of the problem, and an explanation of future legislation to deal with the separate issue of illegal entry. To have carried this off at the best of times would have required authority, self confidence and a full grasp of the facts. In this case none were present. An announcement was made on 15 February of the Government's intention to curb illegal entry. It received relatively little publicity. The Government's position on the Kenyan Asians was given by Lord Stonham, a junior minister, in the House of Lords on the same day. "We clearly understand that there is a statutory obligation. We handed out the promises in the obvious hope that they would not need to be honoured. The government has changed. The obligation has not". There was also an official announcement that intensified diplomatic pressure would be put on Kenya. Had these announcements been given forcefully from the highest level the matter might have been reduced to a proper sense of proportion.

However, at the same period the Government was apparently touching the nadir of its popular fortunes with an announcement of a dramatic increase from 5 per cent to 22 per cent in the Conservative lead from January (*Daily Telegraph*

public opinion poll). The forced devaluation, not long before, another rejection from Europe in December, the fuss over South African arms, and the effect of the Tet offensive on the Government's Vietnam policy, had all helped to create the impression, if not the actuality, of total demoralisation. There was also the threat of six by elections in March and the prospect of pushing the Race Relations Bill through Parliament. Nor was the Government well briefed with accurate facts and figures, as became increasingly obvious in the coming debate.

Given this unhelpful background the subsequent decisions follow an understandable, if inexcusable, logic. The Government felt itself obliged to make a forceful gesture to satisfy the public that coloured immigration was under control, as it was by now a racial issue, without seriously damaging race relations in Britain; and at the same time restraining the Asians in Kenya from a headlong flight without damaging their interests permanently. The act should most fairly be judged by these rather more limited criteria.

The events of 13 to 22 February determined that the forceful gesture required would have to take the form of some degree of phasing of entry. By 22 February out of fear of restrictions the exodus had reached 500 a day. Labour MPs were signing an amendment to Duncan Sandys' motion which sympathised in principle, and 90 Conservatives had already signed the original. On 22 February the Shadow Cabinet, which included views ranging from those of Iain Macleod to those of Enoch Powell, committed itself to the policy of phasing entry, while respecting the basic right of entry. The Government's intention to legislate to restrict entry of holders of British passports issued overseas came the following day. The firm gesture had been made; but did it also help race relations and minimise the damage done to the Asians?

Looking back on public opinion as articulated by the newspapers and journals, it seems quite clear that the panic and

racial animosity largely post dated the decision to legislate and can be explained in part by the form which it took. The restrictive 1,500 limit helped to accelerate the large flight from Kenya, which did much to excite anxiety in Britain.

The "grandfather" clause was a clumsily disguised racial clause and was regarded as such. The justifications and exaggerations employed in defence of the act—the millions from Asia, inflated estimates of East African Asians, and the usual irrelevant arguments about "out overcrowded island"—all helped to justify the sillier and more irresponsible prejudices current at the time. These errors of detail and careless presentation will be looked at separately. Although it is impossible to avoid the issue of principle, an immoral act could have been made better by sensitive implementation.

### the 1,500 limit and "grandfather clause"

The 1,500 entry vouchers for heads of families of all the overseas British was an administrative rather than a legislative commitment and as such need not have been entered into at the time. There is no doubt that the 1,500 figure was prohibitive: 15,000 heads of families would reasonably be expected to have come over five years, that is 75,000 people. But it has to be remembered that in the next one or two years there will be a disproportionate demand from family heads excluded from employment in Kenya and thus the limit on vouchers will bite hard when it is most required. The effect of the limit was to exclude the immigrants rather than phase their entry.

If the Home Office had been sincere in its claim to be "phasing" entry, it would have been more sensible from the outset to have had flexible limits, say, up to 7,000 as a tentative maximum, including a minimum allocation for about 5,000 East African Asian heads of families.

This could have been amended as more information became available, or in accordance with real need, and depending on the British situation, and an evalua-

tion of the need of British passport holders outside East Africa. Even Duncan Sandys' group would not have seriously quibbled with an allowance, which was enough to phase the entry but probably reasonable enough to stop the degrading scramble by Asians from Kenya and by both Houses of Parliament trying to beat the clock. As it is, the Government got the worst of all worlds; the stigma of being unnecessarily ruthless at the expense of its citizens, a panic exodus from Kenya, which brought about 10,000 people in the last month, and eventually an open ended commitment, when the Home Secretary agreed that in the last resort the ban would be lifted if people were ejected from Kenya.

The Government was mainly concerned that the exercise should not lead to any other than a very small increase in total immigration. However, even if one goes along with the highly dubious assumption that another 15,000 immigrants a year from Kenya would have been unbearable, there were ways around this.

First, unused work permits (about 5,000 in 1967) could have been used, though this would have led to an increase in entries. Second, existing Commonwealth work permits (about 5,000 per year) could have been given as first priority to the Kenyan Asians. This would have caused some inconvenience to Chinese restaurants and the Health Service; though the latter at least could have been protected. Third, some cut could have been made in vouchers given to white aliens. Even if 2,500 vouchers could have been found in addition to the 1,500 it would have made a considerable difference. The alternative of cutting down the automatic entry rights of Commonwealth dependents, the Government quite rightly rejected on political and humanitarian grounds.

By accepting, quite unnecessarily, a limit which was rigid, arbitrary and prohibitive the Government went beyond even the demands of the Opposition for phased entry and made nonsense of its own claim to be willing to treat the matter "with flexibility".

Exempted were those whose parents or grandfathers were born in Britain. This was to rescue those "who in common parlance belong to the UK", to use Lord Butler's phrase from 1962. The argument for exempting them rests on two premises. First, that the British problem is essentially a racial problem and not an immigration problem; thus to exclude white immigrants of British origin would be of no purpose. Secondly, it presupposes that the promise originally made was only intended for the white settlers and that it was extended to the Asians by mistake, a view which would have been disputed by Mr Macleod among others. On the other hand one has to set the cost of the anger and disillusionment of most of the non-white community in Britain and the non-white Commonwealth over a blatantly racially discriminatory law. This is a high price to pay particularly as regards our own citizens.

On the other hand there is clearly no particular virtue in punishing with more or less permanent exile white people with families in Britain simply in order to be multiracial, nor would the powerful settler lobby in Parliament have tolerated it. A more sensible solution would have been to use a larger and more flexible quota that would have ensured that those who really wished to come, whether Asians or white farmers, could have come in due course. There would have been nothing unreasonable about asking even our "kith and kin" to queue with others who also had a strong claim to entry. The clause led to anomalies even then, with children of ex-Indian army officers and overseas British merchants being subject to the restrictions on the arbitrary grounds that their overseas connections by birth stretched back too far in a paternal sense.

# 5. aftermath of the act in Britain

The introduction of the Immigration Act brought to a head the conflict between a sizeable number of MPs of all parties and the Home Secretary about his refusal to implement the proposal of the Wilson Committee to institute a satisfactory system for immigration appeals, on the grounds that the Government could not afford £250,000 a year. Under pressure from members on both sides the Home Secretary agreed to an *ad hoc* committee being sent to Nairobi to deal with difficult cases—the only real concession made in the debate. But this raised other questions. If an appeals committee could be got together so quickly for the Kenyan Asians, why could it not be done for other immigrants? The appeals question was not important in terms of the number of people likely to be involved, but of considerable importance in reassuring potential immigrants that they were getting a fair deal and not an ill-considered unilateral decision by a petty bureaucrat—or even a big politician. It helped to humanise a basically rather inhuman process. Fortunately the whole appeals procedure has now been established on a firmer footing.

Clause 1 of the act referred to the problem of overseas British passport holders. The other clauses were designed to change the system whereby an illegal entrant could claim immunity from repatriation once on British soil for more than 24 hours, by extending the period to 28 days; and to enforce more effective health checks.

These were reforms of considerable importance and few would have quarrelled with these measures. However, the way in which the matter was approached had very regrettable repercussions. First, the grouping together of the Kenyan Asians and illegal entry problems could not but fail to associate them in the public mind, a process which had already happened in the popular newspapers. Kenyan Asians in London, otherwise happily established, had frequent enquiries about their origin and unpleasant treatment generally. The Government should have been carefully explaining the special nature of the prob-

lem. Secondly, other reforms were very largely overlooked. As a result of the lack of publicity and the lack of discussion in Parliament politicians have been nibbling at the fringes of the Commonwealth Immigration Act (1962) ever since and continuing to give the impression that the matter was still in some way out of control.

If the Government imagined at the time that the act would improve race relations in Britain this was not borne out by subsequent events. The most vigorous objections came from organisations like the NCCI, which work with immigrants and who felt that their work was being seriously jeopardised. Though this body did not resign *en bloc* several influential committee members did, as well as others from the technical committee. The Chairman, the Archbishop of Canterbury, claimed, "the act has put back race relations work in Britain by ten years". To be fair to the Government it has always argued since 1963-64 that immigration control was necessary, as do many of the more far sighted immigrants, and that this act was merely one of several complementary measures which include legislation to outlaw racial discrimination and special assistance to seriously affected areas.

The Government argued that the February measures should be seen "in tandem" with its future Racial Discrimination Bill. The main difference between their impact was that whereas the immigrants bill was rushed through with little by way of reasonable amendment and was quite uncompromising, the race relations legislation proceeded very slowly and did not become effective until November. In addition, it was of limited effectiveness due to the inability of the Race Relations Board and its committee to *subpoena* witnesses, obtain information as of right, retain jobs and property during enquiries; or of the courts to award damages for any other than direct losses. Finally, there were quite a few loopholes in the legislation. Private owner occupier sales, small firms and small joint landlord/tenant properties were exempt. Nevertheless the Government did well to

obtain legislation which was so broad ranging as to take in a very large number of relationships mainly in housing and employment and also in local government; but cynical observers could be forgiven for detecting a certain asymmetry in the willingness to compromise over the two bills.

Grants have been given to help local authorities which face a financial burden because of the need to employ specially qualified staff, mainly in schools. Grants are also to be made available to help with the problems, especially over housing, being faced generally in big cities. These grants will also indirectly help to break up the ghetto areas, although it is difficult to see that the impact will be great, given that the sum of money is so small and so widely spread, and that so much discretion is left to local authorities, whose policies towards public housing often make the problem worse.

Rather than have a programme of this kind on the cheap, it would be better to have none at all; it probably merely leads to immigrants being blamed for problems which would exist anyway, and to the suspicion that immigrants are being unfairly "subsidised", without actually achieving anything. Unless the public is prepared for a crash programme on the Dutch lines, financial assistance to councils for more vigorous urban house building is better handled unobtrusively, though increases in the general grants to the cities most affected.

The after effect on public opinion in Britain has been disastrous. There is always a risk with such discriminatory measures, allegedly in the long term interest, that while on one hand they may temporarily quieten the anxieties of the general public, they may demoralise the coloured community in Britain and whet the appetite of the extremists who can then press for further concessions. Enoch Powell's speeches in April and October, the growing respectability of discussion about repatriation, the timing of speeches by Edward Heath at York and again at Walsall, unpleasant little incidents such

as the junior minister promising "to get rid of" an Indian teenager caught in a bureaucratic muddle at Christmas, all give the impression of a snowballing of racist sentiment and the concomitant extension of official approval. This may not be entirely the result of the immigration act, but is also attributable to Mr Heath's concern not to drift too far from his extreme supporters, and the Government's desperate anxiety not to allow race to become other than a bi-partisan issue. Nevertheless both Government and Opposition leaders should by now have realised that their attempts at appeasement through the immigration act were a failure.

## aftermath in India

The Indian government could have made the act unworkable by refusing admission to "British" Asians, including those who would have gone there anyway. The problem would then have been thrown back to Britain and Kenya to resolve. However, with the apparently unexpected introduction of the act, the Indian government was faced with a difficult situation. On one hand they were faced with the compassionate argument to help out the Kenyan Asians as "kith and kin" and the fact that the Asians might be a useful group of immigrants presenting little problem of absorption. On the other hand there was the feeling that their predicament was their own fault. More important, there was indignation at the racial discrimination implicit in the British legislation, which could not be underwritten for moral and political reasons. There was also a shrewd appreciation that other governments, in Africa, South East Asia, the West Indies, and elsewhere, might take advantage of any Indian weakness to deal with their Asian problems in a similar way. Initially they refused to recognise any British Kenyan Asians' passports for entry purposes and for administrative reasons extended this to cover tourists, and thus excluded a great many who would have come to India anyway. Eventually the Indian government declined to continue playing politics over the Asians, whether out



of soft heartedness in response to political pressures at home or due to diplomatic pressure by Britain, and the ban was relaxed to allow some permanent settlement. Under an Anglo-Indian agreement entry to India is now obtained by a labyrinthine face saving procedure in which Britain formally accepts the principle of freedom to enter Britain for those going to India, who will not then exercise the right! For India the whole episode may also have had important long term implications. Its Commonwealth connections with the UK and good neighbourly ties with the Africans were of little or no use in a matter of practical politics; the incident may have led to the end of both.

Nevertheless for reasons that still remain unclear, the Indian government has, by accepting many Asians, helped to ease what could have been a very nasty situation in Kenya, and also let Britain off the hook.

## aftermath in Kenya

In Kenya a basically reasonable government is now under more pressure than ever not to sell out to British influence by cutting back their Kenyanisation policies. Kenyanisation has ceased to be a matter for gradual change. It is now a matter of honour. The official attitude is that the Asians are unequivocally the "responsibility of the British Government". The President has stated, "Kenya's identity as an African country is not going to be altered to the whims and malaise of groups of uncommitted individuals". On the other hand the Vice-President has agreed to speed up the 3,000 outstanding citizenship applications although on 8 November last he ruled out the possibility of a renewed offer of citizenship: "We feel that the number we have here is enough". Kenya has also relaxed slightly the requirements for deposits for dependents under the immigration act.

The Traders Licencing Act came into full effect in January, when about 800 traders were denied licences. Some of

these were citizens and not all of them Asians. It was also announced that this would rise to 3,000 soon. The severe economic effects are beginning to be appreciated and the government has reduced the maximum amount which can be taken out on departure to £2,500, though there has yet to be a slowing of the pace of Kenyanisation.

## the aftermath elsewhere in East Africa

The act had repercussions far outside the three countries directly involved. Uganda, Tanzania and Zambia all realised that their Asian non-citizens, who were not expected to remain indefinitely but were giving no trouble, now presented a permanent problem unless the government took the Kenyan line of denying all responsibility for them; hence President Obote's anxiety not to have "30,000 Asians left on my hands". The position of non-Ugandan Asians in Uganda has now become highly tenuous, although Tanzania has so far remained quiet. In both these countries the racial situation before the act in 1968, had appeared to be more healthy than in Kenya.

In Tanzania, Asians and Europeans were never quite so entrenched economically or politically. When citizenship was offered over 30,000 Asians out of 70,000 took it (there was no automatic citizenship as in Kenya) though President Nyerere has had great difficulty in persuading his back benchers to accept the idea. He had even greater difficulty in 1964 when he suggested dropping racial discrimination in favour of Africans in the civil service; though this was done. There were periodic outbursts of anti-Asian sentiment and during the army mutiny of 1964 Asian shops were allegedly looted. During the preceding Zanzibari revolution a number of Asian traders had been killed, along with the Arabs, but Zanzibar was a special case and the mainland was not then responsible. Since 1966-67, it is fair to say, the revolutionary tone of the government, whatever the effect overseas, has had the beneficial effect locally of keeping pre-

judice on an ideological rather than racial level by concentrating as much on the powerful economic interests of the big banks and businesses as on the small traders. The leadership has also been fairly idealistic about good race relations, and "good" gestures by African and Europeans tend to be publicly applauded. Certainly very many young Asians consider Tanzania a cause worth working for, which cannot be said of Kenya. There was also a long overdue realisation during the nationalisation measures that the Asian assistants were perhaps even more important, and cheaper, in running the banks and companies than their European supervisors. Awareness of their potential as co-operative managers, technicians and path finding industrialists may have helped to soften the pressure both on Asian citizens and non-citizens.

In Uganda, tribal problems have to some extent diverted attention from the racial minorities, while an African bias was given very much earlier in the country's history, thus relieving some of the pressure on the lower Asian groups. Numbers are also smaller than in Kenya or Tanzania. On the other hand Asian industrialists and plantation owners are relatively more powerful than in Kenya or Tanzania. Recently announced measures will entail racial as well as citizenship discrimination in commerce and the government appears to have less scruples over racial matters than Tanzania or Kenya. This new militancy gives cause for concern.

The Zambian Asians are very few in number. A year ago Asians from Kenya were being welcomed to work there. They helped to lessen the government's reliance on European skilled labour, which has proved politically difficult. Since then the government has embarked on a programme of economic nationalisation similar to that in Tanzania, but this has not had the therapeutic effect predicted. Tribalism and disaffection generally came to the fore during the recent general election. The few Asian traders appear to have been caught up in the emotions released by the Africanisation

policy and many were summarily expelled from one province, perhaps as a diversion from local problems. The evidence does suggest a breakdown of political authority in some Zambian provinces, rather than a concerted policy from the centre, although the decision to tighten up on the citizenship laws does indicate an attempt by the leadership to keep up with the militants.

## aftermath in the non-white Commonwealth

The anticipated explosion of resentment at the 1969 Commonwealth Conference by the Afro-Asian countries failed to materialise. One of the main reasons is that there was a cleavage between those countries such as India, whose main concern is that its expatriates should settle peacefully overseas, in other Commonwealth countries; and the Africans, whose immediate concern is to remove any unwanted non-citizens, whether to India or to Britain is immaterial. Secondly, there was an obvious difference of interest between the West Indies and Pakistan, on one hand, who are concerned to get the issue of immigration into Britain on to a less emotional level and to secure as large a flow of largely unskilled emigrants from their own countries as possible, and the Africans who are unconcerned by Britain's problems and the effect which their policies may have on Britain. Thirdly, while the Indians and Africans are both concerned to make Britain accept its responsibilities to guarantee entry, this is of minor concern to the West Indians, except as it affects race relations generally in Britain. Thus the differences of emphasis help to explain why the initiative of the Pakistanis supported by the West Indians and Indians to discuss with the British Government immigration policy in general, failed due to a lack of prior assurance to the Africans that Britain would first reverse its policy over the Kenyan Asians.

There were other reasons why the Commonwealth Conference failed to provide a solution to the affair. Kenya, the key participant, sent a rather junior delega-

tion (unlike the other 35 countries) which could make no decisions in the absence of President Kenyatta or Vice-President Moi. As a result of this President Obote tended to speak on behalf of the East Africans and he contributed little apart from bringing the future of his 30,000 Asians into doubt. Any mood of compromise was effectively stifled when the Home Secretary refused a basically reasonable request to consider raising the present quota. This should have been a "dispute that breaks Empires" as was said of the Kenyan Asian problem in the 1920s. In fact the Commonwealth neither broke nor did much to help resolve the conflict.

## aftermath in the old Commonwealth

Canada and, to a lesser extent, Australia almost played a crucial role in rescuing the Kenyan Asians from their predicament and in removing the racial overtones of the dispute. Shortly after the ban on entry into Britain, Canadian immigration officials descended on Nairobi to recruit useful settlers. The Australians were also interested. In the event the interest came to very little. Canada has very strict conditions for entry and even Kenyan Asian professionals were faced with the prospect of retraining. Also there was a spate of articles in the Kenyan press which, while they acknowledged the relative absence of prejudice in Canada, pointed out the need for total assimilation and there were other rumours that Indian immigrants would be sent to live amongst the Redskins!

Whether due to Canadian stringency or Asian fears, the final number taken was modest—a little over 2,000 heads of families (5,000 people) and only a handful went to Australia. More, however, moved on to Canada after a short stay in Britain.

The problems of the Asians in East Africa are certain to have repercussions further south. The South African Asian racial group is over 600,000, the biggest in Africa. Their position has always been an unhappy one. They are poorer both

in origin and opportunities than the East African Asians and have suffered like all non-white groups from apartheid. Yet their relatively superior status and wealth and their segregation must have had the same effect on the Africans of Natal as on those in Kenya. Though the South African Asians have a creditable record of resisting apartheid they have already been the victims of African rioting. Other intermediate groups like the Cape Coloureds, must have been given renewed cause to worry about their position in a possible black South Africa. Needless to say the South African government gave good publicity to the events in Kenya.

## effects on the Asians of East Africa

The absence of the right to enter Britain has left the British Kenyan Asians with no security whatever. At the moment many are being issued with very short term work permits (six months for clerks or salesmen) or impermanent trading licences. Those who still wish to go to Britain are not being given one of the 1,500 places until they have actually been served notice that a work permit application has been rejected. The same is true of those who wish to go to India; the necessary assurance from the British High Commission that Britain does, theoretically, accept responsibility for them will only be given when a work permit or licence application is refused. A situation exists in many families where children are being refused secondary school places and the wife and other dependents their work permits, but where no plans can be made to start afresh elsewhere.

British Kenyan Asians face great difficulties in travelling. No country will accept them without a re-entry permit into Kenya, which are being given sparingly, or a passport exempting them from British control. This severely affects those with business connections overseas, those going overseas for education or on compassionate grounds. To this has to be added the difficulty of trying to leave Kenya (obtaining tax clearance and so on) which even at the best of times and

even for non-Asians who are accorded more cordial treatment, can be a harrowing experience if the applicant is determined to be both honest and speedy. There is also severe economic loss. Faced with no alternative but to sell commercial or residential property and stock, they have to sell at knockdown prices which are often quite ridiculous. The African buyers, through no fault of their own, cannot afford any more, and the government has every incentive to allow prices to fall as far as possible to obtain an effective redistribution of property and save the finance which would otherwise be required to help.

A similar situation occurred amongst the Europeans at independence, who were either obliged to leave or left in a state of panic. However, with some exceptions, and there were some hard cases, their loss was arrested by British aid to Kenya for government compensation to civil servants and for the land transfer programme for farmers. Those who hung on are now getting better prices. In the Asian case, there is no prospect of assistance or organised take-over which makes the situation far worse by exposing them to intimidation. Those Europeans who were compensated, faced no exchange control problem for payments within the sterling area, and exchange control was not instituted at all until some time after independence. For the Asians and others not covered by the compensation schemes there is now a reduced allowance of £2,500, which includes everything from life insurance policies to the realised value of the family house and furniture. Additional amounts are frozen. The fact that Kenya is protecting its limited exchange reserves, already badly hit by the sterling devaluation, is not surprising. What is surprising is that the British Government, whose responsibility it is to protect its citizens, is doing little to arrest or compensate this expropriation. Another important effect of the compensation schemes was to reduce hostility towards Europeans in Kenya. Africanisation of the civil service and redistribution of land have taken much of the previous rancour out of their relations, while the Asians are still resented.

As virtually stateless people, the Asians are not in a good position to present their case. The recent attacks by the Kenyan government on local newspapers for being sympathetic to them and the ban on the leader of a group of British Kenyan Asians, who was endeavouring to gather facts to lobby the British Government, indicates that in future they will not be allowed to argue their case in Kenya. Strong backing from the British High Commission is essential in these circumstances. Unfortunately the High Commission has been extremely reticent about identifying itself with what is, after all, the largest group of British citizens in Kenya. There is no evidence of any representation having been made on the Asian's behalf and many individual Asians recall having been treated very brusquely. The High Commission comes badly out of the whole affair. The level of briefing must have been very poor if Government front bench speeches were a reasonable guide. Jim Callaghan's gaff about Kenya's citizenship laws and the lack of appreciation of the number and character of people likely to come to Britain, are good examples. The political situation in Kenya was not explained at all to the Commons except by Frederic Harris, a Conservative MP with business connections in Kenya, who was both clear and accurate. No one prepared the Government for the coming crisis which from 1966, was painfully obvious to anyone in Kenya.

# 6. recommendations and conclusions

Recommendations to have any force must be politically palatable and this involves at least partially swallowing some of the misleading or just false assumptions which underlay the 1968 act. While it would be desirable to eliminate the first clause of the act altogether, this is clearly not feasible at the present time. It would make more sense therefore to concentrate on mitigating the effects of the main wrong, which was the damage done to the British Asians in Kenya.

This can partially be done by amplification of the grudging pledge to admit those who are forced to leave Kenya. If this was expanded to an explicit promise that Britain does accept responsibility and is prepared to accept them, with a reasonable phasing, this would have the important effect of making it politically easier for the Indian government to expand the present arrangements for admitting any Asians who wished to go there, for other Commonwealth countries to accept or retain British Asians and for others to lift travel restrictions.

This would only be effective if the limit of 1,500 was raised and, disappointingly, the Home Secretary declined this in January 1969. There is every reason to press the Home Secretary to relent on this point if need be at the expense of Commonwealth voucher holders or aliens (but not dependents). To change the limit would be an administrative decision and it is difficult to believe that, now that the facts are easily available and have been well discussed and the element of panic removed, that this could not be made politically acceptable, if done discreetly. Pressure is already building up inside Kenya, due to the effect of the trade licensing legislation and Kenyan Asians are talking seriously about forcing their way into Britain to test the efficacy of the Home Secretary's promise. It would be better to anticipate the situation and allow the High Commission to overrun their annual quota if there is a panic demand in Kenya.

Also separate legal provision should be made for those, like the East African Asians, who have no alternative citizen-

ship, and who have no longer any means of acquiring local citizenship. In so much as the act affected those with dual citizenship or opportunities for taking the citizenship of the country where they are now domiciled, the act was closing a possible anomaly and there is no obvious reason why people in this category should not be subject to the normal workings of immigration control, rather than compete for the few placed under the 1968 Act. In practice only Kenyan Asians and other expellees will get these places, but in order to remove the insecurity in Kenya, it would be well to make this distinction explicit.

Suggestions have been made that Britain should use its financial stake in East Africa to influence events. On the one hand it has been argued that Britain should withdraw aid from Kenya. This makes little political sense, any more than it did when Britain tried to "punish" Tanzania for refusing to continue compensation payments to British civil servants. Whatever the Kenyans have done wrong, moreover, they can hardly be treated punitively by Britain which has the main responsibility for the crisis. Kenya will be "punished" enough by the declining investment and other economic costs of Kenyanisation, and the Asians would be hurt most of all. On the other hand the suggestion that resettlement grants be paid to India misses the point. India has no welfare state. Her problem is one of providing jobs. The Asians have the capital, too, if allowed to mobilise it. This approach also smacks too obviously of conscience money and would certainly be regarded as such.

Another more sensible and credible alternative would be something analogous to the land transfer programme. It could be argued that whereas the settlers created a problem for which Britain was directly responsible, in as much as Britain encouraged white settlement, and alienated the land, the Asian and other traders, clerks and businessmen just came independently without official encouragement and did not take anything away from the local population in any meaningful sense. However, to insist on this



rather dubious distinction is merely to penalise one section of the community who, under British administration, contributed quite as amply to Kenya's development as the farmers, and who are suffering equally from the backwash of decolonisation. For those in commerce and industry, Britain should fund a property transfer bank, possibly a subsidiary of the Industrial and Development Corporation.

This bank would buy designated shops and other property after a thorough and reasonable valuation of assets, which in the present circumstances would contain an element of subsidy, though it could also compulsorily purchase over-valued city centre properties owned by non-citizens. Other "willing seller, willing buyer" transactions could take place at the same time. This bank would only be able to dispose of properties to Kenyan citizens if terms were very generous both in repayment of loans and security required. The Israeli government and others have shown interest in this on-lending aspect (as did West Germany and the World Bank for land transfer) and could doubtless contribute. The size of the programme required is impossible to estimate but the exercise of getting the Kenyan government down to working out a costed and phased programme would be a very important and restraining exercise in itself. As a matter of principle it should be established that a large part of this should come from Kenya's planned foreign aid programme, the proportion to be determined by negotiation.

There is no purpose in trying to drag a country backwards into economic growth if its priorities are clearly and possibly for good reasons fixed on income or wealth redistribution. It is better that the redistribution should not injure British citizens unduly and be done properly, and a full project appraisal exercise and aid programme would ensure that. To get a programme going at this stage, however, would be administratively difficult and might in practice be impossible. Furthermore, it would be biased towards the traders who are only a part of the

Asian community. One group who particularly deserve attention are the former civil servants and other officers of the colonial administration, many of whom were unfairly treated by the terms of the compensation settlement which favoured those on overseas contracts, that is in senior posts from which Asians were largely excluded.

An alternative and, in many ways, better measure, could be one by which we underwrote for each person in hard currency a certain amount of their assets currently frozen under Kenya's exchange control legislation and future requirements up to a certain limit, which departing Asians wished to take out to enable them to start life overseas. This would be fairer than the other proposal, as it would take in professional people and wage earners affected by Kenyanisation, as well as businessmen, and the upper limit per individual could be fixed to avoid our carrying the burdens of the excessively rich. The conditions for Kenya would be that someone should sit down and work out a phased Kenyanisation programme and, secondly, the repayment of a long term soft loan for the purpose. The exercise would be in the nature of a funding operation with the blocked deposits converted into long term liabilities of the Kenyan government. A reasonable programme could be devised for £25 million, which is comparable with Kenya's present £18 million aid programme (for 1967-70) and the £23 million to £25 million spent on various compensation schemes and land transfers since 1963.

## conclusion

This episode has had a permanent and highly deleterious effect upon race relations in Great Britain and only a complete reversal of policy could mitigate some of the consequences. The restoration of good race relations depends on factors other than the Kenyan Asians' issue, such as the implementation of the Race Relations Act, progress in housing redevelopment in the West Midlands and London, and the strength of resistance

to proposals to reduce the inflow of dependents or encourage repatriation.

The Kenyan Asians' question is likely to reassert itself when the time comes to reconsider the whole of immigration policy and integrate the aliens and Commonwealth immigration legislation. By then, assuming that the reappraisal takes place in 1970 or after, very few British Kenyan Asians will be left in Kenya, but this should not stop efforts to have their rights restored.

The occasion would be an appropriate one. The aliens legislation is as odious as the 1968 immigration act and was designed with the unworthy motive of excluding Jews in their exodus from eastern Europe at the turn of the century. Though the present political climate is not auspicious, it is to be hoped that aliens and Commonwealth immigration legislation will be both harmonised and liberalised to enable Britain to have a genuinely multiracial immigration policy based on our long term economic requirements. Simultaneously the British Asians should have their right of entry restored by embodying within the law the right of free entry only to those who have British citizenship and who cannot settle permanently in their country of residence. Britain will need substantial immigration in the next ten years or so and it is important to ensure that those with a real claim to enter are given the highest priority.

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# young fabian group the author

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The group is autonomous, electing its own committee. It co-operates closely with the Fabian Society which gives financial and clerical help. But the group is responsible for its own policy and activity, subject to the constitutional rule that it can have no declared political policy beyond that implied by its commitment to democratic socialism.

The group publishes pamphlets written by its members, arranges fortnightly meetings in London, and holds day and weekend schools.

Enquiries about membership should be sent to the Secretary, Young Fabian Group, 11 Dartmouth Street, London, SW1; telephone 01-903 3077.

Vincent Cable is a temporary lecturer in the Department of International Economic Studies at the University of Glasgow. He is now working on a project on economic planning in Central America, where he is researching at the moment. He was for two years a Treasury official in Kenya.

Cover design and typography by Geoffrey Cannon. Printed by The Walrus Press Ltd. (TU), 769 Harrow Road, Sudbury, Wembley, Middlesex.

SBN 7163 2018 5.



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