

COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL

**PROPOSALS FOR THE REORGANIZATION OF THE  
ADMINISTRATION OF KENYA**

I

1. The Government of Kenya has been engaged for some time on the study of the organization which will be necessary if it is to meet efficiently and expeditiously the complexity of post-war conditions and the pressing problems of development and reconstruction. The conclusion has been reached that two things are needed: (i) a reorganization of the machinery of Government, and (ii) a means of bringing to the difficult tasks of peace the confidence and collaboration between Government and public which have made possible the remarkable achievements of the Colony in war.

2. (i) Up to the present, the administration of the Colony has developed along traditional colonial lines; that is to say, all authority has been canalized to the Chief Secretary who, in theory, has been responsible, on behalf of the Governor, for decisions on all matters which exceed the limited authority of departmental heads, chairmen of boards, etc. Kenya has advanced to a stage where these responsibilities have become far more than any one man can reasonably be expected to carry, not only because of the volume of the public business involved, but also because of the wide range of subjects which it covers. With the cessation of hostilities, the work will increase in volume, in range and in complexity. Some measures of decentralization have, therefore, now become an urgent necessity. It appears to the Government that the most satisfactory way of achieving this is a gradual change over to the system of organizing the departments of Government in groups under Members of the Executive Council.

The offices of Attorney General, Financial Secretary and Chief Native Commissioner are such as to be easily adaptable to the new organization. These *ex officio* Members of the Executive Council can readily become Members respectively for Law and Order, Finance, and Native Affairs, in the wider sense which Government now proposes, and this would accord with the practice which has been followed in Kenya for many years of placing executive authority increasingly in the hands of the Governor in Council. The Government now proposes to extend this process as circumstances permit, so that, when it is complete, the departments of the Government will be organized in groups, each answerable to a Member of the Executive Council who will have a direct responsibility for them to the Governor.

(ii) The urgent necessities of the war have made it essential, in the past five years, to call on all Members of the Executive and Legislative Councils, and many members of the general public, for the help they were best qualified to give in the general war effort. This help has been generously given, and based upon it there has grown up a number of Controls, Committees and Boards, which are composed of, and often directed by, members of the general public, who have assumed important responsibilities, and in many cases considerable executive authority, so that they have become in fact part of the machinery of Government. The Government wishes to retain at its disposal this wide range of knowledge and experience outside the ranks of its own servants.

Accordingly, the Government now proposes that in his choice of Members of the Executive Council to take charge of groups of departments, the Governor should not be restricted to the Civil Service (*see* Section VI Executive Council, and Section VII Legislative Council); and that the reorganization of the machinery of Government should enable full use to be made of the help and advice of experienced members of the general public.

3. It must be clearly understood that the proposals set out in this Paper will be debated in the Legislative Council on a Government Motion, and will be subject to reconsideration in the light of debate: with this proviso, the proposed reorganization is set out in the following paragraphs.

## II

### DEVELOPMENT AND RECONSTRUCTION

4. The future prosperity of Kenya will depend on the way in which the problems of post-war development and reconstruction are tackled. These problems are so large, so varied and so urgent, and the present machinery of Government is already so overloaded, that some additional special authority must be created to deal with them. But the creation of such an authority can only lead to confusion unless it is made an integral part of the administration. It is no use merely adding a fifth wheel to the coach.

Therefore the Government has come to the following conclusions:—

(1) That a Development Authority should be created, responsible to the Governor for the expenditure of all capital and other sums specifically allocated for Development and Reconstruction purposes, and for the co-ordinated execution of approved Development and Reconstruction plans.

(2) That the Chief Secretary should be Chairman of this Authority, and that in order that he may devote his whole time to the task, he should be relieved of all his other duties. He would remain, under the Governor, the Senior Executive Officer of the Government, and retain his membership of the Executive and Legislative Councils, and titular chairmanship of the Standing Finance Committee.

In addition to the Chief Secretary there would be two permanent members of the Authority, one of whom might be a civil servant. These three would be empowered to co-opt the Chief Native Commissioner, the Indian Member of the Executive Council, and a representative of the European community, whenever their help was desired.

(3) That the Deputy Chief Secretary should take over the administrative work for which the Chief Secretary has up till now been responsible, with a seat on the Executive and Legislative Councils. He would deputize for the Chief Secretary as Chairman of the Standing Finance Committee except when the allocation and expenditure of Development and Reconstruction funds were under consideration. The effect of this will be that the Deputy Chief Secretary will handle, during the life of the Authority, all matters now dealt with by the Chief Secretary other than Development and Reconstruction.

(4) That a senior officer, to be called Administrative Secretary, should be appointed to perform the present duties of the Deputy Chief Secretary.

5. The Chief Secretary would thus become "Chief Secretary and Member of the Executive Council for Development and Reconstruction". The proposal is an indication of the importance which the Government attaches to Development and Reconstruction. Indeed, the Government is convinced that if the Authority is to succeed in its task, which must impinge on what have hitherto been regarded as the special functions of every Government Department, its Chairman must not be subordinate to any member of the Government except the Governor. He

must in fact remain the Senior Member of the Executive Council, and be able to give to Development and Reconstruction his undivided attention, the special authority of his office, and the benefit of his knowledge and experience of the administration of the Colony.

6. The functions of the Authority may be stated generally as being to co-ordinate plans for development and reconstruction and to supervise their energetic execution. In Appendix I an attempt is made to prescribe in greater detail, and as a basis for discussion, the powers proposed for the Authority.

7. The funds to be placed at the disposal of the Authority will be such as may be determined from time to time by the Legislative Council, and may be expected to include, besides grants and loans under the Colonial Development and Welfare Act, local loans, balances which may have accrued in special war accounts, some part of the reserve funds of the Colony, and votes from revenue.

8. In order to make the distinction between Development and Reconstruction finance and other Government finance perfectly clear, the Budget will in future be divided into two parts. The first will contain the normal Government revenue and expenditure, while to the second will be assigned the expenditure on Development and Reconstruction for which the Authority would be responsible, and appropriate credits from the sources indicated in the preceding paragraph. All grants and loans made from the Colonial Development and Welfare Vote will be shown as specifically earmarked for the purposes for which they were made, and this will apply also to the proceeds of loans which may be raised by the Government of Kenya.

This division of the Budget will give the Government and the taxpayers a clear financial picture. It will make it possible for special Development and Reconstruction expenditure to be debited against special Development funds on a longer term basis than is possible under the normal Government system of annual estimates, thus ensuring that the execution of Development plans, once they are approved and provided for, can be carried to finality, if necessary over a period of years, without being affected by periodic shortfalls in the revenue.

9. The technical and secretarial staff which the Authority will require cannot be precisely stated at the present time, since to some extent it depends upon the possibilities of recruitment. The Government is exploring the possibilities of recruiting in London or from the Dominions a civil engineer of wide experience and high professional qualifications. He will probably act as consulting engineer to the Authority, working in close touch with the Public Works Department, but his exact position remains to be determined.

10. The Government is at present endeavouring to recruit an Economic and Commercial Adviser whose services would be at the disposal of the Authority as well as of the Development Committee and the Government of the Colony generally. The position of the Adviser in the reorganized Government machine and his functions cannot, however, be more precisely defined until it is known who is to occupy the post.

The Authority will also require a highly experienced and competent Secretary. Other secretarial and accounting staff will no doubt be needed, but it is not possible to work out details until the Authority is set up.

11. While it is emphasized that the functions of the Authority as such will not include planning, it is important to remember that its Chairman, the Chief Secretary, will be a Member of the Executive and Legislative Councils and in that capacity will of course have his share of responsibility and his opportunity of comment and discussion in respect of planning. It may indeed be found convenient for him to be, at any rate in the early stages, Chairman of the Development Committee.

A great deal of planning has already been done, and in a number of cases grants or loans under the Colonial Development and Welfare Act have been approved. The Development Committee, which perhaps should now be re-named the Planning Committee, is at the present time engaged in a detailed examination of Provincial and departmental five-year plans, and further proposals and suggestions are being and will be brought forward and referred to the Committee. Indeed, the Authority itself will no doubt draw attention from time to time to matters which it considers should be investigated with a view to the preparation of plans of action. Planning must necessarily be the function of a very wide variety of agencies and departments, and when plans are made they must be brought under review by the Development Committee and, since finance is in almost every case involved, by the Finance Committee of the Legislative Council, and in important cases by the full Council, and they must in any case have the approval of the Governor in Council. As has been explained above, the Authority will be associated with these important processes through its Chairman, so that there will be the closest possible liaison and co-ordination. But it is when plans have been approved for execution that the Authority as such comes into action, to see that they are vigorously and energetically carried out, and it appears to the Government that without an appropriate executive Authority for this purpose, there is serious danger that planning may end in paper.

### III

#### AGRICULTURE, ANIMAL HUSBANDRY AND NATURAL RESOURCES

12. Kenya is a farming country, and it is essential that the administration of Agriculture, Animal Husbandry, Veterinary Services, Forestry, Soil and Water Conservation and Natural Resources generally, as well as Research and Marketing, and of course Settlement (as to which *see* Section IV) should be co-ordinated. At present these important subjects are distributed among the Departments of Agriculture, Veterinary Services, Forestry, and Game, and a large number of special boards and committees, in particular the Agricultural Production and Settlement Board. All these should be parts of a coherent whole. The Government accordingly now proposes that the whole group should be placed under a Member of the Governor's Council who would have a general authority and responsibility in these matters direct to the Governor. This is not to suggest that the internal economy of the Departments, the appointment, promotion, dismissal and other incidents of service of colonial officials, and matters of that kind, should be under the direct authority of the Member of Council for the group. While it would often be necessary in cases of this nature to ascertain his views and to meet his wishes, the administration of the civil service must necessarily remain with the Secretariat. But general policy, the co-ordination and direction of the departments and other organizations concerned, their representation as a group in the Executive and Legislative Councils, and the statutory functions and powers which now exist or may from time to time be created, ought to be placed in the charge of a single Member of the Executive Council. This Member should be the most suitable person available for the work in question, whether he be an official or not. If he is not a permanent official, he would nevertheless while in office be in fact a Member of the Government, and as such would have to share the Government's responsibilities.

13. The Government proposes to preserve on a representative basis, with such measure of co-ordination and modification as may prove necessary, the consultative and advisory bodies which have grown up in the Colony or have been created for the war and will be required after it, and such additional authorities as post-war conditions may demand. This machinery, be it consultative, advisory

or executive, has been and should continue to be designed so as to provide a broad basis of public confidence and support, and an important source of experienced guidance for the general central directorate and its subordinate authorities in the provinces.

It will be readily appreciated that while it is not difficult to describe the proposed reorganization in general terms, to work out the details of the machinery which will be required, not only at the centre but in the Provinces and Districts, will be a matter of the greatest complexity. It is proposed, therefore, that the first task of the Member should be to prepare a definite scheme, and that for this purpose he should have the assistance of a Committee which might be constituted as suggested in Appendix II.

In the following paragraphs an attempt is made to outline the problems which will confront the Committee and the general considerations upon which the proposals of the Government have been based.

14. The future of every community in Kenya is bound up indissolubly with the proper cultivation of the soil and the use of the Colony's other natural resources. There can therefore be no separation of agriculture and its cognate subjects into racial compartments.

It is proposed therefore that there should be established, largely from the membership and with the functions of existing bodies, a Central Board of Agriculture, Animal Husbandry and Natural Resources. The Member of Council would be Chairman of the Board, which would include the heads of departments concerned. It would work through Committees, some of them with executive functions. Appropriate representation would be given to European, African and Indian farmers.

15. The Member, the Board, and the organizations associated with it, will require a secretarial staff which it is proposed to place in the charge of a Secretary who would be an officer of the standing of an Assistant Chief Secretary. The administrative organization of the existing departments would continue under their own Directors.

16. The foregoing proposals are intended to integrate and co-ordinate the central Government machinery for all these subjects, but that alone is not enough. The same process must be applied to the executive. Provincial, organization responsible for work in the field. Here again great progress has been made and considerable development has taken place since the beginning of the war. In particular, there has been organized throughout the settled areas a series of production committees and sub-committees which have in effect discharged corresponding functions to those of the County War Agricultural Committees in the United Kingdom, and have discharged those functions extremely well. But for future purposes they probably depend too greatly on the work of unpaid volunteers, which has been generously given as war service by busy men who have their own farms to operate.

Moreover, although the liaison between the Agricultural and Veterinary Departments and the committees is excellent, in other respects, particularly forest and water control, there has not hitherto been the same urgent need for integration.

Furthermore these committees have no really effective counterpart in the native areas. There is indeed some danger of what may be called a parallel or alternative Directorate of Agriculture developing in the settled areas with its own staff under the Agricultural Production and Settlement Board, which would be accompanied by a gradual drifting apart of native and non-native agriculture and cognate interests.

17. Post-war conditions will require the establishment of executive machinery in the provinces capable of ensuring that an approved policy in all these matters

is put into practice actively and vigorously. The Government intends that this provincial machinery should be set up in whatever form is found to be most appropriate, the main object being to effect close and continuous co-ordination between the administrative and departmental officers concerned.

18. At the same time, some suitable consultative organization, possibly on the lines of that which has been proposed for the centre, would be reproduced in the Provinces, in consultation with Local Authorities, existing production committees and other bodies. The Provincial organization would include African representation in appropriate cases. The official and unofficial membership would be designed to ensure a close liaison and integration with the Central Board.

19. It is also proposed that where possible the Districts should be organized in the same general way as the Provinces, particularly for the purpose of taking advantage of all available help and advice which can be obtained locally. In many Districts this organization will provide a particularly appropriate opportunity for strong African membership.

#### IV

#### SETTLEMENT

20. Settlement, more especially settlement in the immediate post-war years, is a subject to which Government attaches the greatest importance, and it is therefore essential that an efficient organization be built up to deal with the many problems which will arise in connexion with it, at the earliest possible moment.

21. Although settlement on the land is of course concerned in the closest way with the group of subjects discussed in Section III above, it is nevertheless in many respects a separate, complicated and highly technical subject, and it appears to the Government therefore desirable that although it must of course be placed under the same Member of Council as Agriculture, Animal Husbandry and Natural Resources, the machinery set up for it should be distinct. There will be the closest connexion, not only because the Member of Council for Agriculture, Animal Husbandry and Natural Resources will be responsible for settlement, but also because in many cases members of the Board and officials of the technical departments will be concerned with it, and this should provide adequately for liaison and co-ordination.

22. As regards settlement in the White Highlands, a Settlement Board has existed for some years, and since the outbreak of war has been incorporated as a section of the Agricultural Production and Settlement Board. Much preparatory work has been done and, in addition to the existing scheme, further comprehensive settlement schemes were drawn up by a Settlement Schemes Committee, whose proposals have already been published with the comments of Government. These, together with their financial implications, are now being worked out in detail in London in consultation with the Secretary of State.

Some modification of the existing structure may have to be made as soon as the London discussions have been completed in order that the necessary statutory Board may be set up to give effect to the schemes as approved. In the meanwhile suitable land in the White Highlands is being bought as occasion offers, and there is a certain amount of Crown land there still unalienated.

23. As regards Asian settlement, it appears probable to the Government that this will in fact be mainly concerned with the provision of housing, education facilities and so on in townships and trading settlements, since the Asian community is in fact almost entirely occupied in commerce, skilled trades, the professions and the civil service. Subject to the limitations imposed by the existence of the White Highlands and the Native Lands Units, the Government is willing

to assist the settlement of locally born Asians on the land to such an extent as may prove practicable if a demand should arise, but feels obliged to observe that the African population is increasing rapidly and must be regarded as having first claim, over other races, to all such vacant public land.

24. In the case of the African population, problems of the greatest complexity are involved, including not only the absorption of surplus population on new land, but extensive measures of re-settlement within the Native Reserves in accordance with better methods of agriculture and animal husbandry, and to meet the problems created by the inevitable changes which are taking place in tribal society. The Chief Native Commissioner is engaged in organizing a group of expert officers in these matters, in order that an up-to-date and practicable policy having been evolved, there may be at the disposal of the Government a means of supervising its execution in the Native Land Units. In addition, a survey party has been organized and is about to commence work in the Taveta area where there appears to be an opportunity of large-scale settlement of surplus African population, including those demobilized soldiers who may wish to settle on the land outside the tribal land units.

25. The Government feels that these very important aspects of settlement cannot be satisfactorily dealt with until the reorganization of the functions of Government which is proposed in this Paper has been put into effect. It is moreover obvious that in many respects the Development and Reconstruction Authority will have important services to render to Settlement.

## V

### LOCAL GOVERNMENT

26. The process exemplified above in the cases of Development and Agriculture by which a Member of the Executive Council will become responsible to the Governor in Council for certain subjects or groups of subjects must in due course be carried further. It is indeed the Government's intention to propose, later in the year, that the central control of Local Government (native and non-native) should be the responsibility of a Local Government Board, whose Chairman would have a seat on the Executive Council. This Board, which would include the Chief Native Commissioner, will no doubt function mainly through two Committees, one for native and one for non-native Local Government, but its joint sessions will serve the important purpose of making sure that there is no serious divergence of policy.

## VI

### EXECUTIVE COUNCIL

27. At present, in addition to the Governor, the Members of the Executive Council number eight, four *ex officio* and four nominated. Of the officials, three (the Attorney General, the Financial Secretary and the Chief Native Commissioner) are already responsible for specific subjects, with the Chief Secretary responsible for the rest. If the development proposals outlined above are approved, the Chief Secretary will himself become responsible for a specific subject, and in consequence the Deputy Chief Secretary will have to be given a seat on the Council. The new proposals will entail an additional Member responsible for Agriculture, Animal Husbandry and Natural Resources, and in due course a seat on the Council may be required for the Chairman of the Local Government Board. These proposals, if put into effect, will entail an increase of three in the membership of the Executive Council, thereby making the total membership eleven in addition to the Governor, four of these being nominated members not holding executive office. It will be seen that the balance between those who hold, and those who do not hold, office will no longer be maintained. To do so would necessitate appointing an additional Member not holding office every time a new office is created, a course to which the Government sees strong objections.

**VII****LEGISLATIVE COUNCIL**

28. The foregoing proposals, if they are agreed to by the Legislative Council, will result in some changes, not in the constitution of the Council, but in its membership. Seats will have to be found for the Deputy Chief Secretary and the Member for Agriculture, Animal Husbandry and Natural Resources.

29. These seats will be provided within the nominated official membership, so that the constitution of the Council will remain as it is. The Government takes this opportunity of observing that it intends to make further changes within the nominated official membership; for example, the Commissioner of Labour, with the increased importance which attaches to his post, will be given a seat as a nominated Member as soon as his Department is fully organized.

**VIII****CONCLUSION**

30. As has already been stated, these proposals are published for consideration and debate in the Legislative Council. In some respects, they involve matters which are the responsibility of the Executive Council rather than the legislature, but the Government sees no useful purpose in endeavouring to separate the two for the purposes of debate, since whatever form the proposed reorganization takes must in any case depend upon the financial provision which the Legislative Council is prepared to make for it.

SECRETARIAT, NAIROBI.

25th June, 1945.

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## APPENDIX I

## FUNCTIONS OF DEVELOPMENT AND RECONSTRUCTION AUTHORITY

1. In considering the functions suggested below for the Authority, it should be noted that the Authority as such will be charged not with planning, but with the execution of plans when they are approved (*see* paragraph 11).

2. Subject to such modifications as may be found desirable after discussion in the Legislative Council, it is proposed that the Authority should have the following powers and duties:—

(1) To organize and superintend the execution of works and projects of reconstruction and development in accordance with approved plans communicated to it, and for that purpose to give directions to all departments or groups of departments of the Government.

(2) To carry out specific works or undertakings by contract, and to negotiate appropriate contracts for the purpose, including, if it is found practicable, some means of re-negotiation of contracts during their currency on account of the impossibility of making firm contracts at the present time in the absence of dependable information as to prices, shipping and many other factors.

(3) To assign priority of execution as between works and projects, having particular regard to the paramount importance of immediate and vigorous execution of projects for the conservation of the soil and the preservation and improvement of water supplies.

(4) To control the expenditure of allocated funds and to allocate other funds placed at its disposal by authority of the Legislative Council as it may consider proper for the execution of approved works and projects.

(5) To purchase stores and plant in bulk against an unallocated stores account or in detail in respect of particular works.

(6) To engage such staff as it may require for its own operations or in respect of works and projects.

(7) To ensure that in all works and projects, whether carried out departmentally or by contract, attention is given to the fullest practicable use of mechanical appliances, economy of labour and adequate wages and working conditions.

(8) To collaborate with the Commissioner of Labour and the Demobilization and Civil Reabsorption organization so as to ensure that sufficient attention is given to the needs in the matter of employment of men and women discharged from the Services and special civil agencies engaged in war work, and to organize labour units or formations for particular purposes as may appear desirable.

(9) To report to the Governor in Council in any case in which it considers that departments or other official agencies are not discharging satisfactorily the functions assigned to them by the Authority, and to propose remedies.

(10) To make an annual report to the Governor in Council, to be laid on the table of the Legislative Council, upon the progress of all works and projects for which it is responsible, and the state of the funds at its disposal, and to give an outline of the ensuing year's work.

(11) To propose new works or projects as it may consider desirable, and to request that they may be investigated and planned.

## APPENDIX II

SUGGESTED MEMBERSHIP OF A COMMITTEE TO ADVISE THE MEMBER FOR AGRICULTURE, ANIMAL HUSBANDRY AND NATURAL RESOURCES ON THE DETAILS OF THE PROPOSED REORGANIZATION.

## CHAIRMAN:

Major the Hon. F. W. Cavendish-Bentinck, C.M.G., M.L.C.

## MEMBERS:

The Director of Agriculture.

The Director of Veterinary Services.

The Conservator of Forests.

The Chief Native Commissioner.

The Commissioner for Local Government, Lands and Settlement.

Major J. P. Hearle.

Major the Hon. F. de V. Joyce, M.C., M.L.C.

Major the Hon. A. G. Keyser, D.S.O., M.L.C.

The Hon. Eliud Mathu, M.L.C.

Major E. W. Pardoe.

The Hon. Shamsud-Deen, M.L.C.

Mr. Kehar Singh.

Mr. J. H. Symons.

Major C. M. Taylor.

The Hon. W. F. O. Trench, M.L.C.

Dr. C. J. Wilson, C.M.G., M.C.

Capt. F. O'B. Wilson, C.M.G., D.S.O.

One European or Native Member, representing Native Interests in the Nyanza Province.

## SECRETARY TO THE COMMITTEE:

Mr. R. P. Armitage, M.B.E.

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