

**The Conservative Government  
and the End of Empire  
1951-1957**



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# **The Conservative Government and the End of Empire 1951–1957**

**Editor  
DAVID GOLDSWORTHY**

**Part II  
POLITICS AND ADMINISTRATION**

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## Abbreviations: part II

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ANZAM	Australia, New Zealand and Malaya
BBC	British Broadcasting Corporation
BDEEP	British Documents on the End of Empire Project
BOS	British Overseas Service
CAA	Central Africa and Aden Department (CO)
c&f	cost and freight
CDC	Colonial Development Corporation
CDFC	Commonwealth Development Finance Company
CD(&)W	Colonial Development and Welfare (Act)
CID	Criminal Investigation Department
CO	Colonial Office
Col	Colonial
CPC	(Cabinet) Colonial Policy Committee
CPP	Convention People's Party (Gold Coast)
CRO	Commonwealth Relations Office
DO	demi-official
EA	East Africa
EAHC	East Africa High Commission
EAR&H	East African Railways and Harbours
EOKA	National Organisation of Cypriot Fighters
FBI	Federation of British Industries
FO	Foreign Office
GC	Gold Coast
GOC	general officer commanding
gov	governor
gov-gen	governor-general
HM	His/Her Majesty
HMG	His/Her Majesty's Government
HMOCS	Her Majesty's Oversea Civil Service



ICFTU	International Confederation of Free Trade Unions
ILO	International Labour Organisation
IRD	International Relations Department (CO)
IUC	Inter-University Council for Higher Education Overseas
JIC	Joint Intelligence Committee
JPS	Joint Planning Staff (COS)
KAR	King's African Rifles
Kt Bach	Knight Bachelor
Lab	Labour (Party)
lt-gov	lieutenant-governor
MELF	Middle East Land Forces
memo	memorandum
MP	member of parliament
NATO	North Atlantic Treaty Organisation
NCNC	National Council of Nigeria and the Cameroons
OAG	officer administering the government
OSD	Overseas Services Division
PS	private secretary
PUP	People's United Party (of British Honduras)
RAF	Royal Air Force
RAAF	Royal Australian Air Force
SAHC	South African High Commission
SCAC	Standing Closer Association Committee (of the British West Indian colonies)
SEATO	South-East Asia Treaty Organisation
SO	semi-official
TANU	Tanganyika African National Union
tel	telegram
UMNO	United Malays National Organisation
UN(O)	United Nations (Organisation)
US(A)	United States (of America)
UTP	United Tanganyika Party

# Principal holders of offices 1951–1957: parts I–III

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## 1. *Ministers*

### (a) *Cabinet ministers*

Prime minister	Mr W L S Churchill (KG 24 Apr 1953) (26 Oct 1951–5 Apr 1955) Sir Anthony Eden (6 Apr 1955–9 Jan 1957)
Lord president of the Council	Lord Woolton (28 Oct 1951) Marquess of Salisbury (24 Nov 1952–29 Mar 1957)
Chancellor of Exchequer	Mr R A Butler (28 Oct 1951) Mr M H Macmillan (20 Dec 1955–10 Jan 1957)
S of S foreign affairs	Mr R A Eden (KG 20 Oct 1954) (28 Oct 1951) Mr M H Macmillan (7 Apr 1955) Mr J Selwyn Lloyd (20 Dec 1955–27 July 1960)
S of S colonies	Mr O Lyttelton (28 Oct 1951) Mr A T Lennox-Boyd (28 July 1954–14 Oct 1959)
S of S Commonwealth relations	Lord Ismay (28 Oct 1951) Marquess of Salisbury (12 Mar 1952) Viscount Swinton (24 Nov 1952) Earl of Home (7 Apr 1955–27 July 1960)
Minister of defence	Mr W L S Churchill (28 Oct 1951) Earl Alexander (1 Mar 1952) Mr M H Macmillan (18 Oct 1954) Mr J Selwyn Lloyd (7 Apr 1955) Sir Walter Monckton (20 Dec 1955) Mr A H Head (18 Oct 1956–13 Jan 1957)

### (b) *Cabinet Committees*

#### (i) *Committee on Commonwealth Membership*

The Committee was established by a Cabinet decision of 14 Apr 1953. It sat between May 1953 and Sept 1954.

S of S Commonwealth relations (chair), lord president, S of S colonies, minister of

state, FO (Mr Selwyn Lloyd), minister of labour and national service (Sir Walter Monckton), parliamentary under-S of S Commonwealth relations (Mr J G Foster), secretary to Cabinet.

(ii) *Committee on Colonial Policy*

The Committee was established by the prime minister in Oct 1955. It continued into Macmillan's prime ministership.

Prime minister (chair), S of S foreign affairs, S of S Commonwealth relations, S of S colonies, minister of defence.

(c) *Junior ministers*

(i) *Colonial Office*

Minister of state

Mr A T Lennox-Boyd (2 Nov 1951)  
Mr H L D'A Hopkinson (7 May 1952)  
Mr J H Hare (20 Dec 1955)  
Mr J S Maclay (18 Oct 1956–16 Jan 1957)

Parliamentary under-secretary  
of state

Earl of Munster (5 Nov 1951)  
Lord Lloyd (18 Oct 1954–18 Jan 1957)

(ii) *Commonwealth Relations Office*

Parliamentary under-secretary  
of state

Mr J G Foster (3 Nov 1951)  
Mr A D Dodds-Parker (18 Oct 1954)  
Mr A H P Noble (20 Dec 1955)  
Lord J Hope (9 Nov 1956–18 Jan 1957)

(iii) *Foreign Office*

Minister of state

Mr J Selwyn Lloyd (30 Oct 1951–18 Oct 1954)  
Marquess of Reading (11 Nov 1953–17 Jan 1957)  
Mr H A Nutting (18 Oct 1954–3 Nov 1956)  
Mr A H P Noble (9 Nov 1956–9 Jan 1957)

Parliamentary under-secretary  
of state

Marquess of Reading (31 Oct 1951–11 Nov 1953)  
Mr H A Nutting (31 Oct 1951–18 Oct 1954)  
Mr A D Dodds-Parker (11 Nov 1953–18 Oct 1954;  
20 Dec 1955–9 Jan 1957)  
Mr R H Turton (18 Oct 1954–20 Dec 1955)

2. *Civil servants*

(a) *Secretary to the Cabinet*

Sir Norman Brook (1947–1962)

(b) *Colonial Office*

(i) Permanent under-secretary  
of state

Sir Thomas Lloyd (1947–1956)  
Sir John Macpherson (1956–1959)

(ii) Deputy under-secretary of state	Sir Charles Jeffries (1947–1956) } Sir Hilton Poynton (1948–1959) } } joint Sir John Martin (1956–1965) } } joint
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(iii) Assistant under-secretary of state	J M Martin (KCMG 1952) (1945–1956) A B Cohen (1947–1951) C G Eastwood (1947–1952; 1954–1966) W L Gorell Barnes (1948–1959) J J Paskin (1948–1954) J B Williams (1949–1953) S E V Luke (1950–1953) W B L Monson (1951–1964) E Melville (1952–1961) A R Thomas (1952–1964) C Y Carstairs (1953–1962) P Rogers (1953–1961) H T Bourdillon (1954–1959) A N Galsworthy (1956–1965)
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(c) *Commonwealth Relations Office*

(i) Permanent under-secretary of state	Sir Percivale Liesching (1949–1955) Sir Gilbert Laithwaite (1955–1959)
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(ii) Deputy under-secretary of state	Sir Saville Garner (1952–1956)
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(d) *Foreign Office*

(i) Permanent under-secretary of state	Sir William Strang (1949–1953) Sir Ivone Kirkpatrick (1953–1957)
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(e) *Treasury*

(i) Permanent secretary	Sir Edward Bridges (1945–1956) Sir Norman Brook (1956–1963) } Sir Roger Makins (1956–1960) } joint
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(f) *Defence*

(i) Permanent secretary	Sir Harold Parker (1948–1956) Sir Richard Powell (1956–1960)
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3. *Chiefs of Staff*

First sea lord	Sir Rhoderick McGrigor (1951–1955) Earl Mountbatten (1955–1959)
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Chief of imperial general staff	Sir William Slim (1948-1952) Sir John Harding (1952-1955) Sir Gerald Templer (1955-1958)
Chief of air staff	Sir John Slessor (1950-1953) Sir William Dickson (1953-1956) Sir Dermot Boyle (1956-1960)
<i>4. Select list of ambassadors, high commissioners and governors</i>	
Ambassador to the United States	Sir Oliver Franks (1948-1952) Sir Roger Makins (1952-1956) Sir Harold Caccia (1956-1961)
Ambassador to France	Sir Oliver Harvey (1948-1954) Sir Gladwyn Jebb (1954-1960)
Ambassador to the UN	Sir Gladwyn Jebb (1950-1954) Sir Pierson Dixon (1954-1960)
Ambassador to the North Atlantic Council	Sir Christopher Steel (1953-1957)
Commissioner-gen in South-East Asia	Mr M J MacDonald (1948-1955) Sir Robert Scott (1955-1959)
High commissioner in Malaya	Sir Gerald Templer (1952-1954) Sir Donald MacGillivray (1954-1958)
High commissioner in South Africa	Sir John le Rougetel (1951-1955) Sir Percivale Liesching (1955-1958)
Gov of Cyprus	Sir Andrew Wright (1949-1954) Sir Robert Armitage (1954-1955) Sir John Harding (1955-1957)
Gov of Gold Coast	Sir Charles Arden-Clarke (1949-1957)
Gov of Kenya	Sir Philip Mitchell (1944-1952) Sir Evelyn Baring (1952-1959)
Gov of Nigeria Gov-gen of Nigeria	Sir John Macpherson (1947-1954) Sir John Macpherson (1954-1955) Sir James Robertson (1955-1960)
Gov of Tanganyika	Sir Edward Twining (1949-1958)
Gov of Uganda	Sir Andrew Cohen (1952-1957)

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## CHAPTER 3

## Broad colonial policy

Document numbers 173–207

**173** CO 537/6696

31 Oct 1951

'Initial statement of policy': minute by A B Cohen<sup>1</sup> to Sir T Lloyd

During the talk which the Secretary of State had with me this morning I said that I thought it very desirable that an early statement should be made indicating that the general lines of policy with regard to constitutional development which had been followed under the Coalition Government and the Labour Government would be continued. Such a statement would be particularly reassuring in West Africa, where some apprehensive press comment has appeared since the Election. I told the Secretary of State that our feeling was that such a statement should take the form of an answer to an arranged question in the House of Commons and that the statement should be general and should not be confined to West Africa.

The Secretary of State agreed that it would be a good idea to make such a statement and I promised to submit a draft through you. I attach such a draft and suggest that, if it is approved, the statement should be made next Wednesday (November 7th) when we shall probably be top of the list for questions. The question should, I suggest, be an oral one. If supplementary questions are asked on particular aspects of colonial policy the Secretary of State could, I think, perfectly reasonably reply that he has thought it right to make a general statement at once and that he does not wish to add to it at this early stage or go into particular aspects of policy.

The draft has been prepared by Mr. Rogers after discussion with Mr. Williamson<sup>2</sup> and myself. It is agreed by Mr. Gorell Barnes and I have sent a copy to Sir H. Poynton.

We considered whether to make a specific reference to the Gold Coast, but have decided not to recommend this. I suggest, however, that if the statement is to be made the Secretary of State should send in advance a private and personal telegram to Sir C. Arden-Clarke asking him if he agrees to tell Dr. Nkrumah<sup>3</sup> that the Secretary of State had the Gold Coast very much in mind in the last paragraph but one of the statement but thought it better not to refer to any particular territory. The Governor might also be asked to say that the Secretary of State has watched with sympathy the recent political development of the Gold Coast and is anxious to establish friendly relations with Dr. Nkrumah and his colleagues so that there may be full co-operation between the Gold Coast Government and H.M.G. Finally the

<sup>1</sup> As an assistant under-secretary of state, Cohen was head of the Africa Division, CO, 1947–1951.

<sup>2</sup> T B Williamson, assistant secretary, CO, 1948–1961.

<sup>3</sup> K Nkrumah, leader of government business, Gold Coast, 1951–1952; prime minister, 1952–1957; prime minister of Ghana, 1957–1960; president, 1960–1966.

Governor might be asked to say that the Secretary of State would very much like to visit the Gold Coast and other West African territories next year if this can be arranged (from what the Secretary of State said to me I understand that he might well be willing to do this), or alternatively would be glad to welcome Dr. Nkrumah for a visit to London.

## 174 CO 537/6696, no 12

7 Nov 1951

[Initial statement of policy]: minute by Mr Lyttelton to Mr Churchill

I think that I should at once allay fears which have been expressed about the continuity of British Colonial policy. Oliver Stanley<sup>1</sup> said in the house in 1943: "We are pledged to guide Colonial people along the road to self-government within the framework of the British Empire." In keeping with this I propose, if you agree, to reply as follows to an arranged Question:

"Certain broad lines of policy are accepted by all sections of the House as being above party politics. These have been clearly stated by my predecessors from both the main parties.

Two of them are fundamental. First, we all aim at helping the Colonial territories to attain self-government within the British Commonwealth. To that end we are seeking as rapidly as possible to build up in each territory the institutions which its circumstances require. Second, we are all determined to pursue the economic and social development of the Colonial territories so that it keeps pace with their political development.

I should like to make it plain at the outset that I intend no change in these aims. I desire to see successful constitutional development both in those territories which are less advanced towards self-government and in those with more advanced constitutions. I shall do my utmost to help Colonial Governments and Legislatures to pursue with energy the promotion of the health, wealth and happiness of the Colonial peoples.

I hope that, however much there may from time to time be disagreement between us on details, all parties will be with me in agreeing on those ends."

If supplementary questions are asked I can say that I have thought it right to make this general statement but do not at present wish to add to it.<sup>2</sup>

<sup>1</sup> O F G Stanley, S of S for the colonies, 1942-1945.

<sup>2</sup> Lyttelton's statement was made in the House of Commons on 14 Nov.

## 175 FO 371/95757, no 25

23 Dec 1951

[Speed of change]: minute by Mr Eden

[In a FO minute 'Anglo-French differences in Africa', P Mason (assistant under-secretary of state, FO, 1951-1954) observed that 'United Kingdom policies are developing rapidly and, particularly in the Gold Coast, with what the French consider to be almost frightening speed. British and French territories in West Africa have more often than not common frontiers and the French are fearful of this rapid development in British territories, believing (not without justice) that it will unsettle the inhabitants in adjacent

French territories' (P Mason to Sir W Strang, FO 371/95757, no 25, 14 Dec 1951). Mr Eden sidelined this passage and added the following minute.]

I have no first hand knowledge of these territories, but some well-informed, and by no means reactionary, people think that we have been moving at a pretty dangerous political gallop there lately. But this is a matter for the S of S for the Colonies, and on his return from Malaya he will no doubt give his attention to it.

**176** DO 35/2218, no 11

7 Jan 1952

[Future of Commonwealth]: CO note of an inter-departmental committee meeting with the CRO on 2 Jan<sup>1</sup>

The purpose of the meeting was to obtain the views of the Commonwealth Relations Office on the Report of the Committee of Enquiry into Constitutional Development in the Smaller Colonial Territories,<sup>2</sup> with particular reference to the proposals for metropolitan reorganisation.

The following points were made in the course of discussion:—

(1) It must be assumed that the Report, in view of its genesis, will have to be submitted to Ministers at Cabinet level.

(2) The present Dominions would not make significant use of the proposed Commonwealth Services Office: they have gone too far along their own lines to be interested in an organisation of this kind as a substitute for existing machinery, though admittedly if it were created there might be some small use of it as an additional convenience.

(3) If, therefore, the Commonwealth Services Office were set up it would have to be on purely colonial grounds. It should probably be headed by a Director-General rather than by a Minister, and he should be responsible solely to the Secretary of State for the Colonies.

(4) Neither the Dominions nor the Colonies would accept the loss of separate representation in the Cabinet: this rules out the creation of a Minister for Commonwealth Affairs as proposed by the Committee.

(5) In paragraph 121 of their Report the Committee rightly doubt whether the Conference of Commonwealth Prime Ministers could be enlarged to admit ex-colonial members such as the Gold Coast. It is true that the Commonwealth has been run for the past 18 months on a two-tier basis, a distinction being drawn between the "old" and "new" Dominions—otherwise, the pace and content of Commonwealth consultation would be limited to that suited to the slowest or least secure member. So far there has been no great difficulty in arranging that detailed discussions on certain subjects, for example, Defence, should be restricted to the "old" Dominions. The "new" members do not and cannot object because for their part they are unwilling to share in any commitments. They can, of course, air their views on general policy on such occasions as meetings of the Commonwealth Prime Ministers. But the problem would be greatly aggravated by the "promotion"

<sup>1</sup> The meeting was attended by Sir T Lloyd (chair), Sir C Jeffries, Sir P Liesching and R R Sedgwick (assistant under-secretary of state, CRO, 1949–1954).

<sup>2</sup> See 202, 203.

of more new Members who, even if willing, would not be sufficiently potent to make a significant contribution. Ceylon at present is an example of the last category and we do not want any more.

(6) As regards the Gold Coast, it might be possible to satisfy local aspirations by creating "H.M. Government in the Gold Coast" which would be solely responsible for advising The King on Gold Coast affairs but would not possess international status and so would not qualify for Membership of the Commonwealth. The Gold Coast might find it difficult to provide the trained personnel required for separate diplomatic and consular representation all over the world which was involved by the acquisition of international status. This difficulty is one of the reasons why Southern Rhodesia has refrained from seeking full Commonwealth Membership. But experience shows that considerations of this kind are not in themselves sufficient to arrest countries which have been bitten by the nationalistic bug.

(7) If that issue had to be faced, perhaps because of local clamour, it might well be possible to get by for many years by arranging Commonwealth conferences and consultations to meet particular needs and situations as they arose. South Africa might not always refuse to co-operate at the conference table with predominantly African territories, when co-operation was in her interest. She had in fact taken a full part in the 1951 Nairobi Defence Facilities Conference.<sup>3</sup>

(8) Relations with South Africa might even have to be handled bilaterally. Eire, which is not a member of the Commonwealth, is brought into close relations with it in this way.

(9) The question of Commonwealth terminology, although secondary, might present difficulty. A form of words might have to be devised to distinguish between sovereign independent members of the Commonwealth, having international status, and territories which, though fully self-governing, did not possess that status.

(10) As regards the general problem of keeping together a Commonwealth of old and new members (the latter in increasing numbers) Sir P. Liesching, expressing a personal view, thought that the United Kingdom might in time be forced to enter into a kind of Treaty or quasi-Treaty relationship on the lines of NATO with members who were willing and qualified to form an inner circle of Commonwealth countries. This special relationship would extend only to members who could undertake definite commitments, military and other, in the interests of the Commonwealth as a whole. Membership of the Commonwealth would become largely honorific and would not admit automatically to the inner circle. For example, Pakistan might come to be included while India was left out—because she could or would not undertake definite commitments. He emphasized that he was merely thinking aloud—it was impossible to foresee [sic] future developments, which would have to be, and, given good will could be, dealt with as they came.

In conclusion, Sir Thomas Lloyd said that the Colonial Office hoped to submit the Report to Ministers by about the end of January.

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<sup>3</sup> cf part I of this volume, 69.

**177** DO 35/5056, no 6

16 Feb 1953

**[The colonies and Commonwealth membership]: minutes by Lord Swinton and Lord Salisbury**

[On 6 Nov 1952 the Cabinet (in the course of a discussion of a possible application by the Sudan to join the Commonwealth) invited the Commonwealth secretary (Swinton), in consultation with the foreign secretary (Eden) and the colonial secretary (Lyttelton), to consider and report to it on the problems involved in admitting to full Commonwealth membership colonial territories which might in future attain the status of independence within the Commonwealth (see 258). A Cabinet memo was prepared (see 178), the principal authors being Sir C Jeffries (CO) and R R Sedgwick (CRO). The following minutes are comments by senior ministers on the memo in draft form.]

. . . It may be that there will in fact evolve a special class of Commonwealth country, which has complete control over all its internal affairs, but which leaves the United Kingdom Government responsible for its external affairs and its defence. If it could be accepted within the Commonwealth that full membership of the Club carried with it duties and responsibilities in defence, this might come to pass. But the acceptance of India on terms which not only exclude allegiance, but allow a critical neutrality, make this almost impossible. I doubt if we shall ever escape the unhappy results of that fatal decision.

Swinton

16.2.53

I have read the Secretary of State for Commonwealth Relations' paper. It is undoubtedly a most valuable and thought provoking document. I am however not quite clear what is meant, in the context in which it is throughout used, by the word "independence". None of the territories under discussion are surely fit for independence, in the sense in which I have always understood the term, that is, fitness to stand on its own feet internationally. It may be said that this is true nowadays of all nations, even the greatest. But these small countries inhabited by primitive peoples, are not at present mentally equipped to be responsible either for their foreign or defence policy. They are in fact not adult nations; and were they to become, to use the Secretary of State's own phrase, full members of the Club, and still more, were they numerically to dominate it by their votes, they would, I am sure, rapidly destroy the Commonwealth and the whole influence for good which it exercises in the world. Even now, to take a small example, the confidential meetings between the Secretary of State for Commonwealth Relations and the High Commissioners of the other members of the Commonwealth, which used to take place almost daily during the war and at which most secret matters used to be discussed, have had almost entirely to be abandoned. The presence of the representatives of the Asiatic Dominions has completely destroyed the atmosphere of confidence which previously existed.

If, therefore, I had to choose between risking the secession from the Commonwealth of these immature countries and the retention within of the older Dominions—even including the Union of S. Africa—I should personally have no hesitation in choosing the latter. No doubt we should all wish to put off such a fearful choice as long as possible. But I do not think that this will be achieved by a policy of concessions under pressure, as I understand to be suggested in para. 16 of the paper. That will merely whet their appetites. I feel that, in general, we should go as fast as



we think right—this we must certainly do—but no faster. If we allow ourselves to be hustled, not only shall we lose the black countries, but the white as well.

Salisbury  
[nd]

**178** CAB 129/60, C(53)122

8 Apr 1953

**'The colonial territories and Commonwealth membership': Cabinet memorandum by Lord Swinton**

*I. Introduction*

At the request of the Cabinet, I submit a report on the problems involved in the admission of existing dependent Territories to full Commonwealth Membership (C.C. (52) 93rd Conclusions, Minute 4).<sup>1</sup> The expression "Member of the Commonwealth" is used to describe a Commonwealth country possessing a special status, namely, that of a sovereign independent community, recognised as a separate international entity, but associated with other Commonwealth countries of the same status in a relationship differing from that existing between foreign States. The formal marks of Membership of the Commonwealth in this special sense are set out in paragraph 7 below; but for practical purposes *the hallmark of Membership is the right to be represented at Meetings of Commonwealth Prime Ministers*. The present Members of the Commonwealth are the United Kingdom, Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, India, Pakistan and Ceylon. (The Colonies, of course, are part of the Commonwealth, but do not enjoy the status of "Members.")

2. It is the open and declared policy of Her Majesty's Government in the United Kingdom "to guide the colonial territories to responsible self-government within the Commonwealth in conditions that ensure to the people concerned both a fair standard of living and freedom from oppression from any quarter" (Cmd. 7433, 1948). As has been made clear in more recent Ministerial statements, there is an important practical distinction to be drawn between the grant of self-government (which is a matter for the United Kingdom and the territory concerned alone) and admission to Membership of the Commonwealth (which is a matter for all Members of the Commonwealth). In the case of India, Pakistan and Ceylon, the grant of complete self-government was in fact followed by admissions to Commonwealth Membership, after the fullest exchange of information and consultation with other existing Members of the Commonwealth. Burma, on the other hand, on achieving independence, chose not to seek Commonwealth Membership, though there is no reason to suppose that she could not have secured it if she had wished, and was allowed to leave the Commonwealth with general consent. Strictly speaking, therefore, the declared policy involves (i) an *assurance* that the United Kingdom will be prepared, when the necessary conditions are fulfilled, to grant a territory independence; (ii) a *hope* that, when this takes place, the territory concerned will wish to remain in the Commonwealth and will be accepted as a fellow-Member by the existing Members.

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<sup>1</sup> See 258.

## II. Questions for examination

3. The questions now to be examined are:—

- (i) In which territories is advance to full Membership of the Commonwealth likely to become a live issue in the near future?
- (ii) When are these territories likely to become independent, and when, therefore, is the issue of Membership of the Commonwealth likely to become acute?
- (iii) At what steps should other Members of the Commonwealth be brought into consultation?
- (iv) What are the formal marks of Membership of the Commonwealth?
- (v) What are the obstacles in the way of achievement of full Membership of the Commonwealth by the territories concerned? (or, to look at the questions from the point of view of the existing Members, are there any reasons why particular territories should not be admitted to Membership?)
- (vi) If there are difficulties about the admission of particular territories, is there some new pattern of Commonwealth relationships which would satisfy the aspirations of these territories and yet be acceptable to existing Members?

These questions are discussed in the following paragraphs.

*In which territories is advance to full membership of the Commonwealth likely to become a live issue in the near future?*

4. This question can be answered with some confidence, thus: the *Gold Coast*; *Nigeria*; the *Federation of Malaya* (with Singapore and perhaps the three Borneo territories); the prospective *Central African* and *Caribbean Federations*. *East Africa* is a potential candidate.\*

*When are these territories likely to become independent and when, therefore, is the issue of membership of the Commonwealth likely to become acute?*

5. Experience has shown that, even though a territory may be prepared to accept for a time an intermediate stage in constitutional progress short of complete self-government, the period at this stage may be of short duration, especially if expectations have been aroused by a too precise definition of the ultimate objective, e.g., "Dominion Status," which can be reiterated as a local slogan. It is very probable that the *Gold Coast* will be the first to aspire to Membership of the Commonwealth, with *Nigeria* not far behind, and it would be unwise to assume that the issue may not arise within the next five years or even less. The *Federation of Malaya* may come into the picture soon after the present emergency is ended. The *Central African* and *Caribbean Federations*, if established, will also be potential candidates. Some period of settling down will clearly be necessary before the grant of independence becomes a practical possibility; but there is no doubt that any claim by, e.g., the *Gold Coast* or *Nigeria* to full Membership would instantly evoke a similar claim from the *Central*

\* Malta has not been overlooked, but although, apart from Southern Rhodesia, Malta is the territory furthest advanced constitutionally and, in fact, one of its political parties favours Dominion status, its small size, its position as a fortress island and the economic dependence on the United Kingdom which results from this, seem to preclude for it a state of complete independence. His Majesty's Government said in 1947 that they did not consider that it would be appropriate to transfer responsibility for the affairs of Malta to the Dominions Office (now Commonwealth Relations Office) (Malta: Statement of Policy on Constitutional Reform (Cmnd. 7014)).

African Federation. No early development on these lines is probable in East Africa, where for the present demands are likely to be for extended local self-government rather than for independence in external affairs.

*At what stage should other members of the Commonwealth be brought into consultation?*

6. It would seem to follow from what has been said above that Members of the Commonwealth may have to be brought to consider, if not to declare, their attitude towards the possible admission of a territory to Membership in advance of its having achieved self-government. Yet early *formal* consultation would have its dangers since it would be difficult to separate the issue of Membership from that of self-government at this stage and the result might be disagreement and a prolonged deadlock, during which the United Kingdom Government would have to deal as best it could with the unsatisfied and increasingly importunate demands of the territory under consideration. Since there can be no question of Commonwealth objections barring constitutional progress towards self-government, the dilemma can probably best be resolved by avoiding formal consultation about Membership until that question is really imminent, while ensuring that other Commonwealth Members are taken at an early stage into full confidence over the policy and plans of the United Kingdom for the constitutional progress of its territories. This is the present practice.

*What are the formal marks of membership of the Commonwealth?*

7. These may be summarised as follows:—

*Intra-Commonwealth*

- (a) Full Legislative independence as provided in the Statute of Westminster.
- (b) The right to advise the Queen direct.
- (c) Representation at Prime Minister's Meetings and on Commonwealth bodies.
- (d) Appointment of High Commissioners in other Commonwealth countries.
- (e) Obligation to consult other Governments on matters of common concern and right to be consulted by them.
- (f) Separate Citizenship.

*International*

- (g) Admissibility to the United Nations and to International bodies.
- (h) Conclusion of own treaties.
- (i) Appointment of diplomatic representatives.
- (j) Conduct of own foreign policy, including right of neutrality.

*What are the obstacles in the way of achievement of full membership of the Commonwealth by the territories concerned? (Or, to look at the question from the point of view of the existing members, are there any reasons why particular territories should not be admitted to membership?)*

8. Since consultation between existing Members of the Commonwealth is essential before a new Member can be admitted, it is necessary to consider the likelihood of securing unanimous agreement, and for this purpose to endeavour to assess the probable reactions of other Governments. The Gold Coast is taken as the

obvious test case. So far as the *Union of South Africa* is concerned, it is clear that the admission of territories governed by Africans would be unacceptable to the present Government, and it cannot be assumed that any alternative Government would take a different view. This would probably apply equally in the case of any territory where the population has considerable admixture of African blood, *e.g.*, the West Indies. *Canada* might in principle give a half-hearted blessing to the promotion of a territory while not viewing with favour the practical effects. *Australia* and *New Zealand* might on general grounds be prepared to follow the lead of the United Kingdom, but this cannot be predicted with certainty. *India*, *Pakistan* and *Ceylon*, particularly *India*, would, no doubt, applaud any step which tended to end "colonialism".

9. The crucial issue would be the question of attendance at meetings of Commonwealth Prime Ministers which are to the outside world the most visible sign of Members of the Commonwealth working in collaboration. The power of the Members of the Commonwealth to exercise a decisive influence in world affairs depends to great extent upon these public demonstrations of solidarity by the whole Commonwealth. Any diminution in such manifestations could not fail to be interpreted by foreign countries as a sign of disintegration and so lead to a disastrous weakening in that influence. Yet the harmony and authority so successfully achieved would be threatened by the expansion of Commonwealth Prime Ministers' Meetings to a point when they no longer consisted of a small number of like-minded people but became unwieldy in size and represented too many disparities both of outlook and of capacity or willingness to discharge the responsibilities inherent in Commonwealth Membership.

10. It is indeed necessary to envisage an even more serious possibility, namely, that some Members of the Commonwealth would not only withdraw from participation in Prime Ministers' Meetings and other Commonwealth bodies, but would withdraw from the Commonwealth altogether. Thus it might be found, to put the problem bluntly, that the Commonwealth would have to choose between the rejection of some of the former dependent territories as new Members, and admission of new Members resulting in the withdrawal of some existing Members.

*If there are difficulties about the admission of particular territories, is there some new pattern of Commonwealth relationships which would satisfy the aspirations of these territories and yet be acceptable to the existing members?*

11. It might be thought that the answer to this question could be found in a "two-tier Membership", in which the countries in the second tier would become Members of the Commonwealth, but would not possess all the normal attributes of Membership referred to in paragraph 5 (iv); notably—

- (a) they would not be entitled to representation at general meetings of the Prime Ministers of the present Member countries;
- (b) they would have no obligation to consult the present Member Governments on matters of common concern, and no right to be consulted by them.

12. The objection to any overt distinction would be that it would be impossible to avoid the impression that countries in the second tier were of inferior status to the others or to prevent pressure for their promotion to the first tier, especially if the line of demarcation were the stage of social and economic development reached. Territories governed by Africans would undoubtedly assume that they were being

kept down on grounds of race. The only safe assumption is that the offer of anything short of full Membership would be unacceptable. This need not mean that there could not be (as indeed there are now) differences in practice between the treatment of different Members in such matters as the exchange of secret information. Nor does it preclude the possibility of establishing some half-way status (including perhaps the right of advising the Sovereign on internal affairs and of appointing representatives in London and other Commonwealth capitals) which would satisfy, perhaps for a considerable time, the aspirations of territories unable to assume the full burden of independence.

### *III. General conclusions*

13. Our aims are to preserve the existing degree of Commonwealth solidarity, while at the same time securing and retaining the active friendship and support of the peoples of the present Dependencies at all stages of constitutional evolution. These aims may in the end prove to be incompatible, and a choice will then have to be made. But we should use what period of grace we have to try to avoid being faced with such a choice. There is at present a tacit assumption that, when a Colonial territory reaches the position that Ceylon had reached at the end of 1947, it will be granted independence by the United Kingdom and will be accepted as a Member of the Commonwealth if it wishes. This assumption will be fortified by the terms of the preamble to the proposed constitution of the Central African Federation. Whether or not in any particular instance the assumption will prove in practice to be well founded is likely to depend as much on the time and circumstances in which the issue is raised as upon theoretical considerations.

15. The United Kingdom herself must be regarded as morally committed to sponsoring the admission to Commonwealth Membership of any of the present dependencies which may achieve independence. If it is agreed that this is so, and that the acceptance of such territories as Commonwealth Members is in the United Kingdom interests, it follows that:—

- (1) nothing should be done to disturb the existing tacit assumption;
- (2) we should do our best to prevent the question from being raised publicly as a hypothetical one;
- (3) we should endeavour to arrange that, when it has to be raised as a practical issue affecting a particular territory, this takes place at a time and in circumstances which offer the best prospect of a successful outcome.

16. The Commonwealth Relations Office and Colonial Office should therefore watch carefully political developments in the advanced Colonial territories. The Colonial Office should continue to encourage the territories to accept political progress by stages, and should seek, by judicious and carefully timed concessions of progressive self-government in domestic affairs, to forestall demands for Membership which other Members could fairly reject as premature, while at the same time avoiding the appearance of weakly yielding to extremist pressure. It may be found that, if their reasonable aspirations towards internal self-government are satisfied, and if we can develop the present practice of giving them opportunities of representation when matters affecting their interests are being discussed, Colonial politicians will not in fact be over-anxious to assume the responsibilities as well as the privileges of external independence.

17. The fact remains, however, that as indicated in paragraphs 8–10, we must be prepared to find ourselves faced at any moment with a serious situation. At worst, we may be confronted by two almost equally disagreeable and indeed disastrous alternatives, namely:—

- (a) the admission of former dependent territories to full Membership of the Commonwealth at the cost of the withdrawal of South Africa and the dissolution for all practical purposes of the existing structure of the Commonwealth, or
- (b) the rejection of the claims of such territories at the cost of their withdrawal from the Commonwealth, accompanied in all probability by the three Asiatic Members.

18. The British Commonwealth is a great force in the world to-day and a powerful ally in the American partnership and the North Atlantic Treaty Organisation because of the strength and unity of purpose of the United Kingdom and the “old” Dominions. If we do not now forestall the danger, the Commonwealth may be brought to a point when we and the “old” Dominions have to choose between whittling away the reality of the Commonwealth partnership to vanishing point, or risking the defection of the Asian and African peoples. If such a choice had to be made, I have no doubt that we should seek to preserve the solidarity of the “old” Dominions and ourselves at any cost. But even this might in such a contingency be impracticable, and we might find that we had got the worst of both worlds and lost both the “old” Dominions and the new.

19. To avert or forestall such a dilemma, no possibility of escaping from it should be left unexplored. The possibility mentioned in paragraphs 11 and 12, though emphasising that the only safe assumption on which to proceed is that nothing less than full Membership would be acceptable, is the establishment of some intermediate status which might satisfy, at any rate for some considerable time, the aspirations of territories unable to assume the full burden of independence in concrete terms. Might it not be possible to come to some arrangement with, *e.g.*, the Gold Coast and Nigeria whereby the grant by us of independence to them would be accompanied on their side by voluntary surrender to us of control over their foreign relations and defence, thus on the one hand satisfying their *amour-propre* so far as status was concerned, while on the other hand meeting the valid objections to their automatic admission to the *arcana imperii*, the meetings of Commonwealth Prime Ministers, which are mainly concerned with defence and foreign affairs? I only throw out this suggestion as one of various possibilities which I think should be more fully examined.

20. Another possibility would be to extend the term “Membership of the Commonwealth” to cover not only the existing Members but any territory which becomes independent and agrees to remain in the Commonwealth. The “mark” of Membership of the Club would not be admission to Prime Ministers’ meetings but the right to advise the Sovereign directly and to exchange representatives with other Commonwealth (and possibly foreign) countries. Other “marks” applicable to all Members may be capable of introduction. On the analogy of the United Nations Security Council, the Club would have a Committee of permanent members (the Prime Ministers of the existing Dominions). The junior Members would not have permanent seats on the Committee, but would be represented collectively. One way of doing this would be for them to be represented by the Secretary of State for



Commonwealth Relations. Another and perhaps more acceptable (to them) way would be a system of elective or rotational representation. This would not, however, be practicable until at least three or four junior Members had come into being.

21. The weakness of our present position is admittedly the precedent set by the admission of Ceylon to full Membership. We cannot, however, go back on that. This being so, it is desirable to avoid, if possible, any one territory becoming a test case of our future intentions. We should try to arrange matters so that at least three territories (say Nigeria, Gold Coast and Malaya) come up for election to junior Membership at the same time, so that they can be dealt with in one operation and with a consistent policy which can then be extended to others as they come along.

22. I have tried in the latter part of this paper to devise some means by which Territories could be induced to accept something short of full Membership of the Commonwealth, by which I mean, something short of equal status with the major Commonwealth countries and being entitled to participate as fully as the others in Commonwealth conferences and discussions. I have attempted this because I must assume that these lesser countries would continue in their progress towards "independence" (though I would hope at a less rapid rate than under the Socialist Government), however little they are really fitted for independence or capable of sustaining the responsibilities and duties which should attach to Commonwealth status. I must admit that I see great difficulty in getting the lesser countries to agree to any two-tier system, particularly if the Asiatic countries urge them the other way. But the issues at stake are so serious that we should do our utmost, in secret consultation with the "old" Dominions, to arrive at an agreed policy before these matters become—as may happen at any time—the subject of public and almost certainly controversial discussion. Before we talk to the "old" Dominions, we should be agreed among ourselves—I therefore ask that the whole matter should be further considered at the highest level.

23. The Foreign Secretary and the Colonial Secretary are in general agreement with this paper as a basis for further study. I have also consulted the Lord President, who is in general agreement with it.<sup>2</sup>

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<sup>2</sup> At Swinton's suggestion, Cabinet resolved to appoint a committee under his chairmanship to study the problems raised in this paper and to submit recommendations to the Cabinet (CAB 128/26/1, CC 26(53)5, 14 Apr 1953).

**179** CAB 134/786, CCM(53)18 May 1953<sup>1</sup>**'Colonial territories and Commonwealth membership': minutes of Cabinet Committee on Commonwealth Membership on a two-tier system**[Extract]<sup>2</sup>

...  
The Committee then considered the suggestions in C.(53)122<sup>3</sup> for a two-tier system of Commonwealth membership and in discussion the following points were made:—

(d) The disadvantage of two forms of Commonwealth membership was that if a country were granted the inferior form there might be strong political pressure from extremists for the higher form which the moderates might have difficulty in withstanding. The inferior form should therefore be such as to satisfy all moderate opinion. *The Colonial Secretary* thought, however, that Colonial territories were probably principally interested in self-government. It was unlikely, for example, that the Gold Coast would wish to conduct its own foreign affairs. There might, therefore, not be strong objection to a conception of second-class membership of the Commonwealth.

(e) There might be pressure in the United Nations that countries enjoying the lesser form of Commonwealth membership should qualify for membership of the United Nations even though they did not conduct their own foreign affairs. The problem of the relationship of these countries to the United Nations should be further studied on the understanding that they would not conduct their own foreign affairs.

(f) Members of the Commonwealth had the right to secede. It was inadvisable that their right should be given to countries which might be given the lower form of membership and nothing should be done to blur the distinction between those countries which had the right to secede and those which had not.

(g) The general principle behind a two-tier system might be that those self-governing Commonwealth countries which received a grant-in-aid from the United Kingdom or did not conduct their own foreign affairs or lacked the full capacity to conduct their own defence should not be admitted to full membership. Prime Ministers' Meetings dealt mainly with foreign affairs and defence and discussion of those subject should be restricted to the Prime Ministers of those countries which were full members. But as there had been in the past meetings on finance and economic matters between the Prime Ministers' Meetings, so in the future similar meetings might be arranged at which all members of the Commonwealth would be represented. A detailed study should be made of the attributes which self-governing countries which were not full members would have. Though there were advantages in not defining the status of members too closely there ought to be a general

<sup>1</sup> The meeting was held on 7 May; the minutes are dated 8 May. The members of the committee were Lord Swinton (chair), Lord Salisbury, Mr Lyttelton, Mr Selwyn Lloyd, Sir W Monckton (minister of labour and national service, 1951–1955), Mr Foster (parliamentary under-secretary of state, CRO, 1951–1954) and Sir N Brook.

<sup>2</sup> The extract reproduced here followed directly from that part of the minutes which dealt with the attendance by Sir G Huggins (see 180, note 5) at meetings of Commonwealth prime ministers.

<sup>3</sup> See 178, paras 11–12.



understanding on the basis of which any statements and undertakings could be made. But it was not necessary to consider how far principles might conflict with the Statute of Westminster or to give them legal shape.

(h) It might be desirable that Commonwealth countries should in the future be kept more fully informed than they had sometimes been in the past of constitutional developments in the more advanced Colonial territories. . . .

## 180 CAB 130/87, GEN 435/1

18 May 1953<sup>1</sup>

### 'Commonwealth membership': minutes of Official Committee on Commonwealth membership on a two-tier system and related matters<sup>2</sup>

*The Chairman* said that the problem of Colonial territories and Commonwealth Membership had been set out in a memorandum by the Commonwealth Secretary (C.(53) 122)<sup>3</sup> which the Committee on Commonwealth Membership were considering. At the recent meeting of that Committee (C.C.M.(53) 1st Meeting)<sup>4</sup> he had been asked to arrange for studies to be made of (i) the approximate times when Colonial territories might be expected to attain full self-government and when therefore the issue of membership of the Commonwealth was likely to become acute; (ii) the bearing on the problem of membership of the United Nations and the specialised agencies; and (iii) the attributes which self-governing countries which were not full members of the Commonwealth might have.

#### *Time table*

A general statement of the times when Colonial territories were likely to attain self-government had been given in paragraph 5 of C.(53) 122, but it was agreed that it would be useful to expand it in a memorandum showing the prospects of independence of each of the Colonial territories in question. It might be found in examination of a two-tier system of Commonwealth membership that such a system would hardly work unless a sufficient number of countries were placed in the second tier from the start. There might therefore be a case for hastening the independence of some colonial territories. It was not impossible that India with her growing interest in Africa would herself sponsor the early admission of African countries to membership.

The Committee:—

- (1) Invited the Colonial Office to prepare a memorandum on the lines agreed above, and after clearing it with the Foreign Office and Commonwealth Relations Office to circulate it to the Committee.

#### *Membership of international organisations*

It was agreed that a memorandum should be prepared on this subject which would set out the qualifications for membership of the United Nations and other international organisations and the extent to which countries both Commonwealth

<sup>1</sup> The meeting was held on 15 May; the minutes are dated 18 May.

<sup>2</sup> The members of the committee were Sir N Brook (chair), Sir T Lloyd, Sir P Liesching and Sir P Dixon (deputy under-secretary of state, FO, 1950–1954; permanent UK representative at UN, 1954–1960).

<sup>3</sup> See 178.

<sup>4</sup> See 179.

and foreign which were not in full control of their foreign affairs were members of them.

The Committee:—

(2) Invited the Foreign Office to prepare a memorandum on the lines agreed above in consultation with the Colonial Office and the Commonwealth Relations Office and to circulate it to the Committee.

### *Two-tier system of Commonwealth membership*

The Chairman suggested that it seemed that in considering the problem of a two-tier system of Commonwealth membership the better approach was not to conduct a theoretical examination, but to consider the main practical question of who should attend the different kinds of Commonwealth Ministerial meetings. If criteria for attendance at these meetings could be agreed, the distinctions in day-to-day relations with the two types of Commonwealth members could then be examined and some yardstick might be found on the basis of which claims for full Commonwealth membership could be resisted consistently. The acid test of full membership seemed to be the right to attend those Prime Ministers' Meetings which dealt with foreign affairs and defence and those Commonwealth countries which did not conduct their own foreign affairs or lacked the full capacity to conduct their own defence should be excluded from these meetings. But all members of the Commonwealth might attend meetings on financial, economic and any other matters.

In discussion the following points were made:—

(a) Even though it might well be preferable that Commonwealth countries on the second tier should not conduct their own foreign relations if they were politically immature, nevertheless we might have to acquiesce in their playing some small part in their own foreign affairs. This should not, however, in itself be a reason for inviting them to Prime Ministers' Meetings. The test would be not whether they were technically responsible for their foreign affairs but the extent of their participation and the contribution which they had to make in the discussion of world affairs.

(b) Similarly, on defence the sort of test to be aimed at for attendance at Prime Ministers' Meetings would not be whether the Commonwealth countries were constitutionally responsible for their defence but their capability to defend themselves or possibly their willingness and ability to enter into military commitments.

(c) In considering which Prime Ministers should attend discussions at Prime Ministers' Meetings we should bear in mind that there might be occasions when the need for all Commonwealth countries in a particular area to speak with a common voice was paramount. Just as the present practice by which India, Pakistan and Ceylon did not attend the inner discussions on defence was not necessarily permanent, so too there might be some flexibility in inviting Commonwealth members on the second tier to discussions which concerned their particular areas.

(d) The question arose how far any principles of a two-tier system of Commonwealth membership which the United Kingdom Government might decide should be divulged. On the one hand it was difficult to conceive of any principles which would simultaneously commend themselves to the Prime Ministers of India and South Africa: on the other hand to reveal them to aspirants to the second tier would only encourage them to manipulate matters so as to make themselves technically eligible.

(e) Ministers had suggested that one safeguard to restrict claims for full

membership might be that second-tier members should remain in relations with the Colonial Office. The Colonial Office thought that this would be a totally ineffective safeguard since it would in their view be quite unacceptable to the government of any territory likely at any time within the foreseeable future to become a second tier member.

(f) Ministers had suggested that second-tier members should not have the right to secede. The Commonwealth Relations Office undertook to circulate a memorandum on the right of secession.

(g) It was undesirable that there should be any discussion, even informally, with Prime Ministers at the forthcoming Meeting about the question of Commonwealth membership. The position of Southern Rhodesia and, in future, of the Central African Federation was anomalous and it should be considered whether the Commonwealth Secretary should be advised to speak to Sir Godfrey Huggins<sup>5</sup> without waiting for Sir Godfrey Huggins to take the initiative, and whether the Commonwealth Secretary should be given further advice in amplification of the conclusion of the Committee on Commonwealth membership. It would be difficult to set up a two-tier system of Commonwealth membership if the Central African Federation were to be placed in the first tier but Southern Rhodesia had attended Prime Ministers' Meetings on a special basis and Ministers had agreed that the best course seemed to be that Sir Godfrey Huggins should be told that the position would be the same as before, i.e. he would have no more right to attend as Prime Minister of the Central African Federation than he had had in the past as Prime Minister of Southern Rhodesia. They wished to keep the position open and they had considered that it might be arranged that he should not be invited to attend one or two meetings at the forthcoming Prime Ministers' Meeting.

It was agreed that the two-tier system of Commonwealth membership should be further considered at the next meeting and the Chairman undertook to circulate a memorandum on the points which might be examined. He agreed that those officials who might thereafter be asked to carry out detailed studies should attend the next meeting.

The Committee:—

(3) Invited the Commonwealth Relations Office to circulate a memorandum on the right of Commonwealth countries to secede.

(4) Took note that the Chairman would circulate a memorandum on points to be discussed at the next meeting.

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<sup>5</sup> Sir G Huggins (1st Viscount Malvern 1955), prime minister of Southern Rhodesia 1933–1953, of Federation of Rhodesia and Nyasaland, 1953–1956.

**181** CAB 130/87, GEN 435/1

19 June 1953

'The right of Commonwealth countries to secede': CRO note for

Official Committee on Commonwealth Membership

[Extract]

... [I]t is possible to draw a legal or constitutional distinction between two main classes of territories within the Commonwealth as regards secession.

The first class consists of the Member countries of the Commonwealth other than

India. Subject to what is said below as regards Australia and Canada, these countries have full constituent powers which would enable them to eliminate the Crown from their constitutional structure without the Parliament or Government of the United Kingdom being able to exercise any legal control over the process. These countries can, therefore, be said to have in law a *power* to secede from the Commonwealth. In the case of Canada and Australia the position is complicated, and the power is to some extent qualified by the fact that these countries are federations and, although it would hardly be practicable to eliminate the Crown from the federal constitution without also eliminating it from the Provincial or State constitutions, the power to amend the latter constitutions is not in either case vested in the federation. Furthermore, although the Canadian legislature has power to amend those parts of the British North American Act, 1867, which relate to the position of the Crown in the federal structure, there are other parts of the Act, relating to the federation as well as to the provinces, which are still amendable only by the Parliament of the United Kingdom. Thus, complementary legislation in the United Kingdom might in some cases be required, or at any rate desirable, as it proved to be when Eire left the Commonwealth, but it could hardly then be refused.

(India does not properly fall within this class. It is true that India is at least as free to leave the Commonwealth as the countries referred to, but since India does not owe allegiance to the Crown its Membership of the Commonwealth does not depend upon a legal or constitutional tie but upon a political relationship which could be terminated without any change in the constitutional law of the Commonwealth.)

The second class consists of the territories which are not full Members. None of these at present has a legal power to secede as defined in this paragraph since (a) most of them either have no constituent powers or have constituent powers which would be insufficient for the purpose and (b) if any of them have constituent powers which would be sufficient for the purpose, those powers are subject to some sort of constitutional control by the Government of the United Kingdom and are in any case subject to the over-riding authority of the United Kingdom Parliament.

7. Considerations such as these are, however, obviously, theoretical and unreal, especially after the secession of a country (Burma) which was not a full Member of the Commonwealth prior to its secession, though admittedly it had been offered full Membership of the Commonwealth. If a Commonwealth country which was not a full Member of the Commonwealth were to show a persistent determination to secede, either because it had been denied full Membership or because of some other grievance, it would seem that there would be only three courses open to the United Kingdom:—

- (a) to repress that country by force;
- (b) to admit it to full Membership, or remove its grievance, as the case might be;
- (c) to allow it to secede, with or without the passage of the necessary legislation in the United Kingdom Parliament to recognise the fact.

8. The conclusion would appear to be that, although obviously it would be undesirable to do or say anything to imply that "second-tier" Commonwealth countries had the same right to secession as those in the first-tier, it would not be practicable, if a case arose, to base a refusal to recognise secession on a legal distinction between the rights of "first-tier" and "second-tier" countries unless the Government of the day were prepared to back that distinction by the use of force.

**182 DO 35/5056**

25 June 1953

**'Commonwealth membership': minute by Sir P Liesching stating Lord Swinton's views on transfers of responsibility from CO to CRO**

At the Office Meeting on 25th June the Secretary of State said that he would in no circumstances consent to any proposal that Malta or the Gold Coast should pass to the Commonwealth Relations Office in advance of their attaining the necessary constitutional status and of their being accepted as full Members of the Commonwealth by the existing full Members. His own position and responsibilities as Secretary of State for Commonwealth Relations would be gravely prejudiced in relation to the other existing Members if this premature step was taken.

2. It was essential that, in dealing with this difficult problem of new admissions to membership, he should be able to discuss the problem not as a Minister with two potential new candidates brought under his portfolio, but in his capacity as the responsible Minister of the United Kingdom as an existing Member who would, with the seven other existing Members, have to discuss and help to find a solution to the problem.

3. The fact that he was already responsible for Southern Rhodesia which was not a full Member (and would be shortly responsible for the Central African Federation) must not be allowed to invalidate his standpoint in refusing to accept premature responsibility for further aspirants.

**183 DO 35/5056, no 47**

2 July 1953

**[Commonwealth membership]: letter from Mr Lyttelton to Lord Swinton on the question of whether Commonwealth members can veto new applicants**

My dear Philip

Many thanks for sending me a copy of the record of your conversation with Norman Robertson<sup>1</sup> on the 16th June.

There are two points on this record which I think I ought to raise with you.

The first point concerns paragraph 2. We are of course agreed that no Colony attaining self-government automatically becomes a member of the Commonwealth, and that the admission of a new member to the Commonwealth is a matter for all the existing members. But we have never agreed or said as the wording attributed to you in this record might possibly be taken to imply, that an objection by any one existing member of the Commonwealth would necessarily result in the rejection of an application for membership. Indeed, when I was in West Africa last year and was at pains to explain that membership of the Commonwealth was not in the gift of the United Kingdom Government alone,<sup>2</sup> I also said that this does not mean that an objection from one existing member would necessarily settle the matter, I think it is most important that we should maintain that position, particularly in any public statements.

<sup>1</sup> A Canadian diplomat.

<sup>2</sup> cf BDEEP series B, R Rathbone, ed, *Ghana*, part I, 118.

My second point arises on the opinions attributed to me in Paragraph 3 of the record.

I am quite clear that Defence and External Affairs must be reserved in the next Gold Coast constitution which is likely to come into force next year. Similarly with Nigeria—Defence and External Affairs must be reserved in any revised constitution which emerges from current discussions. I cannot make any forecasts beyond that.

I remember telling you some time ago that it was my impression that the Gold Coast and Nigeria were not particularly interested in Defence and Foreign Affairs: but since then Nkrumah and one or two other West African politicians have been showing an unwelcome interest in these subjects.

In Nkrumah's case I fear this was a result of a visit to Liberia. It would have had a different effect upon you or me for a more benighted bit of laterite I never clapped eyes upon.

Yours ever  
Oliver

**184** DO 35/5056, no 48

8 July 1953

[Commonwealth membership]: letter (reply) from Lord Swinton to Mr Lyttelton on the question of whether Commonwealth members can veto new applicants

Thank you for your letter of the 2nd July.<sup>1</sup> I did not give Norman Robertson a copy of the record of my conversation with him. I did not mean to imply from the note that every member of the Commonwealth must agree, in other words that one black ball would exclude. But we have got to face the realities of the situation. Whereas it rests entirely with the United Kingdom Government to say what measure of self-government shall be given to a Colony, when we meet as a Commonwealth Conference we are only one equal member. We have no right to dictate to them or to make the rules of the Club.

The Commonwealth Conference is in no sense an executive body. We may agree on common action, but that action is taken by each member as an independent sovereign state. We can and do take different action and pursue different policies in certain matters, though we try our best to avoid differing publicly on action which flows from the common meetings or is known to be the subject of common discussion. For example, we tried to get as near together as we could over the Royal Style and Titles. In fact we try to emphasise the unity while recognising the diversity.

But when it comes to making another territory a full member of the Club I think that would really have to be a matter of common agreement. It might well be that the procedural issue would be raised before we discussed an actual proposal for admission, and some members of the Commonwealth would insist that admission should require the agreement of all. But even if the issue were not posed in that form it might become equally critical in fact. Supposing for example, South Africa said that they would withdraw if the Gold Coast were admitted as a full member. We should then be faced with the break-up of the Commonwealth. If South Africa took

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<sup>1</sup> See 183.



this line I could easily imagine Australia and New Zealand, certainly under their present leadership, saying that they would vote against the Gold Coast. We would then have India and Ceylon, and possibly Pakistan, saying that they would withdraw unless the Gold Coast were admitted. This is exactly the kind of danger, where we lose the best of both worlds, that I felt it vital to guard against in my Paper.<sup>2</sup> I believe that if we had to face the issue of voting on membership we should have to accept the position that full membership could only be attained if all agreed or to put it less positively, if none actively dissented.

All this makes it the more important that we should agree among ourselves on the practicability of some two-tier system of [sic] the way it would work and that we should then try this out with the Prime Ministers of the four old Dominions. I think we must have another meeting of our Cabinet Committee before the Recess.

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<sup>2</sup> See 178.

## 185 CO 1032/97

11 July 1953

### [CO and CRO responsibilities]: minute by Sir T Lloyd to Mr Lyttelton on the transfer of responsibilities

I find that my ideas about the conclusions at our discussion yesterday are not on all fours with those of others. We all agree that it was then decided that:—

- (a) neither the Gold Coast nor the Malta request for transfer of its affairs to C.R.O. should be granted;
- (b) the possibility of handing Maltese business over to the Home Office should be explored, officially, with that Department; and
- (c) the establishment of a Committee of the Privy Council for Commonwealth Affairs would not be likely long to satisfy the Gold Coast and other larger territories with advanced constitutions.<sup>1</sup>

What I am not clear about is which of the following alternatives you would like us, when we next have interdepartmental official discussion, to argue for:—

- (i) The retention by the Colonial Office of all responsibility for the Gold Coast and other "advanced territories" right up to the time when, reserved powers having ceased and responsibility for external affairs and defence being on the point of transfer to the Colonial Government, the territories are for all practical purposes passing out of the Colonial system; or
- (ii) The transfer of responsibility for such places to the C.R.O. at an earlier stage in which H.M.G. still had a large say in the defence and external affairs of the territory.

Course (ii) above would in effect request that the C.R.O. should take on more Southern Rhodesias and that, as we know from Sir P. Liesching's minute,<sup>2</sup> Lord Swinton would regard as inappropriate and embarrassing. Course (i) is supported by

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<sup>1</sup> On these issues, see 210, 211, 313.

<sup>2</sup> See 182.

the precedent of Ceylon and I hope we may have your authority to argue for that in the further talks between officials.<sup>3</sup>

That would not rule out any change of title or departmental organisation which was thought likely to make it easier for the "mezzanine" states to acquiesce in the deferment of their transfer to the C.R.O. until they reach the stage of full independence.

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<sup>3</sup> Lyttelton minuted: 'I agree'.

## 186 CAB 130/87, GEN 435/2

20 July 1953<sup>1</sup>

### 'Commonwealth membership': Official Committee on Commonwealth Membership minutes (item 5) on a two-tier system

The Committee considered the tests that had been suggested at their last meeting (GEN 435/1st Meeting) for full membership of the Commonwealth.<sup>2</sup> These tests were that in foreign affairs, members should play a real part and have an important contribution to make in the discussion of world affairs: and in defence, that members should be capable of defending themselves, and possibly that they should be able and willing to enter into military commitments.

In discussion the following points were made:—

(a) In his conversation with the Secretary of State for Commonwealth Relations on 31st May (recorded in C.(53)165),<sup>3</sup> Dr. Malan<sup>4</sup> had agreed that to aim at a position where there was a difference in fact, if not in status, was a good line of approach: there was that sort of differentiation now since on some matters the old Dominions were given full information and taken into full consultation, while there was more limited information and consultation with the Asian countries.

(b) We should have, however, to be able when the time came to say what the position of new members was. The Gold Coast Government, for instance, would want us to make a precise statement of their position within the Commonwealth when the Gold Coast became independent and if we were unwilling to make one, they might make an incorrect statement which would have to be corrected.

(c) No criterion, embodying the proposition that members should play a real part in foreign affairs was realistic. Apart from the fact that Ceylon, which might have to lose full membership if this criterion were adopted, would certainly object strongly, the Gold Coast, when she became independent, would be constitutionally responsible for her foreign affairs, and her Government had already shown in their White Paper<sup>5</sup> that they looked forward to having representatives in foreign countries. She would doubtless wish to receive representatives from other countries and GEN.435/2 showed that we would have difficulty in preventing her from becoming a member of

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<sup>1</sup> The meeting was held on 17 July; the minutes are dated 20 July.

<sup>2</sup> See 180.

<sup>3</sup> See part I of this volume, 142.

<sup>4</sup> D F Malan, prime minister of the Union of South Africa, 1948–1954.

<sup>5</sup> See BDEEP series B, R Rathbone, ed, *Ghana*, part II, 133 (paras 22 & 64–69).



the United Nations if she so desired. We therefore had to look forward to a time when an independent Gold Coast would seek to play an active part in foreign affairs.

(d) It seemed, therefore, that it would be impossible to use the criterion of conduct of foreign affairs for devising a second tier and that we should therefore have to drop the use of "membership" as a term of art: in a sense all colonies were, after all, members. But there would of course still have to be distinctions in the extent to which we consulted them and gave them information. However, by judicious consultation, the graduated dissemination of information and by the field work of our High Commissioners we should hope to keep the new members in line with the older members, and to counteract any influence which other international groups might exert. But though there could be various types of Commonwealth meetings, whether regional, functional or of the type of the former Imperial Conference, we would still want to be able to hold meetings like the present Prime Ministers' Meetings, with representatives from important countries in each continent, which alone would continue to impress the world with the authoritative voice of the British Commonwealth.

Summing up the discussion, *The Chairman*<sup>6</sup> said that the Committee had thought that it might be possible to keep an inner circle of "full members" of the Commonwealth who were qualified by the part they played in foreign affairs and defence. It was conceivable that so long as aspirants did not move beyond the stage of development that the Gold Coast was about to move into, the distinction of "full membership" could be made and such countries could be excluded from meetings and consultation. But the Gold Coast would soon advance further and become fully independent with the constitutional right, which she must be expected to exercise, to conduct her own foreign affairs. If the Gold Coast was to remain in the Commonwealth, as we wished, it was important to us that she should conduct her foreign affairs in a way which was congruous with our policies. We could not ensure that she did so unless she were brought by stages into our day-to-day consultations when she became independent, took some part in meetings on foreign affairs and embarked on her career as an independent country with her existing fund of goodwill for the United Kingdom unimpaired. We could not think in terms of two tiers of membership, or full and partial members; apart from other disadvantages, to announce an inferior kind of membership would certainly cause resentment and might even lead to countries leaving the Commonwealth when they became independent. But though we should make it our aim to have a single form of membership, there would of course be some distinctions in practice in the extent of consultation with and dissemination of information to the more and the less important members. There could be meetings that all would attend as well as meetings arranged on a regional basis but we would have to find devices to enable the more important members to meet and to talk alone.

*The Chairman* said that he now proposed to circulate a paper based on these conclusions, which might be discussed at a meeting of the Committee in the second half of August. The Secretary of State for Commonwealth Relations wished to have a meeting of the Committee on Commonwealth Membership before he left for his Commonwealth tour in September but if that were impossible he could be informed of the Committee's views.

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<sup>6</sup> Sir N Brook.

The Committee:—

Took note that the Chairman would circulate a memorandum with a view to discussion at a further meeting in the second half of August.<sup>7</sup>

<sup>7</sup> Sir N Brook subsequently drafted a lengthy report on the future of Commonwealth membership which was circulated for comment in Jan 1954 and eventually became the major Cabinet paper on this subject (see 192). According to Sir T Lloyd, the draft report 'proved to be a persuasive document in that it convinced both Mr Lyttelton and, after a little delay, Lord Swinton that the "two-tier" system which both these Ministers at one time favoured was not a starter' (memo by Lloyd to Lennox-Boyd, CO 1032/50, no 3, Sept 1954). A further nail was added to this particular coffin by Sir C Arden-Clarke, gov of the Gold Coast. On 10 May 1954 Arden-Clarke told Liesching of the CRO that not only would the Gold Coast take independence outside the Commonwealth rather than accept second-tier membership, but also 'once this had occurred there was no hope of holding within the Commonwealth any of the African territories when they attained the qualifications for full membership' (note of conversation by Liesching, CAB 134/786, CCM(54)4, 21 May 1954).

**187 CAB 134/786, CCM(54)7**

**16 June 1954**

**[Future of Commonwealth]: memorandum by Lord Swinton for  
Cabinet Committee on Commonwealth Membership**

1. I have delayed asking the Committee to meet to consider the very valuable report of the Official Committee (C.C.M.(54) 1),<sup>1</sup> partly because Ministers have been so fully occupied, and also because I knew we should have to take detailed decisions about the Gold Coast (C.C.M.(54) 5 and 6). We must now reach conclusions on the broad issue and on the immediate action we are to take in the Gold Coast. It may help my colleagues if I try to summarise the position and suggest what I think our conclusions should be.

2. On the main issue whether we can attempt a two-tier solution, I think the Official Committee Report fortified by the advice of the Governor of the Gold Coast (C.C.M.(54) 4)<sup>2</sup> is conclusive. It has been well worth considering the possibility but I am sure it must be ruled out.

3. If we reject the two-tier proposal, while all accepted Members would enjoy the same status, that does not mean that all would be treated alike in practice. As has been pointed out we distinguish between the Commonwealth countries today. There may be further groupings in defence, which will create special relationships. Moreover, a great deal is done now by visits of United Kingdom Ministers to other Commonwealth countries and Commonwealth Ministers here without any formal meetings.

4. We were all, I think, moved to consider the two-tier system for fear lest the advancement of new Members to full Commonwealth status would whittle away the reality of the Commonwealth partnership and so loosen our solidarity with the Old Dominions. There was also the special position of South Africa, who might withdraw rather than sit in with the Gold Coast on equal terms.

5. On South Africa I can offer no reliable forecast. Dr. Malan himself, though a Republican, does not want to take the Union out of the Commonwealth. Though he

<sup>1</sup> ie, the first draft of Sir N Brook's report 'The future of Commonwealth membership' (see 192).

<sup>2</sup> See 186, note 7.

has made a number of bitter public attacks on the idea of the advancement of the Gold Coast to Membership, he has been careful not to commit himself as to what the Union's reactions might be if it were the general desire of other Members to admit the Gold Coast. South Africa has a lot to lose by leaving the Commonwealth. Dr. Malan himself has frequently said that South Africa is free to leave, but that she stays in the Commonwealth because it is in South Africa's interest to stay there. The advantages of the Commonwealth connection to South Africa in defence, economics and world affairs would not be affected if the Gold Coast became a Member. But there are more extreme views within Dr. Malan's Cabinet; and Dr. Malan will not go on for ever. The more extreme group, led by Mr. Strydom,<sup>3</sup> may be less cautious in their attitude to secession; and they might be tempted to use the admission of the Gold Coast as a pretext for secession in the hope that this would appeal to a larger section of the people of South Africa than would otherwise be the case. But on the whole my guess would be that, though they would be likely to record dissent and make a protest, they would in the end accept a *fait accompli*.

6. About the other old Dominions, I am much less anxious, especially as Commonwealth cooperation has never been so close as during the past year. To the economic cooperation, which has grown steadily, has been added a closeness in foreign affairs and defence which I have never seen surpassed in peace. Not only are all the Dominions closer to us, but they are closer to each other. All this has bred the realisation that when the Commonwealth acts together it is stronger and more effective than when the parts act separately. And foreign countries, especially the United States, have a new appreciation of the unity of the Commonwealth. I thus feel reasonably confident that Canada, Australia and New Zealand will be disposed to accept what has hitherto been recognised as the normal development of other territories within the Commonwealth, and will do so more readily if we take the lead. But I think they will expect us to discuss the problem fully with them, and we shall have to explain to them with some care the reasons which convinced us that there is no other course. The Asian Members of the Commonwealth will, of course, welcome our proposal; but there should be no consultation with them until the preliminary discussions with the old Commonwealth countries are complete.

7. If we reject the two-tier system, what, if anything, do we say about our decision? Certainly we should say nothing in public. Apart from the need first to carry the existing Member countries with us, there is no reason why we should say anything; we are merely adhering to what is generally accepted. We maintain the position which has been frequently stated, that the United Kingdom decides how much self-government should be given and when, and if a new country attains complete self-government then it applies for Membership of the Club.

8. Nor would it be immediately appropriate to raise the question formally with the existing Member countries. They had better be brought gradually face to face with the problem, and it would be wise to allow the longest practicable time for this educative process before they are asked to take decisions. Meanwhile, we should take suitable opportunities, both at Ministerial and official levels, to acquaint the Governments of Canada, Australia and New Zealand with the nature of the problem as we see it, and the sort of timing we expect for the Gold Coast to attain full status. At the Ministerial level, it will be wise to begin with Canada, who will probably be the

<sup>3</sup> J G Strijdom, prime minister of the Union of South Africa, 1954–1958.

readiest to accept our conclusions. I can talk to Mr. St. Laurent<sup>4</sup> when I visit Canada in October. If we should have a Prime Ministers' Meeting next year, the whole question is sure to be discussed informally, even if it is not ripe for discussion across the table. I would also propose to tell these three old Commonwealth countries how we plan to train officers from the Gold Coast and possibly other Colonies. The Australian Government have already been consulted about the Malayan trainees (see C.C.M.(54) 5).

9. There is the position of the Rhodesia and Nyasaland Federation. We are carrying on on the understanding that the Federation has succeeded to the position which Southern Rhodesia has occupied hitherto (C.C.M.(53) 3). No question arises of any change in this position until the Gold Coast attains full status. My colleagues should, however, appreciate that, when that is conceded, the Federal Government will certainly put forward a claim for simultaneous admission to full Membership and it will be impossible to refuse it. If it is granted, all that will be involved in practice is that the Federation will be admitted as of right to Prime Ministers' Meetings, instead of, as almost invariably in recent years, invited after the formal consent of the other Members had been obtained. We shall be recognizing what is in any case largely a *fait accompli*. No change in the division of functions between the Federation and the Territories need be involved, and no change in the powers reserved by the Constitution to the United Kingdom Government. The only practical change will be that it will then be possible to loosen the United Kingdom's control of external affairs and devolve, either wholly or largely, the control of external affairs upon the Federal Government. This can be done without any amendment of the Constitution and would therefore not conflict with the understanding—on which Federation went through—that there should be no major constitutional change for the first eight or ten years. It will not be altogether logical that we shall have a Member of the Commonwealth which is not fully self-governing; but British constitutional affairs are, fortunately, illogical and elastic.

10. There remain the interim steps to be taken in the Gold Coast (C.C.M.(54) 5 and 6).

(a) An appointment of a Commonwealth Relations officer on the staff of the Governor is, I think, obviously right.

(b) I am sure, too, that in due course we ought to train Gold Coast Officers. This can be done in the first instance by the Commonwealth Relations Officer at Accra and by Foreign Office courses. Ultimately we should have them attached to High Commissioners. I am not clear why the Foreign Office object to having them attached to selected Embassies. But for the reasons given in paragraph 4 of C.C.M.(54) 5 I hope these attachments can be delayed for some time. I understand that the Governor of the Gold Coast is of the same opinion.

11. There is one other matter we should decide on our Committee and recommend to the Cabinet. No territories should be transferred to the Commonwealth Relations Office until they attain full status. Southern Rhodesia has been accepted as an anomaly for 30 years; and the Central African Federation naturally followed suit. But neither need or should be treated as a precedent.

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<sup>4</sup> L. St Laurent, prime minister of Canada, 1948–1957.

**188** CO 1032/50, no 14

[18 June 1954]

**[Future of Commonwealth]: CO brief for Mr Lyttelton on Lord Swinton's memorandum<sup>1</sup>**

This brief is a supplement to the main brief on C.C.M.(54) 1 (already prepared at (7) on the file) and should be read with it.

2. The main point in Lord Swinton's paper is his acceptance (paragraph 2) of the conclusive objections to a two-tier system.

3. The reference in *paragraph 3* to not treating all members of the Commonwealth alike in practice can also be accepted on the understanding that it does not mean re-introducing a two-tier system by the back door and is read as meaning simply the difference between "status" and "function" mentioned in the main brief.

4. The forecast of the South African attitude in *paragraph 5* of Lord Swinton's paper is less discouraging than might have been expected. It is sometimes argued that concessions must be made to keep South Africa in the Commonwealth because we need her defence co-operation in case of war. If that point is raised in discussion, it might be worth suggesting that South Africa's own interests and inclinations would make it virtually impossible for her to withhold co-operation from the North Atlantic powers in a war with the U.S.S.R. irrespective of whether South Africa were in the Commonwealth or outside it.

5. Lord Swinton's proposal in *paragraph 6* for Commonwealth consultations about the Gold Coast accords with the C.O. view already mentioned in the main brief, except that we should prefer South Africa to be left out of the first round of consultations. This may, in fact be Lord Swinton's intention—see paragraph 8.

6. As regards *paragraphs 7 and 8*, there certainly seems every objection to a public statement on the general issue of two-tier membership, and it is not clear what advantage is to be gained from raising that general issue (as distinct from the particular case of the Gold Coast) with the other Commonwealth members. In both contexts, decisions taken about the Gold Coast will speak for themselves and will *de facto* set as much precedent as is digestible at the present stage.

7. *Paragraph 9* of Lord Swinton's paper, about the Central African Federation, may raise a difficulty for us. If (as is said in one place) all it means is that the Federal Prime Minister's attendance at Commonwealth Prime Ministers' meetings will be "legalised", there can be no objection. But if it also means (as stated later on) that the Federation "either wholly or largely" assumes control of its own external affairs, that could have serious consequences. There are political objections here and in the two Northern territories to what would amount to a premature revision of the Constitution. Secondly, in practice it is hard to see how a country which does not possess the right to make peace or war can have its own foreign policy or expect to be recognised as such internationally, e.g. by the exchange of diplomatic representatives. Moreover the devolution of control of foreign affairs to Central Africa under its present Constitution might make it difficult for the Colonial Office to keep foreign affairs effectively among the reserved subjects in other colonial territories which are in the penultimate stage before full self-government.

8. *Paragraph 11* of the paper is consistent with what has been decided about Malta and can be accepted.

<sup>1</sup> See 187.



**189** CO 936/382, no 9

[18 Sept 1954]

**[Self-determination and self-government]: CO brief for Mr Lennox-Boyd on the Pacific Charter**

[The Pacific Charter was drawn up in Manila in Sept 1954 in tandem with the SEATO agreement. Mr Eden brought it to Cabinet's attention in a Cabinet memo 'The Pacific Charter' (CAB 129/70, C(54)293, 18 Sept 1954). The phrasing of the charter created a potential embarrassment for the British government since it required a commitment to the principle of 'self-determination of peoples'. Cabinet and CO preferred the term 'self-government' which permitted greater flexibility in colonial policy. The issue was acute at that time, firstly because the government had recently ruled out self-determination for Cyprus in a public statement and secondly because there were international moves afoot to bring the Cyprus question before the United Nations (see 322).]

It is unfortunate that this Charter should lay stress on the phrase "the principle of equal rights and self-determination of peoples". This phrase occurs in Article I of the United Nations Charter which describes as one of the purposes of the United Nations "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples". The phrase occurs nowhere else in the Charter and is conspicuously missing from Chapter XI, the declaration regarding non-self-governing territories, and Chapter XII, which establishes the international trusteeship system. The objectives there defined for dependent peoples are in the first case self-government and in the second self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples. An intensive examination of the records of the drafting of the Charter at San Francisco has failed to reveal the reasons for the insertion of the word "self-determination" in Article I which appeared in a draft jointly presented by the four sponsoring powers.

2. Point III of the Anglo-American Declaration of Principles issued in Washington on 29th June, 1954 (the Potomac Charter) begins as follows:—

"We uphold the principle of self-government and will earnestly strive by every peaceful means to secure the independence of all countries whose peoples desire and are capable of sustaining an independent existence".

The original draft of this paragraph began "We uphold the right of self-determination" but after representations from the Cabinet in London, this phrase was altered to that eventually published.

3. It is unfortunate that on the eve of discussion of Cyprus in the United Nations we should have failed to eliminate the phrase "self-determination" from this new Charter. Nevertheless circumstances proved too difficult for our Delegation in Manila and the amendments which they did succeed in obtaining to the original draft have, as the Cabinet paper shows, ensured that it adds nothing to the existing commitments [of] Her Majesty's Government as contained in the United Nations Charter and the South-East Asia Collective Defence Treaty. In fact, the first paragraph of the proclamation is reproduced in the preamble to the South-East Asia Treaty which presumably Her Majesty's Government intend to ratify.

4. In these circumstances the Secretary of State need not oppose instructions to H.M. Ambassador in Manila to affix his signature to the declaration. If this signature could be delayed until after the 28th September, we would avoid the possibility of

fresh publicity for this declaration before the inscription of Cyprus has been settled one way or another in the General Assembly of the United Nations.

**190** DO 35/5057, no 111A

25 Sept 1954

[The Crown and Commonwealth membership]: letter from Sir M Adeane<sup>1</sup> to Sir P Liesching

Dear Percivale

The Queen has been reading with great interest the Secretary of State's memo (CCM(54)8 of the 21st September 1954) on Commonwealth Membership, because the question of the admission of new members is one which in the long run is bound to affect her own position.

I assume that when at the foot of page 2 and the top of page 3, it is stated that one of the tests of Commonwealth membership is direct access to the Queen, this is intended only to refer to those countries which still acknowledge Her Majesty as Head of the Commonwealth.

I do not think that India, with its Republican Constitution, has any right of direct access and certainly no such right is exercised in practice. Any dealings that the Queen has with the Indian Government take place, as you know, through the Commonwealth Relations Office and the United Kingdom High Commissioner at New Delhi. Moreover, when the draft of the Queen's Mansion House speech last May was under discussion, both the Prime Minister and the Secretary of State pointed out that "Head of the Commonwealth" was accepted as a title on which all members were agreed and that as a term it had no constitutional reality in the sense that "Queen" has or that "Emperor of India" had before 1947.

Forgive me for drawing attention to what is probably a very small point, but it is one on which—with another Republic looming on the horizon—I should feel happy if you could reassure me.

Yours sincerely,  
Michael Adeane

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<sup>1</sup> Sir M Adeane, private secretary to the Queen, 1953–1972.

**191** DO 35/5057, no 113

29 Sept 1954

[The Crown and Commonwealth membership]: letter (reply) from Sir P Liesching to Sir M Adeane

Dear Michael,

Thank you for your letter of the 25th September<sup>1</sup> about the Secretary of State's draft Cabinet Memorandum on Commonwealth Membership.

The statement that direct access to the Queen is one of the criteria of Commonwealth Membership was meant to apply only to those Members of the Commonwealth which acknowledge Her Majesty's sovereignty. The intention in the

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<sup>1</sup> See 190.

passage in question was to draw a distinction between the attributes of full Members of the Commonwealth as opposed to Colonial Governments not enjoying that status.

All the Members of the Commonwealth, including India, recognise the Queen as Head of the Commonwealth, but it was agreed at the Prime Ministers' Meeting in April, 1949, that the designation of the King as Head of the Commonwealth did not connote any change in the constitutional relations existing between the Members of the Commonwealth and, in particular, did not imply that the King discharged any constitutional function by virtue of that Headship.<sup>2</sup>

I can reassure you, therefore, that there is no intention of suggesting that India with its present constitution has any right of direct access, and the same procedure will no doubt be followed when any other Member of the Commonwealth becomes a Republic.

The Secretary of State, to whom I have shown your letter, is grateful for your drawing his attention to this point and will make the position clear when the matter is discussed in Cabinet.

Yours sincerely,  
P. Liesching

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<sup>2</sup> See BDEEP series A, R Hyam, ed, *The Labour government and the end of empire 1945-1951*, part IV, 403.

**192** CAB 129/71, C(54)307

11 Oct 1954

**'Commonwealth membership': Cabinet memorandum by Lord Swinton. Appendix: report by the Official Committee on Commonwealth membership**

My colleagues will recall that on 14th April, 1953 (C.C.(53) 26th Conclusions, Minute 5), they invited me to preside over a Cabinet Committee to consider the problems involved in the admission to full Commonwealth membership of Colonial territories which might in the future attain the status of independence within the Commonwealth, and to submit recommendations.<sup>1</sup> We have studied these problems carefully and have received a most valuable report, which I append, from a Committee of Permanent Under-Secretaries and other senior officials, of which Sir Norman Brook was Chairman. Though we considered the problems from a general standpoint, we had prominently in mind the constitutional progress being made by the Gold Coast, which is likely to be the leading case, and to qualify for full self-government by 1957, if not earlier.

2. As has been stated in public more than once, the timetable for the constitutional advance of a dependent territory and its ultimate attainment of full (or responsible) self-government is a matter for the decision of the United Kingdom Government alone. The admission of such a territory to full membership of the Commonwealth, however, involves consultation with all the existing members. Full self-government in the sense used above is more than self-government merely in internal affairs. It means in effect independent sovereign status or nationhood in

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<sup>1</sup> See 178, note 2.



which no powers at all, even in regard to external affairs or defence, are retained by the United Kingdom Government. The attainment of full self-government in this sense and application for admission to membership are separate steps which need not necessarily be simultaneous, but would be likely in practice to coincide (as was the case with Ceylon), or to be separated by a very short period. The principal question which we had to consider was whether it was practicable to devise for the emergent territories some status which would give them, at the proper time, full self-government within the Commonwealth, which they have been repeatedly promised, without bringing up the question of membership. What, then, does membership involve? We concluded that, in the final analysis, membership of the Commonwealth could be held to involve only (i) the right to attend meetings of Prime Ministers at which foreign affairs, defence, and constitutional matters are discussed and to participate in the day-to-day exchanges of information on these subjects, which take place continuously; and (ii) the right of direct access to The Queen.

3. We came to the conclusion that notwithstanding the *prima facie* attractions of a second class of Commonwealth membership, which would withhold these rights and perhaps also some measure of control over their external relations from those countries within it, the arguments against such a concept are decisive. They may be summarised as follows. Most candidates for Commonwealth membership would be unwilling to accept an inferior status, especially as it would be impossible to devise any absolute tests of qualifications for membership. Unless their national aspirations could be met to their own satisfaction some would undoubtedly secede from the Commonwealth rather than accept second-class membership. (The Governor of the Gold Coast has given it as his opinion that the Gold Coast would certainly do this.)<sup>2</sup> Even if they did not do so, their discontent would almost certainly be exploited by others, notably India and the Soviet Union. If, as would be quite possible, they were admitted to membership of the United Nations without being full members of the Commonwealth, other Powers would undoubtedly make strenuous and insidious efforts to draw them away from the Commonwealth circle, and such efforts would probably succeed. However uncomfortable it may be to have some of the emergent territories as full Commonwealth partners, we are quite clear that the wiser course is to admit them to a status of nominal equality, and seek from the start to ensure that, through sharing in that intimate exchange of views and information on foreign policy which marks relations between members of the Commonwealth, they will remain within our own sphere of influence.

4. Although it would be idle to deny that the inclusion of men of different origins and traditions must alter the character of the family relationship which has in the past been so very valuable a feature of Commonwealth consultation, we do not feel that any further extension of full Commonwealth membership need necessarily impair the closeness of the partnership between the older and more influential members. In order, however, to preserve the closeness of this partnership, we may have to discriminate rather more in practice between these and the other members in our relations with them. This, however, will be only the continuation of an existing tendency, and experience with India, Pakistan and Ceylon has proved that such a discrimination can be managed without serious effects. The time has long

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<sup>2</sup> See 186, note 7.

since passed when "the Dominions" could be treated as indistinguishable members of a homogeneous group. If the membership is further increased, we shall doubtless have to develop still further the existing practice of treating each particular country on its individual merits; and there will probably be an increase of Commonwealth Meetings confined to groups of countries on a regional or functional basis as distinct from "plenary" meetings.

5. My colleagues will realise if they endorse our recommendation, that there is no alternative to a policy of sponsoring for full membership emergent countries when they attain a fully self-governing status.

6. If that policy has to be applied to the Gold Coast within the next few years, the Federation of Rhodesia and Nyasaland will certainly put forward a claim for simultaneous admission to membership. This will be embarrassing, since the existing Constitution does not give the Federation full self-government and was put through on the understanding that there should be no major constitutional changes for the first eight or ten years. On various occasions over a period of twenty years before the Central African Federation came into being, Sir Godfrey Huggins, as Prime Minister of Southern Rhodesia, attended by invitation meetings of Commonwealth Prime Ministers. Originally he was invited as an observer when matters of special interest to Southern Rhodesia—primarily economic matters—were for discussion; but for many years past he has taken a full part in the proceedings even when these dealt with foreign affairs and defence. Last year I was assured by Sir Godfrey Huggins that no difficulty would arise in Southern Rhodesia in his continuing to attend such meetings as Prime Minister of the Federation. Nothing has been formally agreed about Sir Godfrey Huggins' future attendance; but it has been tacitly assumed, and I think accepted, that Sir Godfrey, or his successor, will be invited to attend in the future as in the past. If, in the circumstances referred to above, the Federation does put forward a claim to admission to membership along with the Gold Coast, my colleagues and I consider that it will be impossible to refuse the practical substance of this claim, and at least to concede that the Federal Prime Minister should thereafter attend meetings of Commonwealth Prime Ministers as a matter of right, instead of, as hitherto, by invitation. It may at the same time be necessary to provide for some increased devolution of external affairs. Neither of these concessions would involve changes in the Constitution, and, as regards the first, we should in effect be validating the illogical position which has worked very well for some twenty years.

7. If my colleagues endorse our recommendation no public statement will be necessary, as we shall be following the course which is generally accepted as the normal evolution. Nor would it be appropriate immediately to raise the question formally with the Governments of other member countries. The Governments of the "old" Commonwealth countries will, however, need to be brought gradually face to face with the problem and given ample time to reflect upon it, before the application of the Gold Coast for membership faces them with the need for decision. If there is a Prime Ministers' Conference in 1955, the whole question can be discussed informally with the "old" Commonwealth Prime Ministers outside the Conference.

8. We feel reasonably confident that Canada, Australia and New Zealand will be ready to follow our lead, provided that the reasons for it are explained to them with care, and they are not required to take major decisions without due time for reflection. India, Pakistan and Ceylon will welcome a proposal to extend full

membership to the Gold Coast. South Africa's likely attitude presents a much more difficult question, and the line she decides to take on the admission of the Gold Coast to full membership may be of crucial importance to the future of the Commonwealth. We may be faced with a choice between South Africa and the Gold Coast. Dr. Malan, though he has made a number of bitter public attacks on the idea of the advance of the Gold Coast to membership, has been careful not to commit himself as to the decision the Union will make when faced with the question. There are many advantages to the Union in remaining within the Commonwealth, which Dr. Malan well recognises. But he will not go on for ever and there are more extreme elements in the Nationalist Party who might for electoral reasons be tempted to use the admission of the Gold Coast as a pretext for secession; on the other hand there are responsible elements in the Nationalist Party and if, as now seems likely, Mr. Havenga<sup>3</sup> were to succeed Dr. Malan, the position would be much easier. On the whole, our guess would be that, though the Union Government may be expected to record dissent and make a protest, they will not leave the Commonwealth but accept a *fait accompli*.

9. The date when the Gold Coast's application for membership will come up is still uncertain, but it will certainly be within three years from now and possibly before the end of 1956. My colleagues may wish to know that measures are already being put in hand for introducing Gold Coast Ministers to international problems and for training of Gold Coast officials in the handling of them. For this purpose an officer from the Commonwealth Relations Office will soon be attached to the staff of the Governor and arrangements are being examined for the attachment of Gold Coast officers to certain United Kingdom High Commissioners' Offices (and possibly Foreign Office posts) for training purposes.

10. My colleagues will remember the proposals of the Gold Coast, and also of Malta, last year to secure transfer from the Colonial Office to the Commonwealth Relations Office which we rejected (C.C. (53) 47th Conclusions, Minute 3). The Commonwealth Membership Committee recommend that it should be decided now that no further territories should be transferred to the Commonwealth Relations Office before they are fully self-governing.

11. We invite our colleagues to agree:—

- (i) that there is no practicable alternative to a policy of endorsing the claims for admission to full membership of the Commonwealth, which may be expected from certain Colonial territories when we give them full self-government;
- (ii) that this will involve the admission of the Prime Minister of the Central African Federation to Prime Ministers' Meetings as of right, and possibly other changes to accord to the Federation (within the limits set by its constitution) the practical substance of full Commonwealth membership;
- (iii) that the Governments of Canada, Australia, New Zealand and South Africa should be informally acquainted, as opportunity offers and in advance of a formal decision being required in a specific case, with the nature of the problem and of our policy upon it;
- (iv) that responsibility for relations with Colonies should not be transferred to the Commonwealth Relations Office before they are fully self-governing.

<sup>3</sup> N C Havenga, minister of finance, Union of South Africa, 1948–1954.

### Appendix to 192: 'The future of Commonwealth membership'

1. Within the next few years the Gold Coast will insist on assuming full responsibility for her own affairs. She will probably wish to acquire the status of "independence within the Commonwealth" and will expect this to carry with it acceptance as a full member of the Commonwealth. She can only be admitted to full membership by a collective decision of the existing members. If she is not so admitted, she will ask what her new constitutional status will be. The answer given to that question will have an important influence on the future pattern of the Commonwealth connection. It ought therefore to be given, not solely with reference to the Gold Coast, but in the knowledge that it will establish a precedent applicable to other dependent territories which in future attain the status of "independence within the Commonwealth".

Before we reach this important turning-point in the evolution of the Commonwealth connection we should look ahead and consider in what general direction these constitutional developments should be guided. For this purpose we must try to forecast what the shape of the Commonwealth is likely to be in ten or twenty years' time, and what will then be the essential links between its independent members.

2. For many years past all political Parties in this country have supported a Colonial policy of assisting dependent peoples to reach a stage of development at which they can assume responsibility for managing their own affairs. As a result, constitutional development is proceeding steadily in many parts of the Colonial Empire. This process cannot now be halted or reversed, and it is only to a limited extent that its pace can be controlled by the United Kingdom Government. Sometimes it may be possible to secure acceptance of a reasonable and beneficial delay in order to ensure a more orderly transition. But, in the main, the pace of constitutional change will be determined by the strength of nationalist feeling and the development of political consciousness within the territory concerned. Political leaders who have obtained assurances of independence for their people normally expect that the promised independence will be attained within their own political lifetime; and, if they cannot satisfy their followers that satisfactory progress is being maintained towards that goal, their influence may be usurped by less responsible elements. No Party in this country can afford to have it said that, though it promised independence, it never meant to concede it. Any attempt to retard by artificial delays the progress of Colonial peoples towards independence would produce disastrous results. Among other consequences it would ensure that, when power had eventually to be transferred, it would be handed over to a local leadership predisposed towards an anti-British policy.

3. We therefore assume that constitutional development in the Colonial Empire will be allowed to pursue its natural course. If so, it seems likely that over the next ten or twenty years it will produce something like the following pattern:—

(a) Before the end of that time the following territories will have achieved a fully independent status and become candidates for full Commonwealth membership:—

Gold Coast.

Nigeria.

Central African Federation.

A Malayan Federation (including the present Federation of Malaya, Singapore and possibly North Borneo, Sarawak and Brunei).

A West Indian Federation.

(b) There will be a number of small territories which, though they may be or become capable of managing their own internal affairs, are never likely to achieve full independence and cannot aspire to the status of full Commonwealth membership. These are:—

Gibraltar.

Malta.

Cyprus.

Bermuda.

Bahamas.

British Guiana

British Honduras

Falkland Islands.

Fiji.

Western Pacific High Commission Territories.

Zanzibar.

Gambia.

Somaliland.

North Borneo

Sarawak

Brunei

Aden.

Hong Kong.

Mauritius.

Seychelles.

St. Helena.

} unless included in West Indian Federation.

} unless included in Malayan Federation.

(c) There remains an intermediate group where the future course of political development is uncertain:—

Kenya.

Tanganyika.

Uganda.

Sierra Leone.

This classification makes no distinction between Crown Colonies, Protectorates and Trust Territories.

4. Most of the territories in group (b) present no immediate problem. For many of them direct or indirect rule on the Colonial pattern will continue to be appropriate for many years to come—even though we may find it necessary to abandon the term "Colonial," in deference to latter-day susceptibilities and misrepresentation in the United Nations. For such of these territories as may develop a desire to change their constitutional relations with the United Kingdom, it may be useful to evolve a system by which they would pass under the jurisdiction of the Privy Council and acquire a status comparable to that of the Channel Islands and the Isle of Man. Malta was recently offered such a status, with the approval of

the Cabinet, but has not yet accepted it. It would also be applicable to a number of the other territories in group (b)—though it might not be appropriate in all cases that the Home Secretary should be designated as the United Kingdom Minister responsible for presenting their affairs to the Privy Council. From none of the territories in this group could there be any legitimate claim to full political equality with the independent members of the Commonwealth.

Of the territories in Group (c) Sierra Leone may in due course develop on the same lines as the Gold Coast. So might Uganda. In the other East African territories, however, the problem is different. There the first need is to find some means of reconciling the interests of the white settlers, the Asian community and the indigenous African population. If this problem can be solved, it may be possible to overcome the local objections, now strongly held, to the creation of an East African Federation which would in due course become a candidate for full Commonwealth membership.

5. The urgent problem arises from the rapid growth of nationalism and the consequent pace of political development in the territories listed in group (a). It is this which will test the flexibility of the Commonwealth connection and will present an immediate challenge to Commonwealth statesmanship.

All the territories in this group are likely to attain full independence within the next 10 or 20 years. If they are then retained within the Commonwealth, the independent countries of the Commonwealth will be:—

	<i>Present Population</i> <i>(Millions)</i>						
United Kingdom	...	...	...	...	...	...	50.2
Canada	...	...	...	...	...	...	14.4
Australia	...	...	...	...	...	...	8.5
New Zealand	...	...	...	...	...	...	2.0
South Africa	...	...	...	...	...	...	12.6 <sup>a</sup>
India	...	...	...	...	...	...	356.9
Pakistan	...	...	...	...	...	...	75.8
Ceylon	...	...	...	...	...	...	8.1
Central African Federation	...	...	...	...	...	...	6.2 <sup>b</sup>
West Indies Federation	...	...	...	...	...	...	2.7 <sup>c</sup>
Malayan Federation	...	...	...	...	...	...	7.1 <sup>d</sup>
Gold Coast (including Ashanti and N. Territories)	...	...	...	...	...	...	4.4
Nigeria	...	...	...	...	...	...	31.0

## II

6. What purposes will be served if all the countries in this group are held together in the political association of the Commonwealth? What advantages shall we gain?

(i) We shall support and strengthen the political influence of the united Kingdom throughout the world. In former days the influence exercised by our small country of fifty million people was greatly enhanced by our possession of overseas dependencies in every part of the world. With the progressive realisation of our Colonial policy, we cannot hope to maintain that influence

<sup>a</sup> Europeans: 2.6 millions.

<sup>b</sup> Europeans: 213,000.

<sup>c</sup> Jamaica, Trinidad, Barbados, and Leeward and Windward Islands.

<sup>d</sup> Including Singapore, North Borneo, Sarawak and Brunei.



unless we succeed in holding together in a new form of association those parts of our former Empire which achieve independence. To follow courses which encouraged those countries to secede from the Commonwealth on attaining their independence would be tantamount to adopting a policy of deliberately weakening our own strength and authority in world councils by a series of self-inflicted wounds. If we are to maintain our influence as a world power we must increasingly rely on our position as *primus inter pares* in a group of independent Commonwealth countries. Our prestige and international standing has in fact been enhanced in recent years by our capacity to hold within the Commonwealth countries to which we have accorded full political independence.

(ii) We shall strengthen the economic position of the United Kingdom by adding political cohesion to the sterling area.

(iii) We shall maintain such benefits to Commonwealth trade as can still be secured through the system of Imperial Preference.

(iv) We shall strengthen our defence potential. We can no longer sustain unaided the defence commitments involved by the position which we wish to maintain as a world power. We cannot attain our defence objectives except as leaders of all the Commonwealth countries, independent and dependent. There are great uncertainties in this. Thus, we cannot count on having the support of India's military man-power, as we could before 1947, though the prospect of securing that of Pakistan is perhaps more promising. But we can hope that by wise political leadership we may be able to mobilise a considerable part of the Commonwealth's military resources in support of some causes, at any rate. And, although we may not always succeed, it is clear that we must always try. Some of the younger Commonwealth members may become more willing to support a common military effort as the years go by. Meanwhile, the political connection between the independent countries of the Commonwealth gives us valuable facilities in communications, raw materials and industrial potential, to support such Commonwealth forces as may be engaged in a future war.

(v) Countries which maintain the British connection are less likely, in the period of their political immaturity, to pass under the influence of hostile Powers. Even though the grant of independence is delayed until internal political problems have been overcome, there is still a risk that some of the territories now nearing the stage of independence (*e.g.*, a Malayan Federation) might, if they chose independence outside the Commonwealth, fall under the influence of a hostile Power—whether by way of internal penetration or by open aggression. This risk will be reduced if they remain within the political association of the Commonwealth.

(vi) The Commonwealth is as yet the only effective international organisation which links together in an intimate association both European and non-European peoples. As such it now provides a valuable bridge between the West and Asia, and in the coming generation it could do the same with Africa. To play this rôle, the Commonwealth must retain its multi-racial character with equality between member nations of different races.

(vii) From a broader point of view we may have faith that countries which have inherited, whether by blood or by upbringing, the British traditions and outlook on life will be more likely to work for peace and to exercise a healthy influence

in international affairs. They will be able to do so more effectively if they are linked together in a single political association.

7. The independent Commonwealth peoples associated in this group are favourably placed to exercise a substantial influence in world affairs.

The group includes at least one country of outstanding importance and influence in each continent of the world—Europe, (North) America, Africa, Asia and the South Pacific.

It embraces people of all the most important races save the Slavs and Mongols—Europeans, Asians and Africans are included in it.

It includes people of all the main religions of the world—Christian, Moslem, Hindu and Buddhist.

8. What is the essential link between them? What is the common feature of the group?

The tie of blood, though important, is not an element common to all. It never was—even in the halcyon days of Empire. The theory that the coherence of the old Dominions was founded on common ancestry from British stock ignored the ethnological facts of French Canada and South Africa. Nearly one-third of the population of Canada is of French origin and less than half is of British origin. In South Africa less than half of the European population is of British origin.

Nor are we now all bound together by a common allegiance to the Crown. All the independent members of the Commonwealth recognise the Queen as Head of the Commonwealth and as the symbol of the free association of its peoples. But the Commonwealth of the future will probably include more than one republic whose people owe no personal allegiance to the Sovereign. However greatly we may regret this, it need not be fatal to the cohesion of the Commonwealth. One of the most obvious deductions from the common allegiance was the presumption that, if the United Kingdom were forced into war, all the other independent Commonwealth countries would be at her side. But it has long been recognised that the decision to participate in a war rested with each Commonwealth Government separately.

The cohesion of the Commonwealth will continue to be strengthened by the fact that many of its members owe allegiance to a single Sovereign and that all recognise that Sovereign as the symbol of their free association. But the one feature which will continue to be common to all Commonwealth members is that they were all at one time part of the British Empire and that they inherit, by birth or by upbringing, British traditions, methods of Government and Parliamentary institutions. They have also inherited or acquired the use of the English language as a medium (in most places the medium) of administration and civilised intercourse. Their common past makes it likely that there will be a broad similarity in their approach to major international problems. This is the important quality which all the independent members of the Commonwealth have in common. In some peoples who have recently achieved independence it may be obscured for a time by the passing distempers which accompany emancipation from external rule, but when the initial exuberance of freedom has subsided it will emerge. To preserve, strengthen and develop it should be a prime object of Commonwealth policy. And the forms of the Commonwealth connection, and the procedures for maintaining it, should be so moulded and fashioned as to fulfil that policy.



## III

9. Many feared that the admission of three Asiatic countries to Commonwealth membership would impair the intimate relations which had previously been maintained between the independent members of the Commonwealth. And, although the older members have not allowed this widening of the Commonwealth circle to disturb their old relations with one another, they have not as yet found it easy to treat the new Asiatic members on precisely the same footing. Thus, for various reasons, the United Kingdom Government has found it necessary to draw a distinction—*e.g.*, in the types of information communicated to other Commonwealth Governments—between the new and the old members of the Commonwealth.

Fears are now entertained that the Commonwealth relationship may be further diluted if the Gold Coast and other countries in a comparable stage of development achieve full membership. For this reason it has been suggested that the time has come to develop a two-tier system of Commonwealth membership. Under this system membership of the inner circle, or upper tier, would be restricted to those countries which are in full control of their external relations and are capable of making a significant contribution towards their own defence. The qualifications would have to be so framed as to confine the inner membership to countries whose views would command respect in world councils. Thus, the test in respect of external relations would not be satisfied by a constitutional right to conduct external relations or even perhaps by the fact that a country had entered into diplomatic relations with neighbouring States or with a few of the Great Powers. A candidate for the upper tier would be required to show that it was effectively conducting its own foreign policy. As regards defence, it would not be possible to make it a condition of inner membership that a country should be capable of defending itself, unaided, against external aggression. In the world of to-day this ambition is outside the reach of almost everybody. Most countries must rely, for their protection, on membership of some defensive alliance. The test would be whether the country had sufficient military strength to make it a worth-while member of such an alliance.

10. This conception of a second class of Commonwealth membership has attractions at first sight. But on closer examination it proves to be open to serious objections. And it seems doubtful whether it would be practicable to bring it into operation. Thus:—

(i) The tests suggested for membership of the upper tier are not absolute; they are essentially matters for judgment. The judgment on a particular application would have to be made by the existing members of the upper tier. Would they find it easy to reach a decision acceptable to all? And would the applicant be content to accept an adverse decision?

(ii) Not all the countries now represented at meetings of Commonwealth Prime Ministers would qualify for membership of the inner circle on the basis suggested. It is arguable that Ceylon might fail to pass the tests. The Central African Federation would certainly fail to qualify. But its leading member, Southern Rhodesia, has for some time past enjoyed *de facto* most of the benefits of full membership, including attendance at most meetings of Commonwealth Prime Ministers; and Sir Godfrey Huggins has been given to understand that he will enjoy, as Prime Minister of the new Federation, the same advantages in this respect as he formerly had as Prime Minister of Southern Rhodesia. Would it be

practicable to ask the Central African Federation—still less Ceylon—to withdraw from the inner circle and accept a position in the second tier?

(iii) Some at any rate of the new candidates for Commonwealth membership would be reluctant to accept the inferior status of second-tier membership—especially if the Central African Federation remained in the upper tier. Gold Coast Ministers have shown that they understand the distinction between the grant of self-government and the attainment of Commonwealth membership. But that does not lessen the risk that the Gold Coast, on attaining full self-government, would reject any suggestions that it should remain within the Commonwealth with any constitutional status inferior to that of the older members.

(iv) At the outset the lower tier would consist wholly of countries with coloured populations (unless the Central African Federation, with its European element, were constrained to join it). Even though India and Pakistan remained in the upper tier, it would be difficult to avoid creating the impression that the second tier had been invented in order to prevent any further countries with coloured populations from entering the inner circle. It would be impossible to maintain the two-tier system if it could be represented as based on a colour distinction.

(v) Even if the newcomers could be induced to accept a lower-tier status, they would probably be discontented with it and there is a risk that their discontent would be exploited by India, who has already shown dangerous tendencies to foster African nationalism. India, it is true, will be tempted to seek the leadership of the free African countries if they are admitted to full membership; but the risks involved in this would be less than those which would spring from India's championing their claim to elevation from a lower status.

(vi) Unless we can retain the friendship and partnership of those Colonial territories which are approaching self-government, it is likely that, instead of being at best co-operative or at least acquiescent, they may become positively hostile and, on the worst prospect, fall into the Soviet camp. However uncomfortable it may be to have them as full members of the Commonwealth, it would be far more damaging to our wider interests if they were to turn against us. One of the great difficulties in the two-tier suggestion is that aspirants to Commonwealth membership are likely to regard it as failing to meet their legitimate demands, and will therefore be disposed to secede from the Commonwealth rather than accept an inferior status within it. If the break were to occur with acrimony, the consequences might be very serious.

(vii) Should any of these countries succeed in becoming members of the United Nations (as they almost certainly would if Russia changed her present attitude), they would hardly be content with an inferior status within the Commonwealth when, at the same time, they would sit in the General Assembly on equal terms, not only with other Commonwealth countries who are members of the United Nations, but with the United States, Russia and other great Powers.

11. Apart from these practical difficulties, the two-tier system will defeat the essential purpose of the Commonwealth connection—if, as stated in paragraph 8 above, that purpose is to develop a community of outlook among all Commonwealth members on the main international problems of the day.

The countries which will shortly assume full responsibility for their own affairs will in fact wish to conduct from the outset some of their external relations. Thus,

the Gold Coast will undoubtedly wish to develop diplomatic relations with the United States, with Liberia and probably with the other European countries having Colonial possessions in Africa. A Malayan Federation would certainly wish to maintain diplomatic relations with Indonesia and, in less troubled times, with China. A West Indian Federation would probably wish to establish relations with the United States.

As soon as any of these countries begin to conduct any external relations, they will feel the need of friendly help and advice. It is important that they should be encouraged to look for this to ourselves and to other members of the Commonwealth. The concept outlined in paragraph 8 above will be wholly destroyed unless they do. The last thing we would wish is that any of these countries should be drawn into some foreign sphere of influence. It would, for example, be highly embarrassing if any of them, on gaining admission to the United Nations, were drawn into a South American *bloc* or an Arab *bloc* likely on occasion to vote against the other members of the Commonwealth. This situation would be only too likely to arise if, through being relegated to a second tier of Commonwealth membership, they were excluded—and felt themselves to be excluded—from the intimate interchange of views and information on foreign policy which characterises the relations between the existing members of the Commonwealth.

12. In practice, the only means of ensuring that these countries, on attaining independence, will turn to us for help and advice in the conduct of their external relations is to make available to them from the outset information and guidance on such international questions as are of direct concern to them. Their first steps in the conduct of external relations will be of crucial importance. It will therefore be most desirable that they should have from the outset the guidance of British officials experienced in Commonwealth relations and in international affairs. This means that a United Kingdom High Commissioner, with suitable staff, should be stationed in these countries from the moment they attain independence—indeed, there would be great advantage in having representation of this character at some earlier stage—and that they should themselves establish as soon as possible thereafter corresponding missions in London and, later, in other Commonwealth capitals. These High Commissioners will not be able to carry out their task unless they are provided from London with a flow of information and guidance, selective at first but progressively enlarged, on international matters of common concern to the Commonwealth as a whole. And, as time goes on, there will be need for personal exchanges between the Foreign Ministers of those countries and of the older members of the Commonwealth. It is only by this means that we can hope to develop, in new Commonwealth members, that similarity of approach to the main problems of international relations which enables the Commonwealth to exercise its influence in world affairs. But these procedures, *viz.*, the exchange of High Commissioners, the interchange of information and views on foreign policy, and attendance at periodical meetings of Commonwealth Ministers, are in fact the outward marks of full Commonwealth membership.

All this suggests that the essential purpose of the Commonwealth connection will not be achieved unless countries attaining full independence within it are admitted to full membership of it. This need not mean that certain aspects of their relations with the United Kingdom or other Commonwealth members could not be defined and regulated by written agreements importing specified duties and obligations. There would certainly be scope for such agreements on defence, finance and other

matters: agreements of this kind were in fact concluded with Ceylon.

#### IV

13. One of the objections sometimes raised to any further extension of full Commonwealth membership is that what was formerly a close partnership between a few influential countries will be impaired if membership is opened to a large number of small countries. It is feared that the few Commonwealth countries which carry weight in the world would fail to make their views prevail at a meeting of Commonwealth Prime Ministers if they were outnumbered by countries newly admitted to independence and still insignificant internationally.

This apprehension, if it is seriously entertained, may be allayed by knowledge that, of the countries likely soon to claim full membership, so many will come forward in groups, *viz.*, the Central African Federation, the Malayan Federation and the West Indian Federation. It will be seen from the population figures, which have been given for this reason in paragraph 5 above, that the newcomers at such a gathering will not in fact be representing small territories or insignificant interests.

A more compelling consideration is, however, that on these occasions decisions do not go by vote. Nor, for that matter, does influence depend on card votes. At these meetings leadership and influence will doubtless continue to be exercised by those who can command it, on their individual merits or by virtue of the actual or potential power of the countries which they represent.

14. At "plenary" meetings of Commonwealth Prime Ministers all members of the Commonwealth would need to be represented. But this need not make it impossible to hold from time to time smaller meetings at which something less than the whole body of Commonwealth members would be represented. Meetings to deal with specific regional problems could probably be arranged. And smaller meetings could sometimes be held on a functional basis, *e.g.*, some defence discussions could be limited to countries which had accepted specific defence commitments.

It might even be possible to develop a system by which formal meetings, on the model of the old Imperial Conferences, were held for the discussion of financial and economic questions and other technical matters—the Colonies, as well as independent Commonwealth countries, being represented on such occasions—but the smaller meetings of Prime Ministers were treated as more informal gatherings to be held at irregular intervals, as occasion offered. This might make it possible for the Prime Ministers of some of the older Commonwealth countries to meet together from time to time, even though not all of the new member countries were represented.

It must, however, be admitted that in arranging meetings confined mainly to the Prime Ministers of the old Commonwealth countries great care would have to be taken to avoid importing the suggestion that a concealed two-tier system was in operation. It is also true that such smaller meetings, whether convened on a regional or on a functional basis, would rarely consist of those Prime Ministers and no other. Thus, in recent consultations between Commonwealth representatives in New York to deal with United Nations business, it has usually been found desirable to include India and sometimes there has been no need to include South Africa.

15. The admission of further countries to Commonwealth membership may also lead to some changes in the procedures for day-to-day exchanges between Commonwealth Governments. The free and full exchange of information and views which

takes place between, say, the United Kingdom and Canada will be neither necessary nor appropriate in the case of an African territory which has newly attained its independence. It will be reasonable that there should be some discrimination, between one Commonwealth Government and another, in providing information and guidance on international questions of current interest. This, however, will not involve any radical departure from existing practice. The time when a Dominions Secretary sought to take into account what was regarded as a collective point of view of "the Dominions" has long since passed: the independence of the other Commonwealth members has now advanced to a point at which they have to be treated as individual nations, not as indistinguishable members of a homogeneous group. In the day-to-day exchanges, as in matters of constitutional status, there would be dangers in discriminating by *class* and developing hard-and-fast differentiations in treatment between "old" members and "new"—or, for that matter, between "old," Asian and African members. The safer and better course will be to develop still further the existing practice of treating each particular country on its individual merits and sending to each such information as it is thought to require. If this sort of discrimination is known to be applied as between, say, Canada and Australia, it will be more easily defended as between, say, Ceylon and the Gold Coast.

## V

16. Africa's future presents a challenge to Commonwealth statesmanship. The forthcoming application of the Gold Coast for full Commonwealth membership will mark a decisive turning-point in the evolution of the Commonwealth connection. It will be recognised as such by all the other members of the Commonwealth, and especially by the Asian members. The solution suggested in this paper will certainly produce difficulties. In South Africa "Gold Coast policies" is already a term of opprobrium used to describe the bringing of African colonies to independence at too fast a pace, or indeed bringing them to independence at all. Racial equality has no appeal for the vast majority of the inhabitants of the Union, whether Afrikaans or English-speaking. It is questionable whether Dr. Malan (who, like all other Commonwealth Prime Ministers, would have to be consulted before a collective decision was taken on the admission of a new member) would agree to the Gold Coast's admission to Commonwealth membership. It is not impossible that a decision to admit the Gold Coast might lead him to dissociate South Africa from the Commonwealth. On the other hand a decision to refuse her admission might lead Mr. Nehru<sup>4</sup> to take a similar course and would certainly produce a wide rift between the old members of the Commonwealth and the Asian members. A decision based, or thought to be based, on a denial of racial equality might well lead to a disruption of the Commonwealth as we know it to-day. If it did not lead to the secession of the Asian countries from the Commonwealth it might provoke them into assuming an open leadership of all the aspiring African Colonies which might be even more disruptive in its effects on the cohesion of the Commonwealth and Empire.<sup>5</sup>

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<sup>4</sup> Jawaharlal Nehru, prime minister of India, 1947–1964.

<sup>5</sup> The report, dated 21 Jan 1954, was signed on behalf of the committee by its chairman, Sir N Brook.



**193** PREM 11/1726F

1 Dec 1954

**'Commonwealth membership': brief by Sir N Brook for Sir W Churchill on Lord Swinton's memorandum (C(54)307)<sup>1</sup>**

This is an important paper on the future of the Commonwealth.

The Cabinet appointed a Committee of Ministers to consider what status should be accorded in future to Colonies attaining full independence and desiring to remain within the Commonwealth. The Committee have come to the conclusion that it is impracticable to devise any status intermediate between dependence and full Commonwealth membership. It follows that, when a Colony achieves full independence, it must either be admitted to full membership of the Commonwealth or pass outside it.

This may sound as though it is contemplated that a succession of small Colonies will be admitted to full Commonwealth membership. In fact, however, in the next twenty years the only likely applicants are quite sizeable and important territories, *viz.*, Gold Coast, the Central African Federation, Nigeria, a West Indian Federation and a Malayan Federation. The first practical test will come when the Gold Coast attains full independence—which it will do within the next three years and possibly before the end of 1956. The Cabinet Committee contemplate that the Gold Coast should then become a full member of the Commonwealth, with the same rights and duties as all other members.

2. If the Cabinet endorse the general policy recommended, it is proposed that we should put our views to other Commonwealth Prime Ministers, privately and informally, in the course of the Commonwealth Meeting next January.

3. The arguments which led the Cabinet Committee to this conclusion are set out in a report which I wrote almost a year ago. This is printed as an Appendix to C.(54) 307.

I recognise that this policy may be unpalatable to you. But, if you have serious doubts about it, I hope you may be willing to read my report. However much we may sigh for the past, we have to live in the present—and to plan for the future. And I am convinced that this is the only policy which can preserve the strength and influence of the Commonwealth in the world of the future. The alternative is to allow each of Britain's Colonial territories to pass out of the Commonwealth as it attains independence: and this would spell for the future a Commonwealth of dwindling power—it would condemn the Empire to "death by a thousand cuts".

4. If you think—as you may well do—that this is too important a subject to be despatched in the course of a crowded agenda, I hope that you will suggest that it should be left over for discussion at a separate meeting convened specially for that purpose. This would give you an opportunity, if you wished, to look at my report, in the Appendix, and weigh its arguments.

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<sup>1</sup> See 192.

**194** T 220/314, p 11

6 Dec 1954

**'Bearing of financial independence on Commonwealth membership':****Treasury brief for Mr Butler****[Extract]**

Besides the criteria mentioned in the paper,<sup>1</sup> a territory should be financially solvent before it can be accorded full independent Commonwealth status.<sup>2</sup> It is not compatible with free and equal association under the Crown for one partner to be financially dependent on another. Access to the London market and the facilities flowing from membership of the Sterling Area are of course compatible with this status, but not dependence on H.M.G. for direct financial assistance, either in the form of grants in aid of administration, or Colonial Development and Welfare grants.

2. This principle, though never openly stated, has been tacitly recognised in the past in the case of Newfoundland. This territory was a Dominion in the 1930's, but found itself unable to service its public debt; and the Royal Commission of 1933 found it necessary to associate the suspension of her old existing form of responsible government with the assumption of financial responsibility of H.M.G. While not explicitly stating that this was the price that Newfoundland had to pay for her salvation, this was the practical position accepted by all concerned including the local leaders.

3. Recent conferences and reports concerned with the furthering of the idea of a West Indian Federation have also recognised that true political independence must be founded on financial solvency. The present proposed form of constitution for a West Indian Federation falls short of other criteria of Commonwealth membership and H.M.G. has therefore found it possible to agree to some interim assistance for the grant-aided islands which will join the Federation. But such assistance would be incompatible with such a Federation becoming a full partner in the Commonwealth, which should wait until financial solvency is achieved. . . .

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<sup>1</sup> See 192.

<sup>2</sup> On this point Sir A Johnston (third secretary, Treasury, 1951–1958) had earlier minuted: 'The point is an important one and I think the Chancellor of the Exchequer should mention it. Otherwise it will be said to have gone by default. The Colonial Office agree that Commonwealth status is incompatible with financial dependence on the U.K. (remember Newfoundland) and this was made plain at the conference in London on West Indian Federation two years ago. But when the time comes, the Colonial Office may try to blurr [sic] the issue—unless we keep it in the forefront' (T 220/314, p 1, 22 Nov 1954).

**195** CAB 128/27/2, CC 83(54)

7 Dec 1954

**'Commonwealth relations': Cabinet conclusions**

The Cabinet had before them a memorandum by the Commonwealth Secretary (C. (54) 307) submitting the conclusions of the Cabinet Committee which had been appointed in April, 1953, to consider what status should be accorded in future to Colonial territories which, on attaining full independence, desired to remain within the Commonwealth.<sup>1</sup>

*The Commonwealth Secretary* said that the Committee had spent more than a year on this task and had reached unanimous conclusions. They had started with a

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<sup>1</sup> See 192.

bias in favour of a two-tier system of Commonwealth membership, under which the upper tier would be restricted to those countries which were in full control of their external relations and were capable of making a significant contribution towards their own defence. They had, however, been forced to the conclusion that such a system would not be practicable, for the reasons summarised in paragraphs 10–11 of the report annexed to C. (54) 307. There was no doubt that most countries which were candidates for Commonwealth membership would not be content with an inferior status and would choose to secede from the Commonwealth, on attaining full independence, rather than accept second-class membership. Even if some were willing to remain in the Commonwealth for a time in an inferior position, their discontent would be exploited by influences hostile to Commonwealth solidarity. The Committee had therefore felt obliged to recommend that no change should be made in what had generally been assumed and expected to be the normal course of Commonwealth development, namely that Colonial territories desiring to remain within the Commonwealth on attaining full independence would be regarded as eligible for full Commonwealth membership. But, though all members of the Commonwealth would continue in form to be equal in status, it would not follow that in fact all would have equal weight and influence in Commonwealth councils. Between the existing members of the Commonwealth a measure of discrimination was already applied in practice. The Asiatic members did not at present receive from the United Kingdom Government as much information as was made available, *e.g.*, on defence questions, to the other members. If the membership of the Commonwealth were further increased, we should clearly have to develop still further the existing practice of treating each particular country on its individual merits, and it would doubtless prove convenient to extend the practice of holding Commonwealth meetings confined to groups of countries on a regional or functional basis.

The Commonwealth Secretary said that he was not asking that any executive decision should be taken at the present time. The need for such a decision would not arise until the Gold Coast attained full independence in 1956 to 1957. If she should then apply for full membership of the Commonwealth, this would be a matter for consideration, not by the United Kingdom Government alone, but by the Governments of all members of the Commonwealth. It was not too soon for United Kingdom Ministers to consider the general course of policy which they would be disposed to follow in that event and to take informal steps to ascertain the provisional views of some of the other Commonwealth Prime Ministers. If, therefore, the Cabinet found themselves in broad agreement with the policy outlined in C. (54) 307, he hoped that private conversations on this question would be held with the Prime Ministers of Australia and New Zealand while they were in London for the forthcoming Meeting of Commonwealth Prime Ministers. During his recent visit to Ottawa he had already discussed the matter privately with the Prime Minister of Canada, who was in general agreement with the line of approach suggested in C. (54) 307.

In discussion several Ministers said that they greatly regretted the course of Commonwealth development which was envisaged in C. (54) 307. The admission of three Asiatic countries to Commonwealth membership had altered the character of the Commonwealth, and there was great danger that the Commonwealth relationship would be further diluted if full membership had to be conceded to the Gold Coast and other countries in a comparable stage of development. It was difficult to believe that it would be possible to extend to this wider circle the close and intimate



co-operation which had been maintained between the older Commonwealth countries. It was unfortunate that the policy of assisting dependent peoples to attain self-government had been carried forward so fast and so far.

At the same time there was general agreement with the conclusion of the Cabinet Committee that it would be impracticable to develop a two-tier system of Commonwealth membership. It would be unrealistic to suppose that Colonial territories, on attaining independence, would be content to accept a status within the Commonwealth which would be formally inferior to that of other members. In these circumstances it seemed best to follow the course recommended in the report and, while conceding formal equality of status, to develop practical methods of consultation which would permit free and close co-operation between those members which actually exercised an effective influence in world affairs. Commonwealth discussions on defence questions were already confined in practice to those countries which were willing to accept military commitments for mutual defence; and there was no reason why this test for full participation in discussion of policy and plans should not be applied more strictly, as time went on and perhaps extended to other fields. By these means some members of the Commonwealth might develop a closer common association, even though there was no difference in constitutional status between them and the other members.

In further discussion the following particular points were made:—

(a) It had been proposed in C. (54) 307 that this question should be discussed informally with the Prime Minister of South Africa, as well as with the Prime Ministers of Canada, Australia and New Zealand. Since this proposal was made, however, Mr. Strijdom had succeeded Dr. Malan as Prime Minister of South Africa, and it would be preferable that this question should not be broached with him until it became more clear what policy he intended to follow in respect of South Africa's relations with the Commonwealth. In any event it was unlikely that he would himself attend the forthcoming Meeting of Commonwealth Prime Ministers, and it would be inappropriate to discuss this question with any other member of his Cabinet attending on his behalf.

It was possible, though not perhaps likely, that a critical stage in South Africa's relations with other members of the Commonwealth might be reached before the need arose for a Commonwealth decision on an application by the Gold Coast for Commonwealth membership. But, before that need arose, we should have been obliged to disclose our intention to grant full independence to the Gold Coast in connection with the application which we should have to make to the United Nations for amendment of the Trusteeship Agreement in respect of Togoland.

(b) If the Gold Coast were admitted to full Commonwealth membership, it would be necessary to regularise the position of the Prime Minister of the Central African Federation who (as Prime Minister of Southern Rhodesia) had for years attended Meetings of Commonwealth Prime Ministers as an observer, though not as of right. It would become necessary to admit him to these Meetings as of right, and possibly to make other changes which would accord to the Federation, within the limits set by its constitution, the practical substance of full Commonwealth membership. These changes should not, however, override the relations with the Crown which were highly prized by the two Colonies included within the Federation.

(c) It was pointed out that the right of direct access to the Sovereign could not now be said to be, as implied in paragraph 2 of C. (54) 307, an essential mark of

Commonwealth membership. Though all the independent members of the Commonwealth continued to recognise the Sovereign as Head of the Commonwealth and as the symbol of the free association of its peoples, the Commonwealth already included one Republic (India) whose people had no personal allegiance to the Sovereign and whose government had not the right of direct access to The Queen in the sense in which that was enjoyed by other Commonwealth Governments.

(d) Strong efforts should be made to prevent any further encroachment on the position of the Judicial Committee of the Privy Council as the final arbiter of law throughout the Commonwealth. The existence of the Judicial Committee as a final court of appeal could be developed into a strong practical and constitutional link between Commonwealth peoples. It was worth considering whether, as a practical demonstration that this was a Commonwealth institution, arrangements could not be made for sittings of the Committee to be held on occasion in Commonwealth capitals other than London.

(e) The Commonwealth contained a number of countries in varying stages of development ranging from complete dependence to full nationhood. Some of the difficulties discussed in C. (54) 307 arose from the fact that so sharp a distinction was made between the few fully independent countries on the one hand and, on the other, all those which had not yet attained independence. This tended to give undue prominence to the attainment of full independence, though it was in fact only the last stage in a long process of constitutional development. It would be preferable that more emphasis should be laid on the gradual nature of this constitutional evolution to independence. From this point of view it would be advantageous if at some stage the Colonial Office and the Commonwealth Relations Office could be combined into a single Department of Commonwealth Affairs which would be concerned with all Commonwealth countries whatever the stage they had reached in their constitutional development.

In the meantime, while responsibility continued to be divided between the Colonial Office and the Commonwealth Relations Office, it was agreed that the Commonwealth Relations Office should not undertake responsibility for relations with any Commonwealth territories before they had reached the stage of full independence.

(f) Ministers agreed in principle with the proposals outlined in paragraph 9 of C. (54) 307 for training Gold Coast officials in the handling of international business.

(g) It was desirable that the policy of the United Kingdom Government in respect of future Commonwealth development should, so far as practicable, be continuous whatever political Party was in office. For this reason it would be advantageous if, at the appropriate stage, confidential consultations could be held with the Opposition on the general outline of the policy which the Government were proposing to pursue in this matter.

*The Prime Minister*, summing up the discussion, said that there was no need for the Cabinet to take any executive decision at the present time on the points raised in the report of the Cabinet Committee which the Commonwealth Secretary had presented in C. (54) 307. It would be most unwise to take precipitate decisions on a matter which had such far-reaching consequences. Certainly there was no need to anticipate events. The precise nature of the executive decision to be taken, when the time came, might well be influenced by contemporary circumstances which could not at present be foreseen. At the same time, it was right that Ministers should look

ahead and shape the general course which, subject to contingencies, they thought it best to follow. And, as this was not a matter for decision by the United Kingdom alone, it would be prudent to ascertain the provisional views of Prime Ministers of some of the other Commonwealth countries. No formal consultations should be held at this stage, but the forthcoming Meeting of Commonwealth Prime Ministers would afford a convenient opportunity for informal talks on this question with the Prime Ministers of Canada, Australia and New Zealand. It would be convenient for this purpose if a version of the Cabinet Committee's report could be prepared in a form in which it could be handed to those Prime Ministers.

The Cabinet:—

- (1) Took note of the Commonwealth Secretary's memorandum (C. (54) 307) and of the accompanying report on the future of Commonwealth membership.
- (2) Approved in principle the specific proposals put forward in sub-paragraphs (i), (ii) and (iv) of paragraph 11 of C. (54) 307.
- (3) Agreed that, at the forthcoming meeting of Commonwealth Prime Ministers, the opportunity should be taken to hold private conversations with the Prime Ministers of Canada, Australia and New Zealand on the future course of Commonwealth development and to ascertain how far their provisional views were in accord with those expressed in C. (54) 307.

**196** CO 1032/60, no 1

23 Sept 1955

[Cabinet Committee on Colonial Policy]: letter from Sir N Brook to Sir C Jeffries

At the end of our conversation this morning I promised to send you specific suggestions for the appointment of a Cabinet Committee on Colonial Policy.

As I understand it, the idea is that, instead of a series of *ad hoc* Committees on Malta, Cyprus, Malaya and so on, we should have a standing Cabinet Committee which could not only handle particular constitutional problems as they arise but could take a longer view on Colonial policy as a whole. Such a Committee could give more time and thought to Colonial problems than the Cabinet itself can give to what is, as a rule, only one item on a full agenda. The existence of the Committee would not always obviate reference to the Cabinet itself; but it would have the result that such Cabinet discussions as were needed would be shorter and easier, since there would be several members of the Cabinet who would be more familiar with the details of the problems than they now are.

On this basis, the terms of the reference of the Committee might be:—

“To assist the Cabinet in controlling constitutional development in Colonial territories and in dealing with the problems arising therefrom, and to consider such other problems of Colonial policy as may be referred to them.”

As regards membership, the Prime Minister would be willing to preside. The other members might be:—

Foreign Secretary  
Commonwealth Secretary  
Colonial Secretary  
Minister of Defence

In addition, it might be useful to have a small body of senior officials who could undertake preliminary studies, as required, on behalf of the Ministerial Committee. If your Secretary of State thought that such a body could be of help I would, if he wished, be ready to act as its Chairman. I would in any event propose to act as Secretary of the Ministerial Committee.

If you agree, perhaps you will show this letter to your Secretary of State and let me have his comments.<sup>1</sup>

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<sup>1</sup> The main reason for the establishment of this Cabinet committee was that some ministers were complaining that they and their departments were too often being confronted with colonial problems and crises of which the CO had given them insufficient warning; D J Morgan, *The official history of colonial development*, vol V (London, 1980), pp 59–60.

The Cabinet committee was set up with the membership and terms of reference proposed in Brook's letter. The official committee followed in November, with a membership of Sir N Brook (chairman), Sir T Lloyd, Sir G Laithwaite, Sir K Roberts-Wray, P H Dean (assistant under-secretary of state, FO, 1953–1956; deputy under-secretary of state, 1956–1960) and Sir J Rowlatt (second parliamentary counsel to Treasury, 1947–1953; first parliamentary counsel to Treasury, 1953–1959). The first matter referred to the two committees was the problem of the smaller territories, see 203, note 1.

## 197 CAB 128/29, CM 44(55)5

1 Dec 1955

### 'Commonwealth membership': Cabinet conclusions on the admission of the Gold Coast and the use of the term 'full self-government'

The Cabinet had before them a memorandum by the Commonwealth Secretary (C.P.(55) 182)<sup>1</sup> recommending that the United Kingdom High Commissioner in South Africa should be authorised to make a preliminary approach to the South African Prime Minister about the possibility of the Gold Coast being admitted to Commonwealth membership when that Colony achieved full self-government.

The Cabinet also had before them a memorandum by the Colonial Secretary (C.P.(55) 183)<sup>2</sup> which described the present constitutional position in the Gold Coast.

*The Commonwealth Secretary* said that, since it was possible that the question of admitting the Gold Coast to Commonwealth membership might need to be considered at the meeting of Commonwealth Prime Ministers which was due to begin on 27th June, 1956, he recommended that the way for such a discussion should be prepared gradually in a series of talks which the United Kingdom High Commissioner would have with the South African Prime Minister. There had been indications recently that the attitude of the South African Government to this question had become less rigid, and it would be best for the High Commissioner to make his approach without delay and before he visited London next January.

*The Colonial Secretary* said that the adviser on constitutional matters (Sir Frederick Bourne), whom he had appointed to the Gold Coast Government, hoped to have a scheme of constitutional development ready for discussion by a conference of all parties in that Colony during the present month. If an acceptable scheme could be worked out, there was some possibility that the Gold Coast might achieve full

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<sup>1</sup> See part I of this volume, 149, note.

<sup>2</sup> Reproduced in BDEEP series B, R Rathbone, ed, *Ghana*, part II, 203.

self-government by the end of 1956; but if, as was more likely, it took longer to work out an acceptable scheme, self-government would not have to be granted before the middle of 1957.

*The Prime Minister* said that it would be preferable if the question of admitting the Gold Coast to Commonwealth membership did not have to be considered at the meeting of Commonwealth Prime Ministers starting in June, 1956. It would therefore be not altogether disadvantageous if the discussions about constitutional development in the Gold Coast should take some further time.

In discussion, strong approval was expressed for a general ruling that, in the context of Commonwealth membership, it was desirable to use the term "full self-government" and to avoid the word "independence", since the latter term implied that the constitutional development of Colonial territories entailed the probability that they would secede from the Commonwealth and might give unnecessary encouragement to this idea.

The Cabinet:—

(1) Invited the Commonwealth Secretary to arrange for the United Kingdom High Commissioner to make an approach before mid-December to the South African Prime Minister about the admission of the Gold Coast to Commonwealth membership.

(2) Agreed that the general rule should be adopted of using the term "full self-government" in all references to the constitutional development of Colonial territories, and that the use of the term "independence" in this context should be discontinued.

## 198 CO 1032/98

9–14 Dec 1955

[Self-government and independence]: minutes by H T Bourdillon and Sir H Poynton

I am not sure how rigid the Cabinet ruling<sup>1</sup> is intended to be. Whilst it appears from the record that the use of the term "independence" is to be discontinued, the record also speaks of the adoption of the term "full self-government" as a *general rule*. This latter phrase seems to allow of some latitude.

2. I would urge very strongly that the ruling should not be interpreted rigidly. If it is felt that the terms of the conclusion are such as to prohibit the use of the word "independence" at any time and in any context, I would urge that the decision should be reconsidered. Whilst I see no disadvantage in the adoption of the phrase "full self-government" as the normal practice, I believe that our willingness, on occasion, to speak unequivocally of independence has stood us in good stead in the past and will again do so in the future. I do not myself agree with the argument that this is likely to give unnecessary encouragement to the idea that Colonial territories, on achieving full control of their own affairs, might secede from the Commonwealth. On the contrary, I think that the prohibition of the word "independence" is more likely to have this effect. . . .

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<sup>1</sup> See 197 (conclusion 2).



X The strength and cohesion of the Commonwealth lies, after all, in the fact that it is a free association of independent peoples which have undisputed command of their own destinies. Therein lies the attraction to emerging colonial territories of continued membership of the Commonwealth. I think there is a real danger that any abrupt change of terminology by HMG might be interpreted as having a sinister meaning which it does not in fact possess and might therefore encourage rather than discourage a tendency to break away.

3. If there is a danger of misinterpretation in colonial territories, I think there is equally a danger of misinterpretation in the world at large. In the international sphere the concept of the Commonwealth as a free association of independent peoples has tremendous moral force. It is frequently quoted in the United Nations, even by anti-colonial Delegations, as the outstanding example of the way things should be done. Anything which impaired world recognition of the Commonwealth as an ideal and an example would in my view be very unfortunate, particularly at the present time when we are witnessing an all-out Russian campaign on the diplomatic front.

4. I do not want to over-emphasize the point. I appreciate the psychological advantage, from one point of view, of using a term which distinguishes the status of members of the Commonwealth, present and future, from that of foreign countries. I also appreciate, of course, that when we use the term "full self-government" we do not mean to imply anything in the least restrictive. In our own interpretation full self-government is, in fact, a form of independence. Unfortunately, however, this interpretation is not accepted by the United Nations or, I believe, by the governments and public opinion of a good many countries. In United Nations parlance "self-government", even "full self-government", definitely means something short of "independence" in the full international sense. I do not know exactly how the distinction arose, but I believe it had its origin in Article 76 (b) of the Charter, which speaks of the progressive development of Trust territories towards "self-government or independence as may be appropriate to the particular circumstances of each territory". It is not in fact very clear what the United Nations mean when they talk about self-government as opposed to independence, but the general conception seems to be one of a high degree of local autonomy in relation to internal affairs. Malta, I think, would be the perfect example of a territory which is, in the United Nations sense, fully self-governing but not independent. It follows, I am afraid, that the complete abandonment by the United Kingdom of the term "independence" in describing the future status of, for instance, the Gold Coast would undoubtedly be interpreted in the United Nations as concealing a sinister change of policy. Nor do I think the danger is entirely confined to the United Nations. As I have said, I am pretty sure that in a good many countries the terms "independence" and "self-government" are taken as meaning distinctly different things. The French system is often contrasted unfavourably with our own precisely on the grounds that the French have never openly declared that their objective for their overseas territories is full independence. Far be it from me to suggest that we should try to exploit our position at the expense of the French; but I do feel that there are now stronger reasons than ever to emphasize to the world, in terms which the world will understand, the true nature of the Commonwealth conception. It is for this reason that I would urge that we should still be given discretion, particularly but not exclusively in the United Nations, to use the term "independence" when occasion demands.

H.T.B. 9.12.55

Mr. Bourdillon has passed this through me as a matter of general interest in the light of a conversation we had the other day about it.

I have ventured to suggest a slight shortening of the draft Establishment Notice and I assume that it would not be correct to refer to "the Cabinet" as such.

On the points of policy raised in Mr. Bourdillon's minute, I am not sure whether there is much purpose in comment, since we are dealing with a decision already taken by the Cabinet. I must confess, however, that when Mr. Bourdillon first mentioned this matter to me I felt distinctly uneasy because it looked to me as if, underlying this question of "terminology", there might be an attempt on the part of Ministers outside the Colonial Office to work towards a kind of two-tier Commonwealth, some members of which would be called "independent" and others "full self-governing". Having now seen the actual text of the Cabinet Conclusions my uneasiness is allayed but not, I confess, entirely removed. There are, I admit, arguments on both sides. I have myself always assumed that there was a distinction between "independence" and "self-government", and in most general statements about Colonial policy self-government is the phrase used. From this point of view it is a valuable phrase because it neither excludes independence (if a territory has what it takes to become independent) nor does it commit one to a promise of independence for those territories who obviously have not got what it takes to be independent. Incidentally, I notice that Mr. Bourdillon refers to our relations with the United Nations and to the wording of Article 76 which deals with Trust territories where there is a distinction drawn between self-government and independence. It is interesting however that in Article 73 which deals with Colonial territories outside the Trusteeship System, the word "independence" never appears. The chapter applies to those territories whose peoples have not yet obtained "a full measure of self-government", and the Charter obligation is "to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions . . .". As a matter of historical interest I remember that the Philippine Delegation led by General Romulo tried to get "independence" written into Article 73 but was firmly opposed not only by the United Kingdom Delegation, but by the United States Delegation—represented on this occasion by Mr. Harold Stassen. All this, I think, goes to show that there is a good deal to be said in favour of continuing to use the word "self-government" when one is talking about one's Colonial policy generally. But when we are dealing with a particular territory it is impossible, in my view, to avoid coming out into the open and saying whether we do in fact mean "independence", which is certainly the word the Colonies themselves use, or whether we mean something else than that; and I should have thought that even if one amplifies "self-government" by calling it "full self-government", it will still be necessary to answer publicly the question whether this is synonymous with independence, or falls in some way short of it. In some cases it will certainly be necessary to say that it is synonymous.<sup>2</sup>

I think the point raised at X of Mr. Bourdillon's minute is a real danger. On the assumption that we want the present Colonial territories to stay in the Commonwealth after attaining independence (though I confess that I think we are much

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<sup>2</sup> Poynton subsequently added the marginal comment: 'I do not foresee the Gold Coast celebrating "Ghana Full-Self-Government Day".'

better off without Burma) I should have thought it was most important to avoid giving the impression that "independence" is something that they can get if they leave the Commonwealth but that if they stay within the Commonwealth they can only get something called "full self-government".

I think the draft Establishment Notice will do, but I am bound to say that I think the exceptions may be as numerous as the orthodox cases.<sup>3</sup>

A.H.P.  
14.12.55

<sup>3</sup> The Establishment notice, 'Constitutional development: terminology', announcing the Cabinet conclusion but also incorporating the qualifications suggested by Bourdillon and Poynton, was approved by Lennox-Boyd and issued on 29 Feb 1956. It was circulated to the Cabinet Colonial Policy Committee (8 Mar 1956), to colonial governors and to British high commissions and embassies as well as to senior officials in the CO and other departments. It is reproduced in BDEEP series B, R Rathbone, ed, *Ghana*, part II, 216 (another copy at CO 1032/51, no 85). In the event it proved all but impossible to implement.

## 199 CAB 134/1202, CA(56)4

1 Feb 1956

**'British Caribbean federation: Commonwealth status': memorandum by Mr Lennox-Boyd for Cabinet Colonial Policy Committee giving HMG's views on the meaning of independence**

[Extract]

[This statement on the meaning of independence was drafted in the CO and approved by the CRO and Treasury for inclusion in Lennox-Boyd's opening speech at the West Indies constitutional conference on 7 Feb 1956. It was intended to be a definitive statement; hence, Lennox-Boyd considered it necessary to clear it at Cabinet committee level. For the genesis of the statement, see 340.]

... Now before I state H.M.G.'s attitude—as I will do quite plainly—let me for a moment try to analyse that expression "independence within the Commonwealth". Independence is perhaps thought of by some people in oversea territories as meaning simply the formal relinquishment by H.M.G. in the U.K. of constitutional powers of control. But independence is a positive, not a negative thing. I recall to your minds a famous statement of the aims of British colonial policy, "to guide the colonial territories to responsible self-government within the Commonwealth in conditions that ensure to the people concerned both a fair standard of living and freedom from oppression from any quarter". There you have it in a nutshell. Independence means, first, that a country must be able to stand on its own feet financially and economically so that its people have the wherewithal to live a decent life without having to rely on some other country to subsidise them. Of course, no country in these days is independent in the sense of being entirely self-contained and self-sufficient. Mutual help is one of the great principles of the Commonwealth, and there is no reason why one Member or group of Members should not help other Members with their economic development, as for example is done under the Colombo Plan. Nor would full membership of the Commonwealth preclude arrangements for intra-Commonwealth commerce of which the Commonwealth Sugar Agreement is a present example. There is nothing derogatory to independence in that kind of fruitful partnership. It is a very different thing from a State relying for its



existence on outside help. To be truly independent a State must at the very least be able to finance its own administration, be recognised as financially sound, be able, amongst other things, to raise money on its own credit. Then it can with dignity accept the help of other partners to improve its economic situation and develop its resources to the general advantage of the partnership.

The other point is defence. Here again, we are all inter-dependent, but no country can call itself free and self-respecting unless it is able and prepared to assume responsibility for its own defence and for its international relations to the extent that either is involved by its geographical and international standing.

The Commonwealth is an association of free nations, each of which is independent in the sense which I have outlined. Membership of the Commonwealth is a matter for all Members to consider, but it is safe to say that the question of admitting a new Member could not be considered unless and until the country concerned could demonstrate not merely that it was constitutionally free but that it was independent in the broader sense and able to assume the responsibilities and obligations of Membership.

These responsibilities and obligations are clearly considerable and H.M.G. have no wish or intention of suggesting that they should be assumed by a Caribbean Federation, before the Federal Government feels able to assume them. I can however assure the Conference that when the Federal Government considers that it is ready to undertake them and can demonstrate its ability to do so, it will not find H.M.G. seeking to thwart its ambitions on any political ground. Those ambitions would then have the full and unreserved support of H.M.G. The admission of an independent Caribbean Federation to Membership of the Commonwealth is, as I have said, a matter for all the other Members to consider, but when the time comes, and subject to being satisfied that the Federation would be able to assume the burdens involved in independence and Membership of the Commonwealth, H.M.G. would be glad to sponsor the Federation for such Membership.

This is not a subject for the agenda of this Conference, which is concerned with the more immediate goal of federation, but I hope also that it is not a matter for the far distant future. . . .

**200** CAB 134/1203, CA(0)(56)10

26 May 1956

**'Political advance in colonial territories': aide memoire by HMG for Commonwealth prime ministers' meeting**

1. Since the last Prime Ministers' Meeting there have been constitutional and political changes in several Colonial territories, all manifesting the United Kingdom Government's declared policy of furthering the greatest practicable measure of self-government. Significant developments have taken place in the following territories:—

Somaliland Protectorate  
Aden  
Zanzibar  
Uganda

Federation of Malaya  
Singapore  
Mauritius  
Leeward Islands  
Windward Islands  
Trinidad.

In these territories there has been a continuing emphasis, reflected in amendments to the constitutional instruments, on the unofficial and elected element in the Legislative and Executive bodies; and increasing numbers of locally-born people have become qualified to enter positions of responsibility in the public services. The difference between these territories in size, situation, resources, social composition, and political history are in themselves evidence that the declared policy is applied wherever and whenever practicable.

2. These developments in themselves afford a practical demonstration of the determination of the United Kingdom Government to carry out their policy of advancing dependent territories towards full self-government. But the very fact that these constitutional developments are taking place so rapidly in territories so different in size and resources seems to make it advisable that there should be some restatement of that policy at an early opportunity. In the absence of any explicit statement to the contrary public opinion throughout the Commonwealth has been allowed to assume, perhaps too easily, that the development of self-government in the Colonial territories is intended to lead them all to "Dominion status". The United Kingdom Government would accordingly wish to make it clear:—

- (i) that their policy remains the development of the greatest practicable measure of self-government amongst territories which are still dependent;
- (ii) that for the larger territories, or for those smaller territories which can come together in federations, such a policy would have as its aim, not only full self-government but, by agreement with the existing members, Commonwealth membership;
- (iii) that for many of the smaller territories constitutional development must necessarily stop at a stage short of this ultimate goal since their small size and resources must inevitably necessitate their continued dependence on the United Kingdom at any rate for their defence and for the conduct of their external relations. Thus, for these smaller territories, the objective must be internal self-government, with the United Kingdom retaining responsibility in external affairs and defence and sufficient reserve powers over the whole field of Government to enable these responsibilities to be discharged.

3. For these smaller territories it would not be practicable to devise any special and distinctive status within the Commonwealth. They would in practice be "self-governing dependencies" but there would be no advantage in identifying them by such a title. Nor would there be advantage, when a public restatement of policy on these lines is made by the United Kingdom Government, in naming the territories which are likely to fall within this category. The United Kingdom Government would, however, propose to communicate confidentially with the Governors of those territories which should not expect to proceed beyond the stage of internal self-government, so that they may be able to exert their influence on political

development, and educate local political leaders and public opinion, in the direction of making internal self-government work effectively.

4. The United Kingdom Government consider that such a restatement of policy should be set in the context of a restatement of the obligations and distinguishing features of full Commonwealth membership, since it is against these that the development of the smaller Colonial territories must be measured. The United Kingdom Government believe that these could be summarily stated on the following lines:—

Full membership of the Commonwealth is, and must continue to be, confined to countries which (i) are able to conduct, as sovereign States, an effective system of international relations; (ii) are able to make an effective contribution, as sovereign States, to international defensive arrangements; and (iii) recognise the Sovereign as the Head of the Commonwealth.

The distinguishing marks of full Commonwealth membership are—

- (a) attendance as of right at meetings of Commonwealth Prime Ministers;
- (b) participation in, and contribution to, the regular exchanges of information and consultation between members;
- (c) in the case of countries which acknowledge allegiance to the Crown, the right of direct access to the Sovereign;
- (d) [recognition of the Judicial Committee of the Privy Council as the final arbiter of law throughout the Commonwealth].<sup>1</sup>

5. The United Kingdom Government would like to emphasise that the line of policy developed in this paper is in no way intended to create what is sometimes called a “two-tier Commonwealth”, in the sense that there might be first and second class Commonwealth *membership*. The tests for admission to full membership of the Commonwealth should not be varied so as to admit territories which cannot undertake the obligations stated in (i) and (ii) of paragraph 4 above. The smaller territories which cannot expect to proceed beyond the stage of internal self-government would thus not become aspirants for full Commonwealth membership, and their relations with the other Commonwealth territories would remain primarily a matter for Her Majesty’s Government in the United Kingdom.

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<sup>1</sup> Square brackets in original.

**201** CAB 134/1203, CA(O) (56)11

30 May 1956

[Political advance in colonial territories]: CO memorandum for Commonwealth prime ministers’ meeting. *Appendix*

1. During the Conference on Singapore,<sup>1</sup> the Colonial Secretary and the Lord Chancellor agreed that if, as they thought probable, a demand was made for the extension to Singapore of the principles of the Statute of Westminster, the Indian Independence Act, etc., it would be practicable to adapt certain of the provisions of the Statute of Westminster so as to permit Singapore, in respect of those matters in which the Colony would be fully self-governing, to enjoy a position approaching that

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<sup>1</sup> For the background to which, see 355–357.

enjoyed by the fully self-governing Commonwealth countries. When the Conference broke down, no occasion had arisen for this scheme to be discussed; but the arrangements described in paragraph 2 below appear to be suitable for Colonial territories as and when they obtain full internal self-government. "Internal self-government" for this purpose means the retention by the United Kingdom of responsibility for external affairs and defence and of sufficient reserve powers to enable those responsibilities to be discharged. (This, it will be noted, is a variant, suggested in the light of discussions during the Singapore Conference, of the formula in paragraph 2(3) of C.A.(0)(56)10.)<sup>2</sup>

2. The arrangements suggested are:—

(a) Her Majesty might surrender her *general* power to legislate by Order-in-Council except (i) for external affairs and defence and (ii) suspension and replacement of the Constitution in case of grave necessity.<sup>(+)</sup>

(b) Colonial legislatures might be enabled to pass laws repugnant to Acts of Parliament except those relating to subjects in which powers are reserved to the United Kingdom Government; such an arrangement would be in accordance with the present position on Northern Ireland under the Government of Ireland Act, 1920. It would also be desirable to follow section 5(1) of that Act so as to provide for determination by the Judicial Committee of the Privy Council of questions as to whether Colonial legislation is beyond the powers of the Colonial legislature concerned.

(c) Colonial legislatures might have power to make laws with extra-territorial effect. It is relevant to note here that a bill in preparation for the British Caribbean Federation contains a provision enabling Her Majesty to confer extra-territorial powers on West Indies legislatures.

(d) While it would not be wise to attempt to interfere with the existing general powers of Parliament to legislate for any Colonial territories not fully self-governing, it might be appropriate to give to any Colonial territory with full internal self-government an assurance about the exercise of Parliament's powers. This might read as follows:—

"The United Kingdom Parliament would not be precluded by law from passing Acts applying to Arcadia but as the Constitutional arrangements have been agreed between the United Kingdom Government and the Government of Arcadia it seems to Her Majesty's Government that, so long as this constitution remains in operation, Parliament should not, save in most exceptional circumstances, legislate for Arcadia except for matters in which Her Majesty's Government retain responsibility".<sup>(a)</sup>

<sup>(+)</sup> (i) This would not extend to Orders-in-Council under Acts relating to special subjects.

(ii) There is no such provision in the Statute of Westminster, but see section 6(5) of the Indian Independence Act.

(iii) The definition of "Defence" is a matter of first importance—i.e. to what extent does it embrace internal security?

<sup>(a)</sup> A much more definite assurance was given to the Central African Federation, but it applied only to the Federal Constitution.

<sup>2</sup> See 200.

3. It is suggested that any statement of policy to be discussed by the Commonwealth Prime Ministers should include a summary of the proposals described above placed in the context of the general pronouncement which might be on the lines of the appendix to this paper. It might be proper, at this stage, to insert an additional sub-paragraph (iv) to paragraph 2 of C.A.(0)(56)10 stating that "internal self-government would also permit some relaxation of United Kingdom control and the extension to the territories achieving that status of a limited degree of full legislative freedom possessed by fully self-governing Commonwealth countries".

#### Appendix to 201: Self-government for British oversea territories

1. The policy of H.M.G. in the U.K. is that each territory for which it has responsibility should become self-governing in its domestic affairs as soon as this can be achieved "under conditions that ensure to the people both a fair standard of living and freedom from aggression from any quarter".<sup>3</sup> In each territory H.M.G. in the U.K., along with the government of the territory, are working as quickly as local circumstances permit towards a state of "internal self-government". When that state has been achieved, H.M.G. in the U.K. will retain responsibility only in external affairs and defence, with sufficient reserve powers to enable those responsibilities to be discharged.

2. It is, further, the policy of H.M.G. in the U.K. to encourage and to promote the transfer of responsibility for external affairs and defence to the government of any territory where conditions are such as to make it practicable for that government to assume and discharge that responsibility. At that stage, which is known as "full self-government", the territory will acquire the status of a Sovereign State; its relationship to the U.K. would be the same as that of the Member States of the Commonwealth; and H.M.G. in the U.K. would hope that the territory concerned would then wish to become, and would be accepted as one of those Member States.

3. The question whether and if so when a territory which has achieved internal self-government can proceed to achieve full self-government is one which depends upon a number of circumstances, not all of which are within the control of H.M.G. in the U.K. Clearly the achievement of internal self-government must come first, and it is to that end that the present efforts of H.M.G. in the U.K. and the territorial governments are directed.

4. Within the context of this policy, H.M.G. in the U.K. have thought that it would be useful to give some indication of the constitutional arrangements which, in their view, would be suitable to mark the achievement by a territory of "internal self-government". The details would naturally vary according to local conditions but, broadly speaking, the marks of "internal self-government" would be:

(Here would be inserted such provisions as may be agreed in the light of the main discussion.)

5. H.M.G. in the U.K. see no reason why most if not all of the territories for which they are responsible should not in due course achieve internal self-government. The

<sup>3</sup> This is a misquotation. The text being quoted referred to 'oppression', not 'aggression'; *The colonial empire (1947-1948)* (Cmd 7433, 1948), p 1, para 3.

pace of advance and the details of the constitutional arrangements at different stages must clearly vary according to local circumstances. H.M.G. consider that in general it would be unrealistic and misleading to attempt to fix a time-table in advance for any particular territory. They are however prepared to give an explicit assurance of their firm intention to promote by every means in their power the development in each territory of the social, economic and political conditions which will make possible the achievement of internal self-government by that territory.

## 202 CO 1032/54

31 Oct 1954

[Smaller territories]: minute by Mr Hopkinson on the need for a policy for the smaller colonial territories

[In 1949 Mr Creech Jones (S of S for the colonies 1946–1950) appointed a committee to consider the constitutional problems of the smaller colonial territories. The *Report of the Committee of Enquiry into Constitutional Development of the Smaller Colonial Territories* was delivered to Mr Griffiths (S of S for the colonies 1950–1951) in Aug 1951. The committee's interim conclusions are reproduced in BDEEP series A, R Hyam, ed, *The Labour government and the end of empire 1945–1951*, part IV, 410. This report was confidential and was not widely circulated. In 1954, however, the CO received several requests from MPs and other individuals for permission to see the report. The main reason for this was that the dispute over the future status of Malta (see 316–319) had brought the general issue of the smaller territories onto the political agenda.]

This matter was raised at the Conservative Parliamentary Commonwealth Committee the other day and the hope was expressed that the report might be made public. The Secretary of State explained the confidential nature of the report and pointed out that some of the structural features proposed for the U.K. e.g. Minister for Commonwealth Services might cause embarrassment if made public.

But I have been convinced for some time that the problem of the smaller territories is one which we ought to face. Trying to deal with it piecemeal e.g. Malta is not really satisfactory and unless we are agreed on a plan, in the long run will land us in trouble. Even the Cyprus picture would have been different had we had some public statement of policy to base ourselves upon.

For that reason I think we ought seriously to consider whether we cannot publish at any rate some of the proposals e.g. those dealing with the Smaller Territories and perhaps the Colonial Consultative Council in a White Paper, as was suggested in a sense in para. 2 of the report. It would require a lot of careful study and presumably if any part is to be cut out the Committee of Enquiry would have to be re-convened and consulted. . . . (Lord Lloyd should see in due course).<sup>1</sup>

<sup>1</sup> Lord Lloyd (parliamentary under-secretary of state, CO, 1954–1957) subsequently minuted: 'I agree with the Minister of State that it is probably time we had some definite plan for these smaller territories and if we had a clear and definite policy it might well save us trouble in the future' (CO 1032/54, 17 Dec 1954). In Jan 1955 Mr Lennox-Boyd decided that an updated version of the 1951 report should be circulated to Cabinet, together with recommendations for action (minute by Sir T Lloyd to I B Watt (principal, CO, 1946–1956; assistant secretary, 1956–1962), CO 1032/54, no 21, 25 Jan 1955). Officials proceeded to prepare a Cabinet memo (see 203), even though, according to one of them, 'I think the feeling of all of us in the Office is that this [the problem of the smaller territories] is a problem which on its own merits is best dealt with ad hoc. We all of us doubt whether it is really a general constitutional problem at all' (minute by P Rogers, CO 1032/54, April 1955). (See also 207.)



**203 CAB 129/77, CP(55)133****27 Sept 1955****'Smaller colonial territories': Cabinet memorandum by Mr Lennox-Boyd. *Appendices*<sup>1</sup>**

This paper has been prepared in consultation with the Financial Secretary, Treasury, following discussion of an earlier, and substantially similar, version of it in the Ministerial Committee on Malta. M.C. (55) 2nd meeting.

2. Since the Parliamentary Conference on Malta is being told, in evidence given on behalf of Her Majesty's Government, that representation of Malta at Westminster is not thought likely to stimulate early pressure from any other smaller colonies for similar treatment, the Conference may wish itself to consider that possibility fairly closely and, in particular, it may ask what alternative constitutional development there is which could suitably be offered to the territories in question.

3. Some members of the Parliamentary Conference will know that the future of the smaller colonial territories was examined, on a confidential basis, in 1949-51 by a Committee appointed by Mr Creech Jones. A copy of that Committee's summary of recommendations is attached at Appendix A. The opinions of a number of Colonial Governors were sought on those recommendations which, in general, attracted so little support that action taken upon them has, in the event, been negligible.

4. Although the ideas in the Report of this Committee thus proved, in the view of the Governors concerned, to be unacceptable, the question of the future of the smaller colonial territories has been reviewed from time to time and, in the course of a debate on the 21st June last, I told Parliament that I would study with care the problem of those territories. Recent studies in the Colonial Office have resulted in the scheme of which an outline is given in Appendix B. This takes account of the Report of the Committee of 1949-51 and attempts to meet the main objections raised by the Colonial Governors to the proposals in that Report.

5. The scheme outlined in Appendix B is, of course, not intended for those territories which, either on their own or as members of Federations, can be expected to move gradually towards the achievement of a fully independent status and to become candidates for full Commonwealth membership. A list of those territories is given in Appendix C. The three main East African territories have been included since, although their political future is still uncertain, they obviously cannot be regarded as "smaller territories" in the present context.

6. A list of the remaining Colonial territories (except Malta) is given in Appendix D. A copy of the new scheme (Appendix B) was sent recently to the Governor of each of these territories (except Cyprus, whose Governor was consulted personally), who was asked to give (after consulting, if need be, his principal official advisers but no one else) his view on the two following questions:—

- (a) to what extent is the scheme thought likely to be acceptable, on its merit, in the particular territory; and
- (b) if the scheme would otherwise be acceptable would it be likely to be rejected (as being inferior treatment) if Malta is given representation at Westminster?

<sup>1</sup> This paper was to have been discussed at the Cabinet meeting of 10 Nov 1955. Instead, Eden referred it to the newly established Cabinet Colonial Policy Committee (see 196), which considered it at its meeting on the same date, and which in turn referred it to the Official Committee on Colonial Policy.

7. The replies from Governors are summarised in Appendix E.<sup>2</sup> It will be seen that only three of them (Gambia, Gibraltar and Mauritius) consider that pressure for representation at Westminster might follow if that were granted to Malta. But in two cases (Gambia and Mauritius) the main purpose of that pressure would be to obtain financial help from Her Majesty's Government to raise the levels of wages and social services either to, or substantially towards, United Kingdom standards—assuming that such help were granted to Malta. Gibraltar would be unlikely to press for representation if that was conditional on a gradual levelling-up of taxation to United Kingdom rates. It is not however contemplated that the rates of direct and indirect taxation in Malta should be raised in the foreseeable future to United Kingdom levels; and the possibility cannot be excluded that the kind of settlement which might be reached for Malta would eventually stimulate demands in at least Gambia, Gibraltar and Mauritius for similar treatment, including representation at Westminster. Nevertheless it does not appear likely that representation for Malta will stimulate immediate pressure for similar treatment in any of the territories, and I think that it should be possible for Her Majesty's Government to present any radical solution to Malta's relationship with the United Kingdom as appropriate to Malta's unique circumstances.

8. The replies of Governors can be classified, broadly as follows:—

(a) Those territories for which "Statehood" has immediate attractions. They are: Aden (Colony), British Honduras, Mauritius, Gambia, Gibraltar, Fiji, North Borneo, Falkland Islands, Sarawak, Seychelles.

(b) Those for which it has longer-term attractions. They are: Bahamas, Bermuda (in the sense that public opinion there does not appear actually interested in any change from their present status), Western Pacific High Commission territories (in the sense that they are still at too elementary a constitutional Stage).

(c) Those for which it is not regarded, in the foreseeable future, as suitable. They are: Brunei, Hong Kong, Somaliland Protectorate, Aden Protectorate, Zanzibar, British Guiana and St. Helena.

This classification omits Sierra Leone. I share the Governor's opinion that it is doubtful whether any status which appeared to impair Sierra Leone's opportunities to achieve, eventually, independence within the Commonwealth would be politically acceptable.

9. My colleagues may consider that the degree of favour for the scheme shown by Governors, the possibility that public opinion in some of the territories might eventually ask for representation at Westminster for economic reasons and perhaps for political reasons which Governors could not be expected to foresee, the likelihood of public and Parliamentary interest here being increased by the very fact of the Malta Conference, and the example of the developing tempo of constitutional advance in the larger colonial territories, make it desirable to give further early consideration to the scheme outlined in Appendix B. The purpose of that study would be to get the proposals into concrete form in the context of certain selected territories. This would be done in the first instance in consultation with the Governors, local unofficial leaders being brought into the discussion when the issues

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<sup>2</sup> Not printed.



had been sufficiently clarified. The manner and timing of the announcement of policy would be considered when it had been established that a workable scheme acceptable to at any rate some territories could be produced.

10. As a separate, though related, exercise I consider that we should have it in mind to convene, some time next year, a conference of Chief Ministers (or the equivalent) of those territories (not only the smaller ones) which now have a Ministerial or quasi-Ministerial form of government. The primary purpose of such a conference would be to discuss generally with these leaders the policies and aims of Her Majesty's Government, but it would enable us to test opinion as to the value of setting up any regular consultative machinery such as is pressed upon us in Parliament from time to time. (The Financial Secretary wishes to reserve his position on this suggestion.)

11. Should members of the Round Table Conference enquire about our attitude to the question of the future of the "smaller territories," I consider that we should say that that is not a specific matter for this Conference, but that we are very fully aware of the importance of the question and are giving it earnest consideration. If, as is likely, we are pressed to be more forthcoming, I would propose to circulate to the Conference a note of the recommendations of the Smaller Territories Committee (Appendix A) and a note (Appendix F) stating in General terms the position which we shall have reached if my colleagues approve my present suggestions. It would not, I think, be desirable to circulate to this Conference the detailed scheme set out in Appendix B.

12. I should like to emphasize that the Colonial Office study which has produced the scheme outlined in Appendix B at no time contemplated bringing Malta within the scheme; nor would it be appropriate to do so now. In many ways Malta has, and is dissatisfied with, a constitutional status similar to that to which aspirants to "Statehood" have yet to progress. "Statehood" is neither "integration" nor "dominion status," nor even "quasi-dominion status," and therefore would not interest either of the main political parties in Malta. The existence of the scheme outlined in Appendix B should not, therefore, be revealed to any of the Maltese representatives at the Conference.

#### Appendix A to 203: Summary of recommendations of Smaller Territories Committee

(a) A new constitutional status should be established by the creation of Island States and City States of the Commonwealth, and this status should be between that of a dependency and an independent member of the Commonwealth.

(b) While there would be different classes of Island and City States, they should all be given the greatest possible degree of internal self-government and that government should be vested in a State Council.

(c) The basis of membership of the State Council should be election either directly or by local government bodies.

(d) In the simpler type of City or Island State constitution, the State Council should administer local government as well as central government services. In other types, there should be separate local government bodies, but since these would have the responsibility of electing the State Council, there would be intimate association between local and central government.

(e) Except in the more complex type of Island or City State (Class III), the State Council should combine executive and legislative functions.

(f) As far as possible the State Council should be regarded as the executive and should function as such. For executive matters which must remain vested in the Governor he should be assisted by one or more consultative bodies, which would be purely advisory and for specified subjects.

(g) In larger and more complex territories there should be a small executive body, selected from and responsible to the State Council, to be termed a Council of Government.

(h) Members of the Council of Government would be termed Ministers and would assume responsibility for one or more functions of Government.

(i) The Council of Government should be primarily an executive body, but should also, to a limited extent, carry out the functions of a second Chamber.

(j) Civil Servants, with the exception of the holders of the three State Offices of State Secretary, Attorney-General and Financial Secretary, should, in practice, be the servants of the State Council, and their position should be analogous to that of the staff of a local authority.

(k) Financial responsibility should be vested in the State Council and the delegation of financial power to the Council should be as complete as possible.

(l) Territories which are solvent should not be required to submit their annual estimates to the Secretary of State for approval, and territories which are insolvent owing to unavoidable causes should receive assistance in the form of a block grant covering a period years.

(m) A Colonial Consultative Council should be created, associated in conception with the Privy Council. Such a purely advisory body should, in any case, be set up for Island and City States and, if limited to these territories, should be designated His Majesty's Council of Island and City States, but in the view of the majority of us such a Council should include representatives from all non-self-governing territories of the Commonwealth.

(n) The smaller territories should be encouraged to follow the practice of some of the larger territories in appointing accredited representatives in this country.

(o) Potential leaders of the new City and Island States should be brought to the country in greater numbers than at present for training, and a special department in the Colonial Office should co-ordinate all matters connected with Colonial visitors.

(p) The conversion of the smaller colonial territories into Island and City States if decided on should not be done piecemeal. It should be announced as a new departure and, after the necessary instruments had been prepared and the offer of the new status had been explained to and accepted by the peoples concerned, it should be confirmed simultaneously on several territories by His Majesty the King.

## Appendix B to 203: Smaller colonial territories

1. The proclaimed policy of Her Majesty's Government is "to help the Colonial Territories to achieve self-government within the Commonwealth", but obviously the term "self-government" does not mean the same thing for all territories, irrespective of their characteristics. It is, however, generally assumed, notwithstanding at least one explicit statement to the contrary, that at present *all* colonial territories are on one and the same ladder leading up to a common goal of

"Dominion" status; and unless a clear preliminary understanding is established that certain territories cannot in fact reach the top, there is an obvious risk that at some stage—most probably when some specific demand has to be rejected in an atmosphere of controversy—Her Majesty's Government will be accused of a breach of faith.

2. The problem of the smaller territories may therefore be stated as one of devising a status (combining internal self-government with dependence upon the United Kingdom for defence and external affairs) which is accepted both as the proper aim of British Colonial policy, and as a desirable object for the aspirations of their peoples. In the following paragraphs there is described a conception of "Statehood", as a possible solution. It takes account of the Report of the "Smaller Territories Committee" in 1951 and attempts to meet the main objections which have been made to it.

(i) A new designation ("State" is provisionally suggested) would be established as a recognised technical term to denote a country self-governing in its internal affairs, but dependent upon the United Kingdom to the extent that it would be presided over by a representative of the Crown appointed on the advice of Her Majesty's Government in the United Kingdom and armed with reserve powers sufficient to enable him to guarantee fulfilment of Her Majesty's Government's continuing responsibilities in defence, security, foreign relations and financial stability. Such powers would include the right to assume direct administration of the territory in an emergency. The creation of the new category of "State" would be a public act of the Sovereign on the advice of Her Ministers in the United Kingdom, and the title would be an honourable distinction to be conferred by the Sovereign upon such territories as desired it and were considered to possess the necessary qualifications.

(ii) The qualifications for admission to Statehood would broadly consist of:—

- (a) reasonable economic stability;
- (b) an established form of representative government, in which the Executive Council is the principal instrument of policy, with Ministers responsible to an elected legislature—or some comparable arrangement giving unofficial representatives a predominant say in government;
- (c) proof of capacity for self-government in domestic affairs.

(iii) Since Statehood should not be cheapened by conferring it upon very small or backward territories it should be limited, at least at the outset, to units of a certain size and importance.

(iv) Practical marks of distinction would need to accompany the grant of Statehood, if it were to make any significant appeal. The most effective would be formal recognition of States' legislatures as sovereign Parliaments within the scope of their allotted responsibilities.\* An appropriate adjunct, if it could be devised, would be a special relationship between these legislatures and the Commonwealth Parliamentary Association. A further possibility would be the alteration of the title of the Sovereign's representative from "Governor" to "High Commissioner". Other "marks" could be devised, *e.g.*, the right to fly a "State" flag.

(v) Some form of central Council Meeting in London *could* also be established,

\* The only limitation of such sovereignty being the reserve legislative power of Governors.

but whereas the initiative in offering abandonment of Parliament's right to discuss the domestic affairs of the territories would have to come from the United Kingdom, it would be desirable to let the initiative for a central body come from the territories. Regional differences are so marked that any attempt by the United Kingdom to impose a central body would be impolitic. Such influence as the United Kingdom exercised in this matter should be confined perhaps to favouring a Conference of Chief Ministers<sup>†</sup> of States, which would be in some sense a parallel organisation to the Meetings of Commonwealth Prime Ministers, and would meet under the Chairmanship of the Secretary of State as and when the opportunity existed for a profitable discussion of subjects of common interest.

3. For the United Kingdom the most important implications of granting Statehood in these terms may be stated in the form of questions of which the following are principal examples:—

(a) Will the United Kingdom Parliament abandon its right to discuss the acts and decisions of State legislatures in their domestic affairs? In other words, will Parliament agree to treat the legislatures of States as it now does the Parliament of Southern Rhodesia?

(b) Will Parliament accept some limitation on its right to discuss the external relations of States in cases where (*e.g.*, an I.L.O. Convention) the subject matters falls largely within the scope of a State legislature?

(c) Will Her Majesty's Government be prepared and able to maintain in the United Nations that it no longer has the authority to transmit information about the matters within the scope of State legislatures?

4. The conception of Statehood outlined in this paper implies a kind of diarchy, but it is not proposed to make this explicit by introducing, as between States and the United Kingdom, a formal division of functions and responsibilities such as exists to-day in the constitution of Malta and was formerly practised in India. Such formal diarchies have been found in practice to provoke rather than diminish opportunities for controversy between the parties.

What is in fact proposed here as the relationship between States and the United Kingdom would resemble that at present obtaining for the Gold Coast—*plus* the abnegation by Parliament of its right to discuss the domestic matters of States. In handling domestic matters the Governor (except when using reserve powers) would act in accordance with the advice of his Ministers in Executive Council. In dealing with the continuing responsibilities of Her Majesty's Government, the Governor would normally ask for the advice and assistance of his Ministers, but would be empowered to act in his own discretion. A State legislature would not be debarred from debating or legislating upon any subject, domestic or otherwise, but legislation affecting United Kingdom responsibilities would not be effective without the consent of Her Majesty's Government.

### Summary

5.—(i) It appears desirable to forestall misunderstanding by re-affirming clearly that Her Majesty's Government's Colonial Policy of self-government within the

<sup>†</sup> The title "Prime Minister" in "States" should not be granted. "Chief Minister" or "Premier" is more suitable.

Commonwealth cannot mean eventual sovereign independence for all territories.

(ii) Such a statement should however be accompanied by a positive declaration of policy about the status which territories which cannot qualify for full independence may expect to achieve.

(iii) Examination of a suitable status has yielded the following proposals:—

(a) A new category of "State" should be established, to denote a territory of some size and importance which is dependent upon the United Kingdom for defence and the conduct of external affairs but self-governing in its domestic affairs.

(b) Inclusion in this category should be regarded as an end in itself for territories which cannot aspire to full independence; it would not, of course, preclude the eventual achievement of independence if new circumstances should arise which would make this possible in a particular case.

(c) A "State" should be granted suitable marks and privileges; the most important of these is that its conduct of domestic affairs should not be open to question in Parliament.

(d) Her Majesty's Government should encourage the idea of holding Conferences of the Chief Ministers of "States" but should not themselves take any initiative to secure the establishment of a Central Council representative of such territories, leaving that to come from the places themselves.

#### Appendix C to 203

Territories which can aspire to full independence, or are in no sense "smaller territories":—

Gold Coast.

Nigeria.

Northern Rhodesia

Nyasaland

Singapore

Federation of Malaya

Jamaica

Barbados

Trinidad

Leeward Islands

Windward Islands

Kenya.

Uganda.

Tanganyika.

} as part of Central African Federation.

} as part of a Malaya Federation (possibly  
in time, covering Borneo territories also).

} as part of a Caribbean Federation.

#### Appendix D to 203

Territories whose Governors were consulted about the scheme in Appendix B:—

Aden (Colony and Protectorate).

Bahamas.

Bermuda.

\*British Guiana.  
\*British Honduras.  
Cyprus.  
Falkland Islands.  
Fiji.  
Gambia.  
Gibraltar.  
Hong Kong.  
Mauritius.  
North Borneo.  
St. Helena.  
Sarawak (including Brunei).  
Seychelles.  
Sierra Leone.  
Somaliland Protectorate.  
Western Pacific High Commission Territories.  
Zanzibar.

\* The possibility still exists of their joining a Caribbean Federation.

**Appendix F to 203: Future of smaller colonial territories (other than Malta); note by Mr Lennox-Boyd**

In this context "Smaller territories" means Colonies, &c., which are too small or remote to be able to look forward to independent national status, either alone or as components of a regional federation.

2. The problem of devising a status for such territories which would satisfy local aspirations while preserving the interests of Her Majesty's Government was examined confidentially by a Committee which sat between 1949 and 1951. The Committee made a number of recommendations (Appendix A) which have since been under continuous examination in consultation with Colonial Governors.

3. Most of these recommendations were aimed at giving the people of the territories a greater measure of self-government in local affairs. From the point of view of relationship to Her Majesty's Government in the United Kingdom, the most important recommendation was the establishment of a standing Consultative Council. This recommendation, however, found little favour with the Governors consulted. The general view was that the individual territories were more interested in their own status and relationship to the United Kingdom than in collective machinery, and that there would in fact be little matter of common concern for such a Council to deal with.

4. In fact, since 1951, much has been done to promote the development in individual territories of a greater degree of local self-government along lines suited to local circumstances. There has been little or no indication of any real interest in the question of "Status" relative to the United Kingdom. (Even in British Honduras, where the avowed policy of the Party now in office is to end "Colonialism", this is presented as an ultimate rather than an immediate objective.)

5. On the other hand, there is some pressure in this country, if not as yet in the territories concerned, for Her Majesty's Government to proclaim a constructive



policy for these small territories. In spite of at least one Ministerial statement to the contrary, there is a widespread impression that "self-government" means eventual independence. Some territories are getting near the limit of practicable constitutional advance. It is highly desirable that that limit should be presented and regarded as being in itself a worthy object of aspiration rather than as a compulsory halt half-way up a ladder. Apart from this general argument, it is clearly likely that any new development in regard to Malta may stimulate interest in the question of "status" and lead to demands not indeed for other territories necessarily to be treated in exactly the same way as Malta, but for their particular problems to receive the same intensive and sympathetic attention as has been given to the problems of Malta.

6. With these considerations in mind, plans are already being worked out for a new kind of status which could be offered to certain territories immediately or prospectively, according to their degree of political maturity. In effect, these plans envisaged a modified form of the "Island and City States" idea put forward by the 1949-51 Committee. So far they have been discussed only with selected Governors; the next stage will be to get them into more concrete form and take local political leaders into consultation. It would therefore be premature to discuss details in this paper.

7. At the same time, although the objections noted above to establishing a Standing Consultative Council are weighty, it is thought that—now that many of the Colonial territories have during the last few years developed a Ministerial or quasi-Ministerial form of government—there may be value in convening a conference of Chief Ministers (or the equivalent) in the fairly near future. The primary object of such a conference would be to provide an opportunity for giving these leaders some insight into general policy; but their opinion could also be tested as to the existence of any substantial demand for setting up machinery for regular collective consultation.

**204** CO 1032/55

16 Dec 1955

[Concept of 'statehood']: minute by Sir C Jeffries

I think there is too much tendency to consider whether these places are "ready" for Statehood. Of course they are not, any more than the Gold Coast is "ready" for independence, or than one's teen-age daughter is "ready" for the proverbial latch-key. Nor will they be much, if any, more "ready" in five or ten years. In fact, the whole point of the exercise, as I understand it, is that they may well be less "ready" if something is not done about it in time. *We* may consider that these territories have as much self-government as they can take and that the sensible course is to continue doling out small doses of additional responsibility, keeping if possible one step ahead of demand. This is our traditional line and it may well be the right one. Whether or not that is so is in fact the issue of policy which Ministers have to decide.

The argument against the traditional line being the right one is, in brief, that at the very best it can only maintain a state of uneasy equilibrium. Colonial politicians tend to concentrate attention on securing the next constitutional change instead of getting on with the job. Constitutions are in a state of continual flux and there is no stability. Racial groups tend to maintain their identity rather than to coalesce under the stress of a common responsibility for running the country. The answer, it is

argued, is to jump the intervening stages and give the people the chance to learn responsibility in the only possible way, i.e. by having to exercise it. This does not, of course, mean that the territories are to be flung in at the deep end and left to flounder. In the now classic words of the 1948 report, "their governments are not established and then left without direction or advice". Under Statehood they would still have the guidance of the Governors and H.M.O.C.S., the advisory services provided by the Colonial Office, the recourse to H.M.G. for technical assistance and financial aid when necessary. But they would have these benefits under conditions of greater dignity (from their point of view) than is possible under "colonialism". There is admittedly always present the risk of another British Guiana. But in the other territories we are not, as yet, dealing with politicians who do not want self-government to work; moreover the demonstration, in British Guiana, that if the local politicians do sabotage self-government, H.M.G. is prepared to intervene effectively, has had a salutary effect elsewhere.

I do not think, therefore, that the minutes in the file so far touch the real point which is: if H.M.G. decided as a matter of policy to do this thing, what in fact would have to be done in the three selected territories<sup>1</sup> in order to put it into effect? When we have the answers, Ministers will have the material for deciding the policy.

Since this enquiry was started, however, there have been other developments which may point to a rather different approach. As I understand the matter, what Mr. Marshall<sup>2</sup> is demanding for Singapore and what H.M.G. is in principle agreeable to concede, is nothing more or less than Statehood as we have conceived it. Would it not be better, then, to offer Singapore, along with the constitutional concessions, the distinction of becoming the first "State"? We should then have established a category into which other territories could be fitted as they reach a similar stage of constitutional development. . . .

<sup>1</sup> ie, British Honduras, the Gambia and Mauritius; see 205.

<sup>2</sup> D S Marshall, chief minister of Singapore, 1955-1956.

## 205 CAB 134/1203, CA(0)(56)2

25 Jan 1956

### 'Application of statehood to individual territories': CO memorandum for Official Committee on Colonial Policy

[Extract]

1. The Colonial Policy Committee at its meeting on the 10th November last decided (C.A.(55)5th Meeting) that the problems discussed in C.P.(55)133<sup>1</sup> should be examined by a committee of senior officials; during the ministerial discussion the Secretary of State for the Colonies suggested that this study by officials should be related to three selected colonies (British Honduras, Gambia and Mauritius) in order to see whether concrete proposals applicable to those territories could be formulated.

2. The present constitutional and administrative arrangements in the three colonies are described in Appendices A, B and C each of which concludes with a paragraph dealing briefly with the economic and financial situation and prospects. The conclusion reached in the Colonial Office is that it would be premature as yet to consider any of these territories for "Statehood" (if created) since:—

<sup>1</sup> See 203.



(i) Even if British Honduras were ready to advance within two or three years to a full ministerial system it seems unlikely that conditions there, in particular its continuing need for financial assistance from Her Majesty's Government towards normal administration, would permit of its legislature being recognised as a full sovereign body in respect of internal affairs. There is a further political difficulty at the present time in that important elements of the People's United Party, (the local political party in power), have leanings towards Central America from which we hope to wean them, so that statehood within the Commonwealth would now necessarily be attractive. However, our aim is to induce the people of the Colony to decide to join a Caribbean Federation, which would look to full Commonwealth status.

(ii) In the Gambia the quasi ministerial system is of very recent origin and has not yet displaced the Chiefs Conference as the body representative of the wishes of the people of the Protectorate. The territory as a whole is certainly not ready for fully representative ministerial government; also it, like British Honduras, may need grants in aid for general administration.

(iii) A ministerial system is only on the point of being introduced in Mauritius and before full internal self-government could be considered it would be necessary to see how far that system, based as it will be on elections by proportional representation, will adequately safeguard the rights of important and substantial minority groups.

3. It might well be that, if the concept of "Statehood" were established, any or all of these territories might wish to be considered as candidates, and that this would prove a useful incentive to them to bring their economic and administrative arrangements up to the necessary standard. It might well be, also, that Her Majesty's Government would be prepared as a matter of policy to concede the measure of independence implied in "Statehood" in advance of a strict fulfilment of the requirements, in order to forestall pressure for further constitutional change and to give the peoples the opportunity of learning the obligations of responsibility by having to exercise it. Even so, there are strong arguments for waiting at least for a year or two before embarking upon what must be a risky experiment in any of the three selected territories.

4. In addition to these three territories seven others were mentioned in paragraph 8(a) of C.P.(55)133 as those for which in the view of their Governors "Statehood" had immediate attractions. But none of these can yet be considered as having reached a stage of constitutional development at which "Statehood" would be appropriate; in any case several (Aden Colony, Gibraltar, the Falklands and Seychelles) are too small to be serious candidates as yet for a status which (see paragraph 2(iii) of Appendix B to C.P.(55)133) should be limited, at least at the outset, to units of a certain size and importance.

5. If Ministers accept the idea of "Statehood" as presented in C.P.(55)133 they may be reluctant to announce that conception unless they can see reasonably early prospect of giving practical effect to it somewhere. One such possibility might be to negotiate for the acceptance of "Statehood", possibly with the modification discussed below, by Singapore whose Chief Minister (Mr. David Marshall) during his recent talks with the Colonial Secretary, gave notice that at the more formal Constitutional Conference in April next he would ask for what he called "dominion status" for Singapore in 1957 on the understanding that Singapore would at the same time, and

by its own free choice, entrust responsibility for External Affairs and Defence to Her Majesty's Government. Mr. Marshall also recognised that Her Majesty's Government would have to retain power to suspend the Constitution in the case of necessity—e.g. if Left-Wing extremists gained control of the Government.

6. It will be necessary at the April talks with Mr. Marshall to explain that the form of "Dominion Status" which he contemplates, with the qualifications which he admits, would not be recognised by other Commonwealth countries as making Singapore eligible to participate in Commonwealth Prime Ministers' Conferences. That may drive Mr. Marshall to the extreme course of threatening resignation unless Singapore is "admitted to the Commonwealth Club". One possible way of averting that might be to offer "Statehood" to Singapore and to present it to Mr. Marshall as a new and attractive conception well suited to fit immediate circumstances in Singapore. The chances of his acceptance would clearly be improved if everything possible was done to enhance the new status—for example in the way suggested in paragraph 2(iv) of Appendix B to C.P.(55)133. On the other hand, there would have to be an important qualification of the recognition of the local legislation as a full sovereign body in respect of internal affairs if, as at present seems probable, it should be decided that responsibility for internal security in Singapore must be retained in the hands of the Governor.

7. The new status would, of course, be still more likely to appeal to Mr. Marshall if this could be arranged on much the basis underlying his own request to the Colonial Secretary, i.e. if it could take a form in which Her Majesty's Government granted full self-government to Singapore as a State and the latter at the same time by agreement (which could be broken only by consent of both parties) entrusted to Her Majesty's Government responsibility for Foreign Affairs and Defence. In addition it would almost certainly be necessary—

(a) to stress the exceptional nature of the arrangement (though Her Majesty's Government would have to be free to state publicly that they reserve the right to admit other territories to a similar status as and when they were regarded as having become qualified for it); and

(b) to make it clear that the new status is not an end in itself and does not necessarily preclude eventual full self-government. . . .

**206** CAB 130/113, GEN 518/6/11

18 June 1956

'Smaller colonial territories': note by Sir N Brook for Cabinet

Committee on Commonwealth Prime Ministers' Meeting [Extract]

[This note was based on a draft written by I B Watt, one of the two secretaries to the Official Committee on Colonial Policy. It summarised the conclusions reached by the committee during a series of discussions on the smaller territories. But because there had not been time to circulate it to the committee, it was submitted to UK ministers as a note by Brook. For the second part of the note, which dealt with questions of metropolitan reorganisation, see 215.]

I was asked by the Colonial Policy Committee to examine, with officials of the Departments concerned, the problem of constitutional development in smaller Colonial territories which cannot aspire to full Commonwealth membership.

2. For these territories it had been suggested that there might be established a new constitutional goal of "Statehood". This concept was outlined in Appendix B of C.P. (55) 133,<sup>1</sup> which pointed out that the proclaimed policy of Her Majesty's Government "to help the Colonial territories to achieve self-government within the Commonwealth" could not mean the same thing for all territories, irrespective of their characteristics, and emphasised the need both for a clearer understanding within the Commonwealth that some countries could not hope to reach full self-government and also for some new status for internally self-governing territories which would be regarded by them as an acceptable constitutional objective. The memorandum proposed that a new designation of "State" should be conferred as an honourable distinction upon territories which could show reasonable economic stability, an established form of representative government and proof of capacity of self-government in domestic affairs. It was contemplated that the most effective mark of the new status would be the formal recognition of States' Legislatures as sovereign Parliaments within the scope of their allotted responsibilities.

3. We examined this idea—to see whether it would be practicable and whether there were any territories to which it could be applied immediately. On the first count we saw difficulties in the creation of a three-tier division of the Commonwealth—full Commonwealth members, "States" and Colonies—since this would be likely to provoke a number of Colonies to ask which of the two other categories was to be their ultimate constitutional destination and to cause some of them to press for the premature conferment of a new status.

4. We also found that the distinguishing marks of "Statehood" could not be so distinctive as had at first been assumed. While the "States" would enjoy internal self-government, the United Kingdom Government would continue to be responsible for defence and foreign relations, and this would be usually found to cover an interest in internal security as well. For all these purposes reserved powers would be required. There might be some adaptation of the principles of the Statute of Westminster whereby the United Kingdom Government would surrender their general power to legislate by Order in Council and the Colonial Legislature would be enabled to pass laws repugnant to Acts of Parliament (except those relating to reserved subjects) and to legislate with extra-territorial effect. A convention might also be established whereby the Parliament at Westminster would not normally legislate for "States", except on matters for which Her Majesty's Government retained responsibility, and would not allow Parliamentary Questions on matters within the competence of the "State" Government. The Parliament at Westminster could not, however, divest itself formally of its ultimate power to legislate for a dependent territory or of its right to debate the affairs of the territory, *e.g.*, in connection with the Governor's exercise of his reserved powers. The ultimate power and the decision to use that power must, therefore, demonstrably remain in the United Kingdom.

5. We therefore concluded that the conception of "Statehood" as a goal alternative to that of full Commonwealth membership was illusory, in that there would in fact be little, if anything, to distinguish it from the penultimate stage of constitutional development which is usually reached by a territory on the road to full self-government and Commonwealth membership. This is not to say that there

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<sup>1</sup> See 203.

would not be value in the idea of "Statehood" as marking a particular stage on the road to full self-government, to which might be attached various marks of distinction, such as the appointment of a High Commissioner in place of a Governor and the partial surrender of the right of the United Kingdom Government to legislate by Order in Council—distinctions which were in fact discussed at the recent conference on constitutional development in Singapore.

It may be doubted, however, whether all this would add up to a major departure in policy or would be worth announcing now as of general application.

6. We were asked to consider whether "Statehood," as originally conceived, could be applied to British Honduras, Gambia and Mauritius. We found that none of these territories could yet be said to fulfil the criteria set for the proposed status. The only candidate so far has been Singapore, whose delegation at the recent conference rejected the offer. These facts suggest that there may be much to be said for a pragmatic approach to this matter, whereby we would not tie our hands in advance in dealing with territories of varying circumstances but would leave ourselves free to derive from experience any general principles which might be applicable to particular cases.

7. If this reasoning is correct, we are still left with the original problem—which the first conception of "Statehood" set out to solve—how to gain acceptance within the Commonwealth and in the world at large of the truth that a number of territories for which we are responsible cannot hope to achieve full self-government. We have considered whether a declaration of policy could usefully be made on this question and have discussed the terms in which it might be framed. It could emphasise the Government's intention to advance all the territories for which they are responsible as far along the road to self-government as may be possible in each case. But, even so, its main effect would necessarily be negative: the conclusion to which it would inevitably lead is that the smaller dependent territories cannot hope to advance beyond the stage of internal self-government. It would therefore fail to satisfy the constitutional aspirations of those territories, and it would probably provide a handle for "anti-colonialist" propaganda. In our view it would be likely to do more harm than good.

8. We believe that, if this picture is to be presented, it should be set within the framework of a wider and more positive declaration on the nature and purpose of the Commonwealth connection. We believe that the time is ripe for the evolution of a new conception of the constitutional relations between the independent and the dependent units of the Commonwealth. What is needed is some new concept which would do for the "Colonies" what was done for the "Dominions" by the Balfour formula adopted by the Imperial Conference of 1926. So far, we have failed to find any general formula for constitutional change which would meet this need. The search should certainly be continued, and it might be wise to canvass the problem confidentially in informed circles outside Whitehall—*e.g.*, among some of the constitutional lawyers and historians who have given special attention to Commonwealth problems. . . .

**207 CO 1032/61****22 Oct 1956****[Smaller territories]: minute by I B Watt**

... The Secretary of State will no doubt be interested to know of the feeling which came up at Sir John Macpherson's meeting<sup>1</sup> that, as the minute shows, "the conception of a 'Smaller Territories problem' requiring a radical revision of policy or organisation was illusory". With Parliament re-opening, we must be on the lookout for further efforts to extract from the Government some form of statement of general policy towards the "smaller territories". Both the Labour party and some Members of the Conservative Party have let it be known that they are studying the "problem". Something was said about it in a booklet prepared by a group of Conservative M.Ps. at the time of the Conservative Party Conference; and one of the Committees of the Labour Party which is preparing the booklets on current problems is, I understand, hoping to produce a scheme for the "smaller territories". They have been a long time charged with this task, I think, and it may be a gradual realisation of its complexity that they still have not come out with anything.

It may be useful if I summarise briefly here some of the more recent constitutional happenings in a number of the smaller territories. These show that there have not been any significant delays in working out constitutional advances in these territories, appropriate to their circumstances, because we have not as yet got as explicit a general policy for the whole lot of them as some publicists in Parliament would like:—

(a) In *Sarawak* there has been a reorganisation of the legislative and executive bodies which combines the traditional organs of representation with more modern sorts of responsibility for some share in government.

(b) In *Aden*, in January, some Elected Members of the Legislative Council took their seats for the first time; and in May Lord Lloyd, visiting the territory, made a statement of policy which looked forward to gradual advance to a considerable degree of internal self-government.

(c) In *Bahamas*—of all places—a Progressive Labour Party delegation saw Lord Lloyd in London earlier this month and made proposals for distinct constitutional reforms; these were sympathetically heard and are to be considered when two Committees of the House of Assembly, at present examining possible reforms, have reported.

(d) In *Zanzibar* proposals for a considerable increase in representative and responsible government have been elaborately discussed, and it now seems as though the Arab politicians will endorse them.

(e) As for *Cyprus*, Lord Radcliffe's<sup>2</sup> terms of reference have been made public and seem to go towards producing a constitution with internal self-government.

(f) In *British Somaliland* a Legislative Council with certain powers for legislation and finance will, it is hoped, be set up within the next few months.

(g) In *British Guiana* proposals have been made by H.M.G. for the restoration of representative government; and more responsible government.

<sup>1</sup> Held on 4 Oct 1956, with the primary purpose of discussing the proposed merger between the CRO and the CO, see 217.

<sup>2</sup> Constitutional commissioner, see 328, note 2.

(h) In *Mauritius* H.M.G. has made proposals for a considerable increase in representative government, with elaborate arrangements to ensure that all interests and groups in the Island are given a fair share.

(i) In *Malta* arrangements for fulfilling the integration policy already accepted in principle by H.M.G. are, however creakily, going forward.

(j) In *Sierra Leone* the Legislative Council is about to be enlarged, by the addition of more Unofficial Members, and it is probable that changes in the structure of the central government will come up for discussion next year.

These illustrations, I think, certainly bear out that the lack of any general framework does not interfere with political and constitutional progress. So varied are these territories, however, that it is questionable, I suggest, whether a suitable framework to take them all in could be devised; indeed had one been devised, it might have cramped quite a number of styles.





## CHAPTER 4

## Administrative structures

Document numbers 208–255

**208** DO 35/5054, no 1

26 Nov 1952

[Commonwealth Services Office]: letter from Sir C Jeffries to R R Sedgwick. *Enclosure*: paper by Jeffries, 'Recommendation for establishment of a Commonwealth Services Office' (26 Nov)

We have been having some discussion with the Minister of State about the report of the Smaller Territories Committee (which as you will remember was discussed in a preliminary way at an interdepartmental meeting some time ago).<sup>1</sup> The following points are of interest to the Commonwealth Relations Office and you may think it convenient that we should take them into account when we are going into the question of what would be involved by the admission of Colonies to Commonwealth Membership, since all these things are really connected.

The first point is that of a "Colonial Council". We are not in favour of pursuing the Committee's suggestion, but we feel that there is much force in their view that some means should be found for giving outstanding Colonial public men an outlet for their ambition and a sense of participation in the central machinery of government. The plan which we are disposed to favour would take the form of an enlargement of the Privy Council by the creation of a special "Colonial" or "Overseas" Committee (analogous in some way to the Judicial Committee), to which Council business relating to non-self-governing territories would be referred. Members of this Committee would have the title and rank of Privy Counsellors, but would not be summoned to ordinary meetings of the Privy Council unless they were serving in a dual capacity (e.g. our own Secretary of State and the Queen's P.S.). We think that the size of the Committee might be of the order of 20 or 30 persons spread over the Colonial Empire. Members resident overseas would not normally be summoned to meetings, but when some important formal business was being transacted (e.g. a new constitution for Nigeria) the members from the territory concerned would be specially invited.

This proposal is at present quite tentative, and has not yet been put up to our Secretary of State or discussed with the Council Office or anyone else. We thought that we should like to have your reactions first.

The second point is the question of "metropolitan organisation". We are all agreed that the Committee's idea of an "overlord" Minister for Commonwealth Affairs is not a starter, but we are impressed by the desirability (from the point of view of the more advanced Colonies) of minimising emphasis on the dependent status of the Colonies

<sup>1</sup> See 176.

in relation to the United Kingdom. We feel that the Committee's proposal of a Commonwealth Services Office should be seriously considered before it is finally rejected. The doubt has always been whether in practice any of the Commonwealth Members would make sufficient use of such an Office to justify a re-organisation which must at best cause some disturbance of existing arrangements and can hardly fail to involve some increase of expenditure though not necessarily on a large scale. If the Office were completely boycotted or ignored by the Member States, there would clearly be little point in setting it up. On the other hand, it is perhaps difficult or impossible to predict what use those States might make of it if it were in being and able to give effective service in response to any requests made to it.

We feel that at least some attempt should be made to test the market; and this would involve drawing up a scheme defining the scope and organisation of the proposed Office in order that Commonwealth Governments would have something on which to comment. I enclose a (slightly revised) version of a paper which I wrote some time ago in order to give the Committee's proposals some concrete shape. To some extent this ties up with the scheme for a "British Overseas Service" about which there is separate correspondence;<sup>2</sup> it is clear that if such a Service were set up there would have to be an organisation to manage it, and the Commonwealth Services Office would be the obvious one.

If the idea of creating this new Office is to be pursued, it must clearly be put forward with the whole weight of both the Commonwealth Relations Office and the Colonial Office behind it, or it will stand no chance of success.

#### Enclosure to 208

1. I assume, for the purpose of this paper, that the Committee's recommendation that there should be a single Minister in charge of Commonwealth affairs will *not* be approved, and that any reorganisation will be within the present framework of two Secretary of State Departments—one dealing with Commonwealth Relations which are essentially international (i.e. relations between sovereign States) and the other dealing with relations with territories in some degree of dependence upon the United Kingdom. On this basis the present actual division of work between the two Offices presents some anomalies, but these will not be discussed here.

2. The arguments for and against the Committee's recommendation for the establishment of a Commonwealth Services Office are equally valid whether the Office is conceived (as the Committee conceived it) as a Ministerial one or whether it is conceived as an executive sub-department under a civil service head who would be responsible to both Secretaries of State. I assume that, if the Office were established, it would in practice be established on the latter basis; but it might, if thought fit, be placed under the present Minister of State for the Colonies who would for this purpose function in an all Commonwealth capacity.

3. Since this recommendation was only loosely related to their terms of reference, the Committee did not set out the case in full detail, nor did they examine the actual nature of the services which might be transferred to or undertaken by the new department. As stated by the Committee, the arguments in favour of the proposal were two-fold:—

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<sup>2</sup> See 219.

- (i) It would enable present and future self-governing states of the Commonwealth to make use of services which they might need, without the political implications of dependence which are unavoidable so long as these services are exclusively a function of the Colonial Office;
- (ii) It would encourage the co-operation of all members of the Commonwealth in the development and advancement of the backward areas wherever situated.

4. Before examining these propositions, I may perhaps hazard a general observation. It is obvious that in the political field the problem of keeping the Commonwealth together is fraught with all kinds of difficulties. The distinction between the association of members of the Commonwealth and that of any group of friendly or allied States may well become less easy to draw. May it not then be of special advantage at this juncture to seek all possible ways and means of establishing joint functional services, which justify their existence on their own merits and in which all members will co-operate for the sake of practical advantages? Even if, as time goes on, membership of the Club comes to mean less in the way of special privileges in the political sphere, the Club may still preserve its existence if membership can be proved to confer benefits in the economic and social spheres. It is fair to recognise that a very similar idea is embodied in the United Nations and its specialised agencies, and that the question may be asked whether there is room for a Commonwealth organisation covering the same ground. The operational field of the United Nations is, however, in fact, so wide and so diverse in its conditions that there should still be room for the more concentrated and effective effort which could be made by the Commonwealth countries working directly together on their own common problems. Such an effort would supplement, not replace, the work being done internationally by the United Nations and the Caribbean and South Pacific Regional Commissions.

There may, therefore, be a powerful general argument in favour of encouraging the organisation of functional services on a Commonwealth basis, whether or not the particular device recommended by the Committee is the best way of doing it.

5. The Committee's arguments, as summarised in paragraph 3 above, of course imply a hope (a) that some at least of the existing Member States would make use of the new Office from the start; and (b) that because of this the more advanced Colonial territories would not only make use of the new Office but, since their practical needs were being met in a way which satisfied their pride, would be more inclined to remain content with their existing political status and less disposed to agitate for transference of their affairs to the Commonwealth Relations Office and for the conferment upon them of "marks" of Commonwealth membership such as the privilege of attending Ministerial conferences in their own right.

6. The likelihood of the second hope being realised must be a matter of speculation, but the experiment should at least be worth trying. Its success would clearly be bound up very largely with the realisation of the first hope. That in its turn must depend upon the nature of the services to be rendered by the new department and upon its capacity to justify the value of those services by results. It is clear that there are in fact extensive fields of activity in which many if not all of the Commonwealth Members have important interests in common with the Colonial territories. Australia and New Zealand have dependencies presenting precisely the same problems as the British Colonies in the Pacific. Australia herself extends well

into the tropical zone and contains a backward aboriginal population. The same is true of South Africa. That India, Pakistan and Ceylon have to cope with many of the same problems as the tropical Colonial territories is obvious. Even Canada, with her own aboriginal element, may have something to learn and to contribute.

7. There is already a certain amount of inter-Commonwealth co-operation in one functional field, namely, that covered by the Commonwealth Agricultural Bureaux, which includes animal health, forestry and entomology as well as the more strictly agricultural sciences. The United Kingdom share in this organisation would clearly be a suitable subject for inclusion in the scope of the Commonwealth Services Office, and a study of the present arrangements would indicate whether any improvement or development is desirable or possible, and whether these arrangements would or would not provide a suitable model for Commonwealth co-operation in other matters. Apart from agriculture, the fields in which the idea of co-operation through a Commonwealth Services Office might most profitably be developed would include health, education, fisheries, social welfare, surveys and geological surveys, and the respective allied research services. In these fields there is at present little or no permanently organised Commonwealth co-operation.

8. It is not, of course, suggested that the work on all these subjects or any others that might be included should be entirely removed from the scope of the Colonial Office. Some subjects—labour is one—are too closely bound up with political and administrative questions to be suitable for detachment. In some other matters, for example education, the Colonial Office might find it necessary to retain some expert staff of its own to assist in dealing with specific local problems. But in general the Commonwealth Services Office would take over the advisory and research organisations in the selected spheres and re-model them as might be necessary to make them available and acceptable to Commonwealth countries generally. This would presumably involve some expansion of existing services, but in so far as this expansion were due to increasing demands from oversea governments, and in particular from governments politically or financially independent of the United Kingdom, it is fair to assume that the cost would be covered by a contribution from the customer. The question of finance will, however, be dealt with in a later paragraph.

9. Within the fields assigned to it, the new Office would have the task of providing expert advice, disseminating information, answering or finding the answers to enquiries and supplying or arranging for the supply of qualified staff. Different subjects would no doubt call for different methods. In some cases the "bureau" system might be suitable; in others a less formal organisation would be preferable. The best arrangements could only be discovered by experience.

10. The Commonwealth Services Office would of course be entirely a department of the United Kingdom Government; there would be no question of attempting to operate it as a joint enterprise with other Commonwealth Governments. Its function would be (a) to be the instrument by which the United Kingdom Government would discharge certain of its responsibilities towards its own dependent territories; (b) to seek, on behalf of the United Kingdom Government, the co-operation of other Commonwealth Governments in discharging these responsibilities; (c) to make available to other Commonwealth Governments such expert assistance in developing backward areas or populations as those Governments might desire and the United Kingdom Government or its dependencies might be in a position to offer; (d) to arrange for the representation of the Colonial interests of Her Majesty's Government

in international specialised organisations; (e) to provide similar assistance, as required by the interests of Her Majesty's Government, to non-Commonwealth countries such as Libya and the Sudan; (f) to manage any central overseas service which the United Kingdom Government may decide to set up for supplying expert staff to other Governments. It would work within limits laid down by the Colonial Office and Commonwealth Relations Office respectively. Presumably, it would be authorised to correspond directly with overseas governments on technical matters within its assigned sphere, and on business conducted with the execution of settled policy, but not on matters calling for decisions of policy, though it would assist the two parent Offices as required in reaching such decisions.

11. In order to discharge these functions, the Office would require:—

- (1) A general secretariat
- (2) A finance branch
- (3) A personnel branch
- (4) A team of experts with the necessary secretarial and clerical assistance

Suitable provision for overseas travelling, as well as for ordinary Office expenses would of course be essential.

12. The "team of experts" would comprise the Advisers (and their assistants) on

Agriculture	Forestry
Animal Health	Health
Education	Social Welfare
Fisheries	Surveys
Geological Surveys	

These, while attached to the Commonwealth Services Office, would retain their positions as Advisers to the Secretary of State for the Colonies and would also be designated as Advisers to the Secretary of State for Commonwealth Relations. The Advisory Committees would similarly be invited to regard themselves as advisory to both Secretaries of State, and some extension of their membership might be found desirable, for instance by the inclusion of members or observers from the Commonwealth High Commissioners' Offices. The Secretaries or Directors of the allied central research organisations (agricultural, medical, insecticides, social science) would also be attached to the new Office; and it would become the parent department for the Bureau of Hygiene and Tropical Diseases.

13. Since in the main the work of the Office would be concerned with development and welfare in the Colonies, it would be fitting that it should be financed, at any rate in large part, from funds provided under the Colonial Development and Welfare Acts. Even if this meant an increase in that provision, the position would be more satisfactory than the present arrangement by which a good deal of the expenditure found under the normal Colonial Office vote is in fact devoted to providing the Colonies with gratuitous services which properly come under the heading of development or welfare. At a time when the progressive expansion of government departments is very naturally viewed with suspicion by Parliament and public, there might be positive advantage in a rearrangement which would show the financial and staffing position in its true light. The most suitable course might be to pay the expenses of the Office initially from a normal Parliamentary vote, but as far as possible to "cost" the various services rendered by the Office and to recover the



expenditure, in suitable cases, from the central Colonial Development and Welfare allocation, from individual Colonial Development and Welfare Schemes, or from the Colonial Governments or other authorities benefitting by the service, according to the circumstances.

**209** DO 35/5054, no 2

4 June 1953

[Commonwealth Services Office]: letter (reply) from R R Sedgwick to Sir C Jeffries [Extract]

I am sorry to have been so long in replying to your letter of the 26th November about certain points arising out of the report of the Smaller Territories Committee.<sup>1</sup> As you will remember, however, you agreed that before dealing with these points we might wait till the paper which we were preparing on the admission of Colonies to Commonwealth Membership was out of the way.

2. *Colonial Council*. From the point of view of the Commonwealth Relations Office, the important consideration is that, if prominent citizens of the Colonies were to be appointed Privy Counsellors with the title and rank of ordinary Privy Counsellors, even though in practice they took part in the proceedings of the Privy Council only to a limited extent, it would be very difficult for us to maintain the established position that only the Prime Ministers of other Members of the Commonwealth i.e. not the Prime Minister of Southern Rhodesia (or in future the Prime Minister of the Central African Federation) and the Premiers of the Australian States, are eligible *ex-officio* for appointment as Privy Counsellors. (Sir Godfrey Huggins' Privy Counsellorship was regarded as a special case, based on personal merit, and not to be considered a precedent). If, however, it became established practice that a Prime Minister of the Central African Federation and the Premier of an Australian State was automatically qualified for appointment to the Privy Council, even if a comparatively lengthy period of service as Prime Minister or Premier was a necessary condition, this dilution of the distinction would probably be viewed with disfavour, both by the Privy Council Office and by the Government of the Commonwealth of Australia. On the other hand, the creation of a kind of second grade Privy Counsellorship would be unlikely to be acceptable in any quarter.

3. Incidentally, would not the creation of a special Committee of the Privy Council to deal with Colonial matters be a kind of reversion to the 17th Century Committee of the Privy Council for the Plantations (which historically was the origin of the system of appeals to the Judicial Committee)? To this extent might it not be regarded as a retrograde, rather than a progressive step?

4. *Commonwealth Services Office*. The Governments of all the independent Commonwealth countries, old and new, have well-established and elaborate arrangements for obtaining specialist advice in this country and elsewhere. Their diplomatic and other missions act as agents for the collection of information, for obtaining advice as necessary, and for recruiting personnel. We feel that all these Governments would look with suspicion on the setting up of a new Commonwealth Services Office in London and that it is unlikely that any of them would find any great use for the

<sup>1</sup> See 208.

services which such an office could offer. We think that the hope that some at least of the existing member States would make use of such a new office is ill-founded.

5. The arrangement for providing under-developed Commonwealth countries with help in the technical field under the Colombo Plan arrangements is unusual and temporary. The arrangement only works because we pay. There would be no difficulty, on grounds of departmental convenience, in transferring to a new Commonwealth Services Office the work which we are doing in finding training facilities and experts under the Technical Co-operation Scheme, but this would mean transferring the work of two or three members of the staff and the results might not be so good. In any case, as already stated, this is temporary work. . . .

## 210 DO 35/5054, no 4

29 June 1953

### 'Departmental arrangements for handling Commonwealth affairs': minute by Sir C Jeffries

1. I discussed with Sir P. Liesching and Mr. Garner on 26th June the position arising from the requests of Malta and the Gold Coast for transfer to the C.R.O.

2. Sir P. Liesching gave me the attached copy of a minute<sup>1</sup> recording the firm objection of Lord Swinton to taking into the C.R.O. any responsibility for places which are only potential candidates for Commonwealth Membership.

3. At the same time, Sir P. Liesching recognised that unless some action is taken to satisfy the aspirations of the "candidates", we may be stimulating rather than putting a brake on demands for premature constitutional advance. It was not sufficient, though true, to say that the domestic administrative arrangements of H.M.G. are a private matter for H.M.G. Some regard must be paid to the susceptibilities of the others concerned.

4. He thought that Malta might perhaps be regarded as a special case. Its small size, geographical situation and economic dependence made it hardly suitable for the kind of relationship which the U.K. maintains with the Dominions through the C.R.O. He thought that a more profitable line of thinking would be transfer of Malta (and Gibraltar) to the Home Office. It should be possible to devise arrangements which would fully satisfy Malta in the matter of ceremonial status. It might also be possible to arrange for Malta's Prime Minister to be associated in defence consultations affecting the Mediterranean. The special treatment of Malta and Gibraltar, as compared with other Colonies, could be justified on the ground that they are fortresses in Europe.

5. Sir P. Liesching thought that if we took the initiative early, there was a good chance of getting away with something like this. The important thing was not to let ourselves get pushed into yielding to Maltese pressure and having therefore to go further than we should have wished.

6. On the question of the Gold Coast and other larger territories which are approaching a similar constitutional position, we went over the various ideas which have been canvassed from time to time, including the proposals of the Smaller Territories Committee. We felt that the objections previously expressed to the idea of an "overlord" Minister held good, as also did the objections to creating a Ministry for

<sup>1</sup> See 182.



African Affairs, or any other division of work on a regional basis. We therefore considered whether the problem could be solved by any rearrangement of functions and nomenclature within the framework of two given principles, that (1) there should still be two Secretaries of State in the Cabinet; (2) the affairs of "candidates" would not be dealt with by the Secretary of State for Commonwealth Relations.

7. A possible solution which emerged in discussion was as follows:—

(1) There should be established a Committee of the Privy Council (analogous to the Board of Trade) for Commonwealth Affairs. The two Secretaries of State would be joint Presidents of this Council, and it would include other Ministers (e.g. the Home Secretary) and notables. In practice it would seldom if ever meet, but it would be the formal channel of communication between Governments. It would have a small Secretariat which would be largely a receiving and distributing centre, but would have certain limited positive functions, e.g. arranging the reception, etc. of visiting Ministers from overseas, and the organising of conferences as required. (The idea that Commonwealth and Colonial representatives should be members of the Council was rejected after examination.)

(2) Except for the Central African Federation, the C.R.O. would continue to deal exclusively with the relations between H.M.G. in the U.K. and the governments of sovereign independent Commonwealth Members.

(3) The Secretary of State for the Colonies would have a new title (e.g. S. of S. for Oversea Territories) and would deal primarily and directly with the affairs of the larger territories possessing internal self-government in domestic matters, and with general questions affecting the dependent territories as a whole (e.g. economic questions and advisory services). The detailed administration of the smaller territories would be formally assigned to a separate sub-department under the Minister of State, with a permanent Secretary of Deputy rank.

(4) The retention by the C.R.O. of responsibility for the Central African Federation and the S.A.H.C. Territories would be frankly recognised as an anomaly which was justified on the ground of not wishing to disturb existing relationships.

8. Clearly such a plan would involve a number of administrative difficulties which would have to be sorted out, but it seemed to us to contain at any rate the germ of an idea which would help to solve the political difficulties. It would satisfy the aim of the Smaller Territories Committee, but would provide a more practical scheme with less disturbance of existing arrangements than the Committee's proposal.

9. If these ideas are thought worth pursuing, the next step would be an approach to the Home Office, with a view to formulating, if possible, some agreed proposals as a basis of discussion in Sir N. Brook's Committee as a preliminary to submission to the Ministerial Committees.

**211** CO 1032/9, no 4

1 July 1953

'Departmental arrangements for handling Commonwealth affairs':  
minute by Sir H Poynton commenting on Sir C Jeffries's minute<sup>1</sup>

*Paragraph 2*

If I may say so, I entirely agree with the views of Lord Swinton expressed in the enclosure to Sir C. Jeffries minute. There seem to be three good reasons why the Commonwealth Relations Office should not take over any further responsibility for places which are not yet independent members of the Commonwealth. Each term—"independent" and "member of the Commonwealth"—is separately important here. First, inasmuch as we have admitted the principle that admission as an independent member of the Commonwealth does not rest with the United Kingdom alone but with all the existing Commonwealth members, it would certainly be regarded as prejudicial (albeit in the direction that we ourselves would like) if territories such as the Gold Coast were transferred to the C.R.O. during a transitional period. Secondly, while the distinction between independent and dependent is a question of fact which enables a line to be drawn between the two, the degree of self-government short of independence which would be regarded as a qualification for transfer to the C.R.O. would be a question of judgment and not one of fact, and a single precedent could land us in endless trouble. Thirdly, apart from their experience in handling the affairs of Southern Rhodesia and the South African High Commission territories (which is a side-line) the real experience of the C.R.O. is at handling the actual diplomatic relations between the United Kingdom and other Commonwealth countries. They have not much experience in providing the kind of services which advanced Colonial Governments in their transitional stage really need from the United Kingdom—advisory services, C.D. & W., recruitment of skilled personnel, and so on. The one thing that the C.R.O. is really qualified to give them is the one thing that will not be required, inasmuch as their external relations will still be under U.K. control.

*Paragraph 3*

In general I agree with this paragraph, but in the long run it is not a question of which Department handles these matters but what kind of handling that has to be done. Transfer to the C.R.O. may sound very attractive as a mark of progress but I doubt if it would mean much more than that the same kind of work was done possibly by the same people transferred from the Colonial Office under a different title and a different Minister. The silver plating might wear off rather quickly.

*Paragraphs 4 & 5*

The proposal to transfer Malta and Gibraltar to the Home Office is ingenious and well worth considering, though the point which I have made on paragraph 3 is relevant. There are, however, a great many complications in this. It means yet one more Department involved in a number of general aspects of Colonial policy, e.g. administration of C.D.W., international relations as they affect Colonial territories

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<sup>1</sup> See 210.

including such matters as application of international conventions, transmitting information to the United Nations on Gibraltar. I don't say any of this is insuperable—we already have the South African High Commission territories under the C.R.O. It is just another complication but it may be worth facing it if it had a political appeal to Malta or Gibraltar or both.

*Paragraph 6*

I agree with the assumptions in this paragraph.

*Paragraph 7*

This is where I begin to run into difficulty. It seems to me that a number of interesting proposals emerged at this discussion but their exact relationship one to another has not really been thought out, and I think in some respects there is inconsistency between one and another and that they may have to be regarded as alternatives rather than as different elements in a single solution. For example, I am not quite sure how one reconciles the idea that the proposed Committee of the Privy Council for Commonwealth Affairs should be the formal channel of communication between Governments with the proposal in (2) that the C.R.O. would continue to deal exclusively with the relations between the United Kingdom and the independent Commonwealth members, or the proposal in (3) that the Secretary of State for the Colonies, under a new name, would deal "primarily and directly" with the affairs of the larger territories possessing internal self-government. Moreover, I am not convinced that if you had a Privy Council Committee and changed the title of the Colonial Secretary and Colonial Office it would still be necessary to hand Gibraltar and Malta over to the Home Office. There seems also to be an assumption that territories such as the Gold Coast or Nigeria, even under a reorganisation of this kind, would be content to remain for long in the kind of status which Southern Rhodesia enjoys today. I quite understand Southern Rhodesia accepting United Kingdom control of its external relations and defence, because the dominant race in Southern Rhodesia is of British stock and it is really a question of "New Zealand and then some", but I don't believe it follows from this that an essentially African territory like the Gold Coast or Nigeria will continue to be equally amenable. Their political outlook and future will, I think, be based much more on the Asiatic analogy. In the long run therefore this is a question of substance—"Are we going to give them independence or not?"—and not one of administrative devices to satisfy amour propre. There seems also to be a tacit assumption that size and self-Government go together. Considering that the whole discussion has started from the difficulties of how to deal with Malta, this is odd but in the context of paragraph 7(3) I am not at all sure whether the East African territories are in the category of those whose affairs would be dealt with "primarily and directly" by the Secretary of State, or whether they would come in the category of those whose detailed administration would be formally assigned to a separate sub-department under the Minister of State. I should have thought that in these days the nature of Colonial Office services was pretty much the same towards all territories, though closer supervision has to be exercised over some than others. In no case is the Colonial Office responsible for detailed administration.

I have set out these criticisms fairly fully, but I don't want anybody to think that they are hostile criticisms. By and large I think these are a good deal the most

promising suggestions that have so far been put forward on this extremely difficult problem.<sup>2</sup>

<sup>2</sup> The minister of state, Mr Hopkinson, commented: 'I must say I am still rather attracted by the idea of putting some sort of a Purgatory between what is regarded as the Hell of the C.O. and the Paradise of the C.R.O. I quite see that it would not satisfy the Gold Coast very long. But it might be a useful place to put lesser aspirants more or less permanently, particularly if the idea of Home Office rule for Malta and Gibraltar were to fall through. Is it not perhaps at least worth trying on the Cabinet Committee [on Commonwealth Membership]?' (minute on file, CO 1032/9, 3 July 1953).

## 212 CAB 129/69, C(54)203

21 June 1954

### 'New Colonial Office building': Cabinet memorandum by Sir D Eccles<sup>1</sup>

The Colonial Office was moved from Downing Street in 1946 because of pressure on the accommodation there. The intention was to build a new Colonial Office on the site of the old Westminster Hospital and the old Stationery Office.

2. Mr T. S. Tait, a private architect, prepared plans which have been accepted by the Royal Fine Art Commission. There was criticism of his first scheme on the grounds that the building would be too big for the site opposite Westminster Abbey, and the plans were altered so as to set back the main face of the new building considerably behind the front line of the old hospital. Half the site of the hospital would not be built on.

3. About £850,000 out of a total estimate of £3¼ millions have been spent on acquiring the site of the old Westminster Hospital, on architect's fees for the present scheme and on constructing the foundations and sub-basement. Work was stopped in April, 1952 as an economy measure, but in November last (H.A. (53) 24th Meeting, Item 1) the Home Affairs Committee agreed that work ought to be resumed as soon as possible and completed as quickly as possible, and asked me to seek the necessary financial authority. After the Home Affairs Committee had given approval I recast the programme and arranged to start building the super-structure in March, 1955. I would hope to complete the building in November, 1957. I have not yet sought financial authority for the continuation of the building.

4. The reasons for proceeding with the building are:—

(1) The Colonial Office badly needs suitable headquarters accommodation. At present it is housed in leased buildings, which provide poor accommodation and do not make a good impression.

(2) The intention to provide this building has been made known in the colonies and they have made gifts toward its interior finishings.

(3) The combined site of the old Westminster Hospital and the old Stationery Office is very valuable and we should seek a return from it.

(4) If we go ahead now the new building will be completed and will provide space for about 1,150 staff shortly before requisitioning powers are likely to expire. At the same time leases of about a million square feet of headquarters office space are due to run out. We need more accommodation to ease the problems of derequisitioning and in case not all the leases can be renewed.

<sup>1</sup> Minister of works, 1951–1954.

5. The Colonial Secretary and I looked very carefully at the model of the new building. We did not think it was perfect but the site is extraordinarily difficult to handle. We thought it might still be possible to simplify some of the features of the building.

6. The Treasury have been consulted but consider the scheme will have to be looked at again in connection with the work of the Committee on Civil Expenditure. The Colonial Secretary and I would like a decision now because money is being spent on preparations which will be wasted if the building is not to go ahead, and, more importantly, because the need for a new Colonial Office is so urgent.

## **213 DO 35/5057**

10 Dec 1954

[CO-CRO relations]: minute by J S Garner of a discussion with  
Sir N Brook and Sir T Lloyd

[Extract]

... Sir N. Brook then mentioned the proposals for closer association between the C.O. and the C.R.O. Sir N. Brook made the point that, in present conditions—when the Colonial Secretary was constantly under the necessity of flying to a series of trouble spots, and the Commonwealth Secretary found it his duty to make frequent tours to Commonwealth countries—no single Minister could hope to combine the jobs adequately. Sir T. Lloyd agreed and said that he could see no advantage in a merger between the two Departments. Various schemes had been put up from time to time but, from his point of view, they all broke down, since the essential thing to secure was that the Colonies should feel that they have their own Minister to look after their interests in the Cabinet—this would not be the case if the Minister had a dual function, and it would be even less so if there were to be an “overlord” with a subordinate Minister for the Colonies who would not be a member of the Cabinet. I added that, apart from the difficulties at the Ministerial level, there would be a grave problem in staffing, since the functions and responsibilities of the two Departments were quite different, particularly with our requirements for overseas service. At the present moment, no genuine merger would be possible. Moreover, if, so to speak, the Colonies came in at the back door, some of the present Commonwealth full Members would go out by the front. ...

## **214 CAB 129/72, C(54)393**

15 Dec 1954

‘New Colonial Office building’: Cabinet memorandum by Sir  
W Churchill

On present plans, work will soon begin on the site of the old Westminster Hospital. But it might one day be possible for the whole of the area from the Central Hall to the Houses of Parliament, and from Great George Street to Westminster Abbey, to be cleared of buildings. Then a great square could be laid out as a truly noble setting for the heart of the British Empire. The cost no doubt would be heavy, but it would be spread over many years, perhaps even generations. I consider that we should not prejudice this magnificent prospect by erecting an obstacle to it which might last for centuries.

2. I remember that there was a lot of public criticism of the proposal to build the Colonial Office here when the Labour Government announced it, and that there was opposition from representatives of all Parties in the House. I do not propose that a final decision should be taken now, but I consider that building the Colonial Office opposite the Abbey should be postponed for a few years.

3. Meanwhile, the palisade should be pulled down so that the public could see for the first time what possibilities the site presents. It could be covered over with grass or treated in some other simple way which would not affect the use of the fortress accommodation underneath. The Middlesex Guildhall was designed for an island site and something could doubtless be done to improve the rear view of the existing George Street buildings without great expense. In any case they will come down in time and therefore add to the site or be replaced by something more presentable.<sup>1</sup>

<sup>1</sup> Churchill's grand design for an enlarged Parliament Square was never realized; while the end of empire put paid to plans for a new CO building. The designated site was eventually occupied by the Queen Elizabeth conference centre.

**215** CAB 130/113, GEN 518/6/11

18 June 1956

**'Smaller colonial territories': note by Sir N Brook for Cabinet  
Committee on Commonwealth Prime Ministers' Meeting [Extract]**

[Notwithstanding its title, the greater part of this note dealt with plans for metropolitan reorganisation. For the section of the note dealing with smaller territories, see 206.]

...  
9. Meanwhile, it seems possible that immediate advantage might be gained by some adjustment of our domestic machinery in Whitehall for handling Commonwealth affairs. There can no longer be any doubt that the mere names "Colonial Office" and "Colony" are a serious handicap in the world of to-day. It is significant that, in their demands for constitutional reform, both Malta and Singapore have attached what seemed at first sight to be disproportionate importance to their request that their affairs should no longer be handled in London by the Colonial Office. On occasions when this suggestion has taken the form of a request for transfer to the Commonwealth Relations Office, it may have been confused with an ambition for full membership of the Commonwealth. But it now seems clear, from the course of the recent conference on constitutional development in Singapore, that the desire to shake off the trappings of "Colonial" rule is something separate from the ambition for independence in the full sense of the term. It is, moreover, a desire that is strongly felt. We must expect that in future one of the major aims of territories reaching the stage of internal self-government will be to secure that their affairs shall no longer be handled by a "Colonial" Office.

10. This distaste for "Colonial" rule will not be wholly relieved by a mere change of name. But it would be a mistake to underrate the importance of the advantages which we might secure by discontinuing our use of the words "Colonial" and "Colony." Apart from any improvement in our own relations with the dependent territories, we should also gain an advantage—or at least rid ourselves of a serious disadvantage—in presenting our case in the United Nations and other bodies where



we have to meet the reproach of "Colonialism." For most of those who engage in it, "anti-Colonialism" is a propaganda exercise; and, from the propaganda angle, we put ourselves at a needless disadvantage by continuing to use these titles.

11. Apart from nomenclature, our difficulties in handling dependent territories in the final stages of their evolution to full self-government are undoubtedly increased by the fact that we have two separate Departments of State dealing with Commonwealth affairs. Territories in an advanced stage of constitutional development are naturally impatient at an arrangement by which their affairs continue to be handled in Whitehall by a Department which is identified in their eyes with the direct administration of wholly dependent territories. They come to attach a disproportionate importance to the stage in their constitutional development at which their affairs will be transferred to the other Department, which handles the United Kingdom's relations with those countries which have attained the status of full Commonwealth members.

It seems unlikely that these difficulties will be wholly overcome until it is possible to have a single Department of Commonwealth Affairs, under a single Secretary of State, who will handle the United Kingdom's relations with all Commonwealth countries whatever the stage of their constitutional development may be. This form of organisation would reflect the true unity of the Commonwealth as a whole, as an association of States in various stages of development towards full nationhood. It would mirror the wide diversity of constitutional development throughout the Commonwealth; it would avoid an artificial division suggesting that all Commonwealth units which have not attained the status of full members are still wholly dependent on the United Kingdom and under its direct administration; and it would tend to emphasise the gradual nature of constitutional evolution within the Commonwealth.

12. We recognise that this would involve a reversal of the organisational principle which has been followed since 1925, when a separate Dominions Office was created in order to mark the independence of the self-governing Dominions. We believe, however, that their independence is now so fully recognised—here and throughout the world—that it might now be safe to allow our domestic organisation for handling Commonwealth affairs to reflect the other principle of the unity of the Commonwealth as a whole. From the point of view of Commonwealth policy, therefore, the best form of reorganisation would be a complete merger of the Colonial Office and the Commonwealth Relations Office; and we believe that this is the right form of organisation at which to aim in the long term. But, from the point of view of practical administration, it will present formidable difficulties. Not the least of these is the heavy burden of work and responsibility which it would lay on a single Secretary of State. Certainly at the present time, with all the problems facing us and ahead of us, it would be impracticable to ask a single Minister to undertake alone the responsibilities which are now shared between the Commonwealth Secretary and the Colonial Secretary.

13. It will therefore be necessary to approach this long-term goal by stages. We have considered various possible steps which might be taken in this direction. One possibility, for example, would be to arrange that Colonial territories would be brought under the Commonwealth Relations Office (with a Minister of State to handle their affairs) when they reached the stage at which the responsibilities of the United Kingdom Government became limited to their defence and their external



affairs. That arrangement would, however, be open to the objection that it would still leave a "Colonial" Office, responsible only for territories which could not aspire even to full internal self-government, and would therefore concentrate the "Colonial" criticism on a narrow front which it would be even more difficult to defend.

On the whole we are disposed to think that the best method of approach would be to constitute a single Commonwealth Office with, in the first instance, two Secretaries of State—one concerned with Commonwealth Relations (*i.e.*, relations between the full members of the Commonwealth) and the other responsible for Commonwealth States (*i.e.*, all those units of the Commonwealth which, in their varying stages of constitutional development, have not yet attained the status of full membership). Under this concept the word "State" would have no specific constitutional significance: it would be a generic name for all the dependent territories—whether Colonies, Protectorates or protected States. The phrase "the United Kingdom and Colonies"—used, for example, in our nationality law—would become "the United Kingdom and the associated States of the Commonwealth."

14. It may be said, by way of objection to this plan, that it would achieve no great practical change—since there would continue to be two separate Ministers, each in charge of a separate organisation dealing with the same subjects as are handled to-day by the Colonial Office and the Commonwealth Relations office respectively. This is true: but, even so, there would be two great advantages in making this change. First, it would provide an opportunity for discontinuing the use of the terms "Colonial Office" and "Colony." Second, and more important, it would involve a public declaration of the long-term aim of promoting a complete merger between the two Departments: and, once that aim had been stated and announced, centripetal tendencies would be set on foot which could be developed as opportunity offered. Once the two Departments (or substantial parts of them) could be housed under a single roof, useful, though unspectacular, adjustments in organisation could be made. In particular, the establishment of common services (*e.g.*, for communications and advisory services of various kinds) would exercise a valuable unifying influence.

15. If this plan were adopted consideration might be given to the possibility of transforming the Oversea Service Division of the Colonial Office into an Oversea Service Commission which could communicate directly with overseas Governments on staffing matters. The Commission would have to be given some executive authority to manage the Central Pool to be established as part of the new arrangements for the Oversea Civil Service, but for the rest it would be advisory to Governments, including the United Kingdom Government, on postings and appointments. While it would make recommendations as required, decisions would rest with the overseas Government or with the Secretary of State as the case might be. This idea of establishing common services (including some sharing of the services of the present professional advisers to the Colonial Secretary) seems to us to be worth considering even if the idea of constituting a single Commonwealth Office should be discarded.

16. These problems are of concern, not to the United Kingdom Government alone, but also to the Governments of other members of the Commonwealth. We would not, of course, suggest a system by which other Commonwealth Governments shared with us the responsibility for the administration of dependent territories. Nor would we suggest that there is anything to be gained by considering the transfer to

other Commonwealth Governments of dependent territories now administered by the United Kingdom. The fact remains, however, that the other members of the Commonwealth have derived and still derive, benefit—in terms both of material strength and of influence in the world—from their membership of a Commonwealth which includes the dependent territories of our Colonial Empire. It is not therefore unreasonable that they should be asked to give some help in seeking to find an acceptable solution for some of the outstanding problems of Colonial policy—and, above all, in defending those solutions, when found, to world opinion. The United Kingdom Government should not be expected to bear alone the full burden of these problems and of the criticisms to which they give rise.

17. We therefore suggest that, when the Commonwealth Prime Ministers are in London for the Meeting later this month, the opportunity should be taken to discuss with some of them, in informal and separate conversations, the general question raised in the earlier part of this report and to ask them whether they have any ideas or suggestions to put forward—particularly on the point made in paragraph 8 above.<sup>1</sup>

The opportunity should also be taken to ascertain their views on an eventual merger of the Commonwealth Relations Office and the Colonial Office and, if Ministers approve it, on the tentative move in this direction which is suggested in paragraphs 13 to 15 above. In a sense this is a matter which concerns the United Kingdom Government alone, for it can be represented as no more than an adjustment of the internal domestic organisation of the United Kingdom Cabinet. It is natural, however, that other Commonwealth Governments should be interested in the machinery through which the United Kingdom Government regulates its relations with them, and it would be courteous to consult them before any change was made.

It is possible that some of these Governments might at first sight regard as retrogressive a change of organisation which could be represented as a reversion to the system in force before 1925, when a separate Dominions Office was first created. On the other hand some of these countries, like Canada and Australia, may well feel that their adult nationhood is now so firmly established that this change of organisation in Whitehall could throw no doubt upon it. And others, like India, might be persuaded that they could not reasonably object to the change without belying their protestations of support for the nationalist aspirations of dependent territories towards full self-government. All of them may be expected to appreciate the need and the urgency of some forward movement which will help to dispel some of the current criticisms of our Colonial policy.

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<sup>1</sup> For para 8 of Brook's note, see 206.

**216** CO 1032/55

30 June 1956

[Metropolitan reorganisation]: minute by H T Bourdillon commenting on Sir N Brook's note<sup>1</sup>

[Extract]

... 2. Sir T. Lloyd gave Sir C. Jeffries, Sir K. Roberts-Wray and myself a sight of the paper while it was still in draft, and asked for our comments on essential points.

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<sup>1</sup> See 215.

Paragraph 15, containing the suggestion that O.S.D. might be converted into an Overseas Service Commission, was inserted at the suggestion of Sir C. Jeffries. For my part I said that I thought the arguments in paragraphs 9 and 10 did not have very much substance. In particular, I pointed out that the mere alteration of names would not be likely to have much effect in the United Nations. The fact that the French now call their Colonies "Overseas France" had had no noticeable effect in that quarter. Sir T. Lloyd said that he agreed with this view, and in commenting to Sir N. Brook he made the point (though he did not stipulate any alteration in the paper).<sup>2</sup> On the other hand I said, and here again I think Sir T. Lloyd was inclined to agree, that I thought the argument in paragraph 14 was very strong. Some time ago I put up a suggestion that the joint establishment between the C.O. and the C.R.O. should be resurrected, largely with the object of emphasising the fact that the Commonwealth policy and the Colonial policy of the U.K. are continuous and not contradictory. . . .

<sup>2</sup> Poynton also agreed with this: 'I am inclined to think that even if terms such as "colonial" are eliminated, the miasma will reattach itself to any other terminology. It is the *fact* of non-self-government which is the cause of the unpopularity of any words which express it' (minute on file, CO 1032/55, 6 July 1956).

## 217 CO 1032/61, no 22

9 Oct 1956

### 'Merger of CRO and CO': minute of CO departmental meeting on 4 Oct<sup>1</sup>

1. The meeting took paragraphs 8–17 of paper GEN 518/6/11<sup>2</sup> as a basis for discussion. Sir John Macpherson said that Sir Norman Brook had told him that although the paper had not been seriously discussed during the Commonwealth Prime Ministers' Meetings in June [sic: July], mention of the matter had been made in some quarters. Sir Norman was collecting information about such talks as there had been—mainly from Sir Gilbert Laithwaite—and then proposed to give the subject a further airing. Sir John said he had also had some brief discussion about the paper with Sir Gilbert Laithwaite, who appeared to have some apprehensions about the reactions of certain of the independent Commonwealth countries.

2. In discussion, the following points were made:—

(a) The complete merger of the C.O. and C.R.O., commended in paragraph 12, was the ideal ultimate aim; but at present it was unthinkable that any one Secretary of State should be asked to carry the burden of the two Offices. In any case there exists a real need for a Minister of Cabinet rank to speak for the dependent territories, especially in economic matters. This need would be emphasized if there had to be some return to a controlled economy.

(b) It was desirable to bring about a joint staff establishment for the C.O. and C.R.O. as early as practicable, especially in the interests of the junior staff now in C.O., and likely to join it in future. If the work of the C.O. were patently being reduced as and when a Colonial territory became a "C.R.O. territory", the morale

<sup>1</sup> The meeting was attended by Sir J Macpherson (chair), Sir H Poynton, Sir J Martin and I B Watt.

<sup>2</sup> See 206 and 215.

of the C.O. staff could hardly be expected to be sustained. Furthermore, the joint C.O./C.R.O. establishment should be a more complete fusion than had existed in the last few years of the old joint establishment. What was wanted for the future was an establishment which would give the personnel from the C.O. as good opportunities for promotion, including service overseas, as those on the existing C.R.O. establishment.

(c) A Minister of State for Commonwealth Services, responsible to both the Secretaries of State, would perhaps be a better plan than the Overseas Services Commission suggested in paragraph 15. There was precedent for the idea of a junior Minister responsible to two masters in the old Secretary for Overseas Trade. There was evidence that Ministers in the Gold Coast would be very ready, after independence, to receive technical and scientific personnel on good contract terms; but it might be difficult for the Government of an independent Gold Coast to be seen coming back to the Colonial Office to find such people. Some of the scientific and technical authorities in the U.K. had shown themselves equally alive to this problem and to the need for a sensible solution to it. The aim should therefore be an office, under a Minister of State for Commonwealth Services, which would absorb the present Overseas Service Division of the Colonial office, the professional Advisory Staff and Advisory Committee network, some of the functions relating to the Crown Agents, and the work of forming and administering a central pool of personnel who would be available for service in any part of the Commonwealth. This Commonwealth Services Office would presumably require to have a separate vote. It would be necessary to carry the Treasury with us in working out the idea of the Commonwealth Services Office, and some searching questions from the Treasury about the nature of the guarantee involved could be expected. The great advantage of a Commonwealth Service Office would be that it would go far to resolve the present political difficulties in the way of recruitment into the Overseas Service.

(d) Paragraph 13 of the paper contemplated that the Colonial Secretary would change his title to something like "Secretary of State for Commonwealth States"; and this change would be part of an effort to remove the word "Colonial" from our political vocabulary. It seemed illusory to look to such a change in our vocabulary as likely to alter the state of mind of our "anti-colonial" critics, but it would be legitimate for the U.K. to assert the change of name *was* a proper manifestation of our fulfilling our declared policy of leading our dependent territories to self-government. Again, while our critics outside the Commonwealth might not be greatly impressed, some political leaders in the Colonial territories at any rate might respond gladly to the removal of the word "Colonial". Of course there were substantial elements in certain territories which attached real importance to remaining under "Colonial Office protection", notably the Africans in Nyasaland and Northern Rhodesia.

3. There was a brief discussion on the "Smaller Territories problem" which had been the original cause of the production of the paper. It was recognised that the report of the "Smaller Territories Committee", in 1951, had given some helpful guidance, and had been of some help in constitution making; but that was more because of its suggestions for territories individually than for its treatment of the collective "Smaller Territories" problem. It was suggested, indeed, that the concep-

tion of a "Smaller Territories Problem", in the sense of a single problem requiring a radical revision of policy or organisation, was illusory. It was noted, however, that Ministers remained interested in official follow-up of the whole paper GEN 518/6/11.

## 218 CO 1032/61

4 Dec 1956–3 Jan 1957

[Future relationships between CRO and CO]: minutes by Sir

J Macpherson, W B L Monson<sup>1</sup> and F D Webber<sup>2</sup>

I had some further discussion on this subject with Sir Gilbert Laithwaite yesterday. During part of the discussion Mr. Lintott<sup>3</sup> and Mr. MacLennan<sup>4</sup> were present. After some general discussion about the Parliamentary Debate on the future of the C.D.C. in relation to emergent Colonies, I spoke of the exercise we were carrying out to describe the nexus of advisory and other services which we give to the Colonial territories. I felt sure that this would be helpful to the C.R.O. in considering whether, and to what extent, these services should be made available to ex-Colonial territories after independence.

Sir G. Laithwaite started off unsympathetically but, with help from Mr. Lintott and Mr. MacLennan, I persuaded him to change his mind quite considerably. An example of his preliminary attitude was that he said that he had been looking through our list of advisory committees etc; if an ex-Colonial territory wanted help in forestry matters the C.R.O. would probably refer to Kew and not to Colonial Office forestry advisers.

I stressed the fact that there was very little financial element in all this. I also said that it was a condition precedent that the territory in question wanted the kind of help that it had had in the past. I promised to let the C.R.O. have our narrative versions of the services available which were, I suggested, much more helpful than a list of committees and advisory staff. The fact that the Inter-University Council was now geared to deal with Commonwealth territories as well as Colonial territories, and the fact that the Advisory Committee on Colonial Colleges of Art, Science and Technology had changed its name to enable it equally to be able to help Commonwealth territories, were helpful to me in developing my theme. . . .

J.S.M.

4.12.56

*Sir H. Poynton*

I notice in today's Hansard report of yesterday's Ghana debate that our Ministers took the line that it would be improper for Ghana to use the central services financed by C.D. & W. votes unless they paid for them. Specific reference was made to the Directorate of Colonial Geological Surveys and the Colonial Products Laboratory to name two of the institutions with which I am concerned.

I think you are aware already that the Directors of these bodies had raised this particular point, and they now have their answer as far as present circumstances are concerned. I hope, however, that it will not be overlooked that:—

<sup>1</sup> W B L Monson, assistant under-secretary of state, CO, 1951–1964.

<sup>2</sup> F D Webber, assistant secretary, CO, 1950–1952; establishment officer, 1952–1958.

<sup>3</sup> H Lintott, deputy under-secretary of state, CRO, 1956–1963.

<sup>4</sup> I M R MacLennan, assistant under-secretary of state, CRO, 1955–1957.



1. there are still bitter memories of the inadequate way in which the Imperial Institute was able to perform its function in the days when it depended on passing the hat round the Commonwealth and
2. that, although, quite clearly, Ghana and even Malaya are not likely to find difficulty in seeking help from these bodies on a repayment basis, the staff of the bodies with their memories of the reputation of the Imperial Institute will have the same sort of qualms about the future of their employment as many people in this Office are having in face of the contraction of our sphere of responsibilities, and
3. that this will make it difficult to recruit fresh staff which is needed for these bodies.

Finally, we are committed to quite heavy capital expenditure in finding new homes for these bodies, and it would be ridiculous to do this if we are not going to have the prospect that we would find staff to do their work.

While, therefore, I do not dispute the correctness of the line which has already been taken in Parliament, I do consider that, in view of the line taken, there are the more practical reasons for pressing on with the proposals for a Commonwealth Services Office which we discussed some time ago.<sup>5</sup>

W.B.M.

19.12.56

Sir John Macpherson has promised to let the Commonwealth Relations Office have an account of advisory services etc., given to Colonial territories by the Colonial Office. . . . This arose from a talk covering the provision of such services to ex-Colonies. Mr. Watt's note provides the narrative version required and includes comment on the idea of a Commonwealth Services Department.

I propose that there should be further discussion before any document goes to the Commonwealth Relations Office. . . .

The idea of the new Department seems to have been developed from the three fairly distinct lines of thought:—

- (i) the suggestion in the Brook paper<sup>6</sup> that in the evolution towards a fully comprehensive Commonwealth Department there should be some adjustment of Whitehall machinery aimed at getting rid of the "Colonial" tag.
- (ii) The idea touched on in that paper . . . of establishing a servicing organisation outside the Colonial Office but jointly serving both dependent and independent Commonwealth territories.
- (iii) The problem of revising recruitment machinery and procedures.

I do not think that the new Department would effectively cope with (i). The objection to the Colonial Office in its present form is understandable; but if there is anything unobjectionable in our set up it is the very services discussed in the paper. These are in a sense a-political. What would remain here would comprise those features of Whitehall administration which cannot but be a constant reminder of "Colonialism"—geographical departments, security and intelligence experts etc., financial administrators and so on.

<sup>5</sup> Poynton remarked: 'In principle I agree . . . but how, in practice, we make any progress with it I don't quite know. C.R.O. still do not seem exactly enthusiastic' (minute on file, CO 1032/61, 21 Dec 1956).

<sup>6</sup> See 206.

As regards (ii) I doubt whether a half way house organisation of this kind is either necessary or right. It does not strike me as being a natural evolution towards what I, with respect, agree should be the long term aim. It is often said that the C.R.O. are not beamed to supply services of this kind; but the face of the independent Commonwealth is changing just as radically as that of the Colonial Empire and I believe that it is about time that that Department recognised that sooner or later the Department of State dealing with Commonwealth countries will have to organise itself so that it can provide such services to those members of the independent Commonwealth who need and want it. (Presumably such a Department would be so organised as part of the fulfilment of the long term aim.) In transition to that objective I think we should try to avoid elaborate organisation changes—particularly the creation of new organisations—and rather concentrate on creating an atmosphere favourable to the fulfilment of the long term objective by a process of fairly simple administrative practice. In other words we should do—perhaps more deliberately and formally—what has already been done somewhat haphazardly in relation to Ceylon, Pakistan and India. I wonder whether it is not out of the question to make it clear to the ex-Colonies that this advisory service is still tappable by them if they want it and to assure them that there are no “strings”. There could doubtless be some elaboration on the theme, e.g. putting the advisory councils and advisers in direct touch with Ministers, suitably changing the name of these bodies and even formally making them advisory also to the Commonwealth Secretary. I feel that an approach on these lines is to be preferred to any involving a special organisation under a Minister who might turn out less a master in his own house than a servant of the existing Secretaries of State.

(iii) is to some extent associated with (ii) but not wholly so. But on the whole I have a feeling that the dual problems of the “run down” of the overseas service and the need to encourage the ex-Colonies to continue to employ British expertise is capable of being tackled without recourse to elaborate new machinery. . . .

F.D.W.  
28.12.56

. . . 2. I have been keeping up the pressure on Sir Gilbert Laithwaite—orally—with, I think, some effect. I have been helped by the general attitude taken in the House of Commons (on both sides) regarding the need to continue to give help, for a time at least, to Colonial territories which become independent. I have told Sir G. Laithwaite that we are preparing a narrative description of the various kinds of help received from us by Colonial territories, pointing out that this will be much more informative and helpful than a list of Advisers, Committes etc., and I have promised that the C.R.O. will have a copy for study. Thereafter we might have a joint discussion about how, in the short term at least, this kind of help can continue—presumably on payment by the emergent territories. (In spite of the general impression that a whole load of territories are shortly to become independent only the Federation of Malaya and Ghana have this in sight for the present).

3. As regards geological surveys, I have asked Dr. Dixey<sup>7</sup> to contrive, when he visits the Gold Coast shortly, to ensure that the Ministers there *ask for* continuance of help in this field.

<sup>7</sup> F Dixey, geological adviser to S of S for the colonies and director of colonial geological surveys, 1947–1959.



4. Mr. Bourdillon, Sir C. Cox,<sup>8</sup> . . . and I had a talk recently with Sir A. Carr Saunders<sup>9</sup> about how the I.U.C. and the University of London could continue to help the University College of the Gold Coast after Independence.

5. In a rather different field I have today had a talk with Sir J. Worlledge<sup>10</sup> about possible arrangements for continued assistance by the Overseas Audit Department to emergent territories.

6. These are all short term practical pressures which do not take the place of our main line of attack (the idea of having Commonwealth services in advance of renaming this Office and its Ministerial Head). The Secretary of State was very sorry not to have made time for discussion with us on that issue but he is generally in agreement with out approach. . . .

J.S.M.  
31.12.56

. . . We should be very careful about suggesting that promotion prospects in the Commonwealth Relations Office are all that more favourable than those in the Colonial Office. It is extremely difficult to substantiate that without careful study. In any case if it is true the Commonwealth Relations Office might be frightened off and if it is false they would not take the comment kindly. . . . since Sir John Macpherson is currently engaged in negotiations with Sir Gilbert Laithwaite about the transfer of staff he may feel that he would rather not come out with the point at all in writing but leave it perhaps to emerge rather as a natural product for negotiations as they develop.

F.D.W.  
3.1.57

<sup>8</sup> Sir C Cox, educational adviser to S of S for the colonies, 1940–1961.

<sup>9</sup> Sir A Carr-Saunders, director, London School of Economics, 1937–1956; chairman, Inter-University Council for Higher Education Overseas, 1951–1956.

<sup>10</sup> Sir J Worlledge, director-general, overseas audit service, 1943–1959.

## 219 CO 537/7768, no 1

7 Jan 1952

[British Overseas Service]: memorandum by Sir C Jeffries proposing a British Overseas Service

The effect on the Colonial Service generally, and on recruitment, of the announcement of "planned withdrawal" from the Gold Coast must be serious if not disastrous, unless it can be accompanied by some positive and constructive plan for the future.<sup>1</sup> The guarantee scheme, whatever its value, will hardly suffice for this purpose. It is, after all, only a negative safeguard against interference with the old ways. As such it should help to reassure existing staffs, but it does not offer any inspiration to the newcomer. Recognising that the Colonial Service is rapidly passing into a new phase, we must show that we have new and even dramatic methods available to deal with the situation.

<sup>1</sup> For the circumstances in which a planned withdrawal of the administrative service from the Gold Coast was contemplated, see BDEEP series B, R Rathbone, ed, *Ghana*, part I, 113 & 114, also 118.

2. A favourable factor is the raising of the issue in connection, for the moment, with one Colony only. If it had boiled up simultaneously all over the Empire we should have been in a much more difficult position. While we can be pretty sure that the same issue will boil up elsewhere before very long, we have still at least the chance to take a line that will set the course for future developments not only in the Gold Coast but elsewhere, and to deal with the problem on a manageable scale without having to improvise large comprehensive schemes.

3. The traditional way to handle the Gold Coast situation would be to try to arrange transfers to other Colonies for those officers whom the Gold Coast can no longer employ and to pay abolition pensions to those who do not want or cannot be found transfers. The Gold Coast service is not very large, and we could probably bring off this operation with reasonable success. That is a temptation to which, I suggest, we ought not to succumb, however attractive it may be. For if at this, the first major encounter, we set that course, we cannot fail to create the impression that the Colonial Service is a sort of "tontine", in which officers are shifted from one untenable post to another only slightly more tenable, until eventually there is left only the Administrator of Tristan da Cunha as the inheritor of past glories.

4. The reason why there is at present no alternative to dealing with the Gold Coast officers in the way just mentioned is, simply, that nothing else is possible under a system by which all officers are members of one Colonial Government's service or another, and there is no neutral establishment to which they can belong. We shall therefore have to create one, but we must do it without raising all the practical, political and financial difficulties with which the idea of a "Secretary of State's service" has always been bedevilled.

5. In the Gold Coast and other politically self-conscious territories, expatriate or imported officers are disliked (a) because they are imposed on the Colony in position of authority; (b) because the Colony has to assume a liability to provide them with a career up to retiring age and to pay their pensions afterwards. Could these objections be removed, it is fair to expect that responsible people in the Gold Coast and elsewhere, recognising their need for outside help, would welcome expatriate officers. If such officers could be supplied to them *at their request* and for so long as required, without permanent commitment, they would probably be willing to pay them and treat them well. On the other hand, the officers concerned could not be expected to accept service under such conditions unless they had a parent body from which they came and to which they could return, and which provided them with an assured career and pension.

6. If there is to be such a parent body, it can only be furnished by His Majesty's Government in the United Kingdom. The Colonial Office itself might be the parent body, but there are many difficulties about that and for reasons which are so obvious that I need not elaborate them here I do not think that, at any rate at present, the solution should be sought along this line. It would be better to aim at setting up an entirely new service which for present purposes I will call the British Overseas Service, though this might not be a wholly appropriate formal title.

7. The B.O.S. (as I shall call it) would not be a part of the Home Civil Service but a separate entity. Its expenses would be borne by the Exchequer on a vote administered by the Colonial Office subject to the usual Treasury control. The officers of the B.O.S. would be servants of the United Kingdom Government, pensionable under the Colonial Service Superannuation Scheme, and under the

disciplinary control of the Secretary of State for the Colonies. They would be on salary scales analogues to those of comparable officers in the home service.

8. Officers entering the B.O.S. would undertake to serve wherever the Secretary of State might direct, anywhere in the Commonwealth. (It would also be understood that by the ad hoc agreement, and with his own consent, the services of an individual officer might be made available to a non-Commonwealth Government.) Officers would normally serve overseas and would have no claim to be posted to the Colonial Office, but it would be within the power of the Secretary of State so to post them if he thought fit.

9. While serving overseas, the officer would receive either the salary and appropriate overseas allowance of his rank in the B.O.S., or the emoluments attached to his post by the employing authority, whichever might be the greater. In either case his *pensionable* emoluments would be those of his rank in the B.O.S. and he would be liable to United Kingdom income tax on those emoluments. Promotion from a lower to a higher rank in the B.O.S. would be made by the Secretary of State, without necessarily having regard to the overseas post which the individual might be holding.

10. The Exchequer would recover from the government or other authority employing each officer the net amount of his salary and overseas allowance (when payable) at B.O.S. rate, and the employing authority would pay to the Superannuation Fund the appropriate pension contribution based upon that rate. If the Colony's provision for the post occupied by the officer should exceed the gross B.O.S. emoluments, the excess would be paid directly to the officer and would be subject only to local taxation.

11. When the B.O.S. had become firmly established candidates would be recruited directly into it. At the initial stage, however, the important thing would be to get the service constituted, and there would be no need to do more than provide it with enough "foundation members" to give it a reality. The foundation members should be existing officers of the Colonial Service who were selected by the Secretary of State for transfer to the new conditions with their own consent and that of the governments by which they are employed.

12. As regards the basis of selection, one method would be to publicise the new service throughout the Colonial Service and invite officers to apply. The applications would of course come through Governors, who would report on the suitability of the individual and the agreement or otherwise of the government concerned to his transfer. The Secretary of State would then make his selection and offer transfer to those officers whom he decided to select. They would be free to refuse the offer if on learning the conditions applicable to them individually they did not wish to accept. If this method were adopted, it would be necessary to fix a closing date for applications. When the list of recommended applications was completed, the Office would have to sort them out into grades and (in consultation with the Treasury) fix provisional establishments for the various grades. Candidates would then be selected on a basis of merit up to the approved establishment. The process would be repeated at, say, yearly intervals; that is to say, officers who did not apply or were unsuccessful at the first selection would have an opportunity of putting themselves forward at a stated time in each year (probably in connection with the rendering of the annual confidential report). It would of course be open to the Secretary of State to select an officer whose government was unwilling to agree, while he remained in its service, to

his transfer to the B.O.S., for appointment to the B.O.S. for service in another territory which was prepared to take him.

13. Another, more modest, method of inaugurating the B.O.S. would be to make a start with the Gold Coast and seek to negotiate with the Gold Coast Ministers an arrangement by which all or some expatriate officers in the senior service were offered immediate transfer to the B.O.S. From the Gold Coast point of view such a plan might have distinct advantages. The responsibility of providing a career from the transferred officers would be shifted from the local government to His Majesty's Government. That being so, the Gold Coast Government should find less political difficulty in continuing to employ them, and the officers themselves should be more content to remain, in the knowledge that they had a parent service to fall back on if need be. From the general point of view however there would be some disadvantages. This arrangement would mean that the formation of the B.O.S. was openly linked with a particular phase of constitutional development in a particular territory. From the point of view of Colonial nationalism it could be represented as a subtle device to retain European control in practice in spite of political concessions; while from the general service point of view there would be room for endless argument as to whether and when officers in various other territories had or had not reached a stage of insecurity which would justify similar offers being made to them. For these reasons the idea of a Service open from the start to candidates anywhere in the Colonial Service on a selective basis would seem to be preferable. In practice, it might of course be expected that a larger proportion of applications would be received from territories approaching self-government than from those in which officers feel reasonably secure and may not find the terms of transfer particularly attractive in comparison with their existing conditions.

14. Once the B.O.S. were in being, it would be open to a Colonial Government to ask the Secretary of State to make B.O.S. officer available for a particular vacancy. If the Secretary of State were satisfied that the conditions offered by the Colony were reasonable and that the interests of the Exchequer were properly safeguarded, he would assign a suitable officer to the vacancy. If, later, the officer was dissatisfied with the conditions, he could apply for re-posting, and the decision would rest with the Secretary of State. If the Colonial Government ceased to require his services, it could ask the Secretary of State to withdraw him after a reasonable period of notice. It would then rest with the Secretary of State to re-post the officer, or if he could not do so to retire him on pension. The Secretary of State would have the right to withdraw an officer from any post (again on reasonable notice) and to post him elsewhere. He would also have the right to promote an officer to a higher rank in the B.O.S. and to claim reimbursement of salary etc. at the higher rate provided that this did not exceed the provision made by the Colonial Government for the salary of the post occupied by the officer.

15. It would be open to the Secretary of State, when he was asked to fill a vacancy in the traditional manner in any Colony, to offer the Colonial Government the services of a B.O.S. officer, either on the normal B.O.S. terms or, if the Colonial Government and the officer concerned preferred it, on permanent transfer from the B.O.S. to the pensionable establishment of the Colony.

16. The employing authority would be liable for the reimbursement of leave and passage expenses on scales fixed by the Secretary of State.

17. The above is only a bare outline of general principles. It does, however,

provide a basis upon which a scheme could be drawn up which would enable the European element in the Colonial Service to be kept in being and the Colonial governments to receive the skilled European assistance which they need without the political objections raised by the present system. It would involve the Exchequer in no significant liability, since all current costs and superannuation charges would be recovered. It would be necessary, no doubt, to make some additional provision in the B.O.S. vote to meet the payment of officers awaiting re-posting (but these would generally be given work to do in or for the Colonial Office) and an occasional excess (due to promotion without change of post) of B.O.S. emoluments over the amount recoverable in respect of an individual; but such provision need not be large.

18. It remains to be discussed what should be the range of functional branches to be included in the B.O.S. I suggest that there should be no question of going outside the present range of the "unified" branches, but that all of these should be included.

## 220 CO 537/7768, no 3

8 Feb 1952

[British Overseas Service]: minute by J B Williams<sup>1</sup> to Sir C Jeffries  
arguing against the proposal

[William's comments in this minute were based partly upon a memo to him, 'The Colonial Service: basis of employment', by E R Edmonds, A D Garson, A F Newbolt and R A Whittle (section heads, Colonial Service Division) (CO 537/7768, 31 Jan 1952). This memo was for the most part critical of Jeffries's proposal (219) and took particular exception to his suggestion that expatriate officers were 'disliked' in territories such as the Gold Coast.]

Since the preliminary discussion recorded in my minute above on this file I have given much thought to the proposal for a British Overseas Service and have consulted other members of Colonial Service Division upon it. I am afraid that my own considered view is that we ought not to proceed with the plan.

The most important reason (because it is a fact beyond our control rather than a question of individual opinion on the merits) is that in the present financial situation we clearly could not expect the Chancellor of the Exchequer to accept the liability that would fall upon United Kingdom funds. Although it is proposed in the plan for an Overseas Service that the greater part of the costs of the service should be recouped from the contributions paid by Colonial Governments who borrow the services of officers, there is bound to be a big residual liability on H.M.G. in respect of officers "en disponibilité".

But even if times became more favourable and this financial obstacle were no longer decisive I feel myself that the scheme would have drawbacks which would outweigh its advantages. You will not wish me to go into all of these in detail but the following seem to me some of them.

(i) As they approach self-government and their own local officers become better trained, Colonial Governments have increasingly little use for the general purpose overseas officer: the only outsiders they will admit to needing will be experts on particular subjects. The British Overseas Service would almost certainly therefore

<sup>1</sup> Williams was head of the Colonial Service Division, 1949-1953.



become overloaded with officers who were thoroughly deserving and capable but could not be placed with any Colonial Government. On the other hand we could hardly hope to cover in it all the subjects on which Colonial Governments from time to time seek expert advice so that for this advice we should probably still have to look outside the British Overseas Service.

(ii) Colonial Governments would, I feel, view the Service with profound suspicion as a disguised means of perpetuating British influence and control beyond the stage when we are able to do it through the existing Colonial Service.

(iii) It would be extremely difficult to make the new service attractive financially to officers without imposing an unfair burden upon borrowing Colonial Governments, because basic pensionable salary would be subject to United Kingdom income tax. This has two big drawbacks: firstly Colonial Governments would have to be charged with the cost of heavy overseas allowances, part of which would be required merely in order to compensate for the fact that the officer had to pay United Kingdom income tax, secondly, an officer's pension being based only on his basic pensionable pay would bear a lower relation to his normal overseas emoluments than is the case at present in the Colonial Service where normally the whole of an officer's pay is pensionable. It would also be a big drawback to an officer who wished to retire outside the United Kingdom (as many members of the Colonial Service do) that they could not escape United Kingdom income tax on their pension, wherever they settled.

(iv) But most fundamental of all the objections (apart from the financial obstacle which I mentioned at the beginning) is in my view the fact that a scheme of this kind would run directly counter to the whole of the rest of our policy in regard to the colonies, which is one of educating the colonies to stand on their own feet and to develop a sense of responsibility towards their own Service. It would obviously enormously increase the divorce between the United Kingdom-based officers of the British Overseas Service and the officers beside whom they had to work in the colonies. Indeed I do not see how one could ever expect Colonial Governments to develop a real sense of responsibility towards the British Overseas officers: politicians and public opinion in the colonies would be bound to regard them as interlopers even if they went to the colonies in response to an official request from the Colonial Government concerned. The mere fact of launching the scheme would also intensify any feeling of unsettlement and despondency that may exist in the Colonial Service itself today on account of the pace of constitutional development. It would inevitably cast doubt on anything we said about the value of Colonial Government Service as a career and even upon the value of the "guarantee".

I feel in sum that even though we must expect difficulties and disappointments over service matters during the next few years, the lines on which we have been proceeding hitherto are soundly based and that it would be a mistake to depart from them.<sup>2</sup>

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<sup>2</sup> Notwithstanding these criticisms, at a meeting on 26 June 1952 Lyttelton expressed interest in the proposal and asked his officials to consult 'some experienced Governors'. Poynton commented: 'I suppose it is inevitable that our first consultations must be with Governors. . . . But Governors have already reached the top and get Governors' pensions. The people whose views we really want are, I suggest, reliable members of the Col. Service in mid-career. There is, I suppose, no machinery analogous to the

Home Civil Service "Staff Side" through which consultations with the Colonial Service can be carried out' (minute on file, CO 537/7768, 2 July 1952).

In the following year the problems of job security and job satisfaction for expatriate officials became more urgent as a result of the grant of internal self-government to the Sudan. The minister of state at the FO, Selwyn Lloyd, wrote to Churchill that members of the Sudan Political Service did not want 'to be left at the mercy of the Sudanese Government', and were demanding the right to choose either to resign with compensation or to continue under improved terms of employment. Lloyd understood 'that this is what happened when self-government was given to India, Pakistan, Ceylon and Egypt' (memo by Selwyn Lloyd to Churchill, FO 800/827, 26 May 1953).

Meanwhile the CO had canvassed with governors the idea of introducing some form of 'guarantee' of career security to be issued to all members of the Colonial Service by the secretary of state, jointly on behalf of HMG and the employing colonial governments. This idea met with strong resistance especially in Nigeria, where only a unilateral guarantee by HMG was considered acceptable. The CO abandoned the idea in May 1953 and decided that a more satisfactory approach would be to insert into colonial constitutions, as the situation required, provisions similar to the public service provisions written into the Gold Coast constitution (memo by A R Thomas, assistant secretary, CO, 1950-1952; assistant under-secretary of state 1952-1964, CO 1032/23, no 2, 7 May 1953). Governors were notified of this decision in a circular despatch (Lyttelton to governors, circular despatch no 550/53, CO 1032/23, no 3, 15 June 1953).

In order to consider further both the general issues and the specific idea of a British Overseas Service, an inter-departmental working party was set up under Jeffries's chairmanship.

## 221 DO 35/5197

27 Aug 1953

[British Overseas Service]: note by F E Cumming-Bruce<sup>1</sup> on a meeting of an inter-departmental working party on 12 Aug [Extract]

... 2. We went again over some of the ground previously covered by the Working Party. Sir C Jeffries said that, after further consideration, the Colonial Office wished to sponsor proposals for the formation of a new Service to be entitled "British Overseas Service" with the main object of solving the difficulties that were now being experienced in attracting suitable men into the Colonial Service. He expressed the strong hope that the C.R.O. and Foreign Office would co-operate by agreeing that the Service might be drawn on to meet the needs of Commonwealth and foreign Governments for U.K. personnel. He considered this an essential part of a sound scheme from the Colonial Office angle, since patronnage of the Service by Commonwealth and foreign Governments would do much to commend it to Colonial Governments and disarm existing suspicions of members of the Colonial Service on the ground that the Service was part and parcel of the old Colonial relationship.

3. I said that while the C.R.O. recognised the difficulties of the C.O. & would wish to help them so far as possible, the extent to which the Service would, in practice, be likely to be drawn on for the needs of Commonwealth countries was extremely small. It might well be limited almost entirely to exports sent out at U.K. Government expense to India, Pakistan and Ceylon under the Colombo Plan, and these would only be included if the scheme catered for men on short-term contract. It was possible that Ceylon and the Federation of Rhodesia and Nyasaland would employ members of the Service to a limited extent, but this was pure speculation. I summed up my assessment of the C.R.O. attitude as probable readiness to be associated with the scheme in a more or less nominal way if this was necessary to help the Colonial

<sup>1</sup> F E Cumming-Bruce, assistant secretary, CRO, 1948-1955 (served in New Delhi, 1949-1952); adviser on external affairs to gov of Gold Coast, 1955-1957.



Office, but I emphasised that the proportion of the Service that would be found to cater for Commonwealth requirements would be minute.

4. Mr. Henniker-Major<sup>2</sup> of the Foreign Office indicated that the Foreign Office would be glad to draw on the Service for the needs of, for instance, the Middle East, since it might very well be a substantial help to them in difficulties that they were experience [sic] in recruiting specialists. But he laid stress on the prejudice that might form in Middle Eastern Governments' minds against the Service if it was associated in their minds with colonialism.

5. Sir C Jeffries indicated that the Colonial Office attached so much importance to the problem that they would hope to obtain very substantial Treasury backing, i.e. by taking responsibility for the superannuation element in the conditions of service, except in so far as officers contributed to superannuation. The Treasury would also have to be asked to pay officers in periods of unemployment between posts for a limited period of time. He considered that it would be necessary to have legislation to establish the Service.

6. After discussion of the procedure to be followed for launching such a scheme, Sir C Jeffries agreed that the Colonial Office would prepare a scheme and circulate it to members of the Working Party in the first instance for their comments. . . .

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<sup>2</sup> J P E C Henniker-Major, counsellor and head of personnel, FO, 1953–1960.

**222** DO 35/5197, no 22

14 Sept 1953

[British Overseas Service]: letter from A R Thomas<sup>1</sup> to F E Cumming-Bruce

Blaxter<sup>2</sup> sent you on the 14th August the draft of a scheme for a British Overseas Service.

Since that paper was prepared our porposals have been placed before higher authority in the Colonial Office as a result of which the following view is now taken. Having regard to the fact that a number of important Colonial territories which are not in an advanced constitutional stage are not desirous of changing their traditional recruiting methods; and also the great importance of starting the scheme off on a sound experimental basis; it is felt that in the first instance the establishment of the new Service, so far as the Colonial territories are concerned, should be restricted to new entrants appointed to territories where, on account of their advanced constitutional stage, there is a real and urgent need for it. Restriction of the Service in this way would not preclude other Colonial Governments from taking advantage of it in the light of their own constitutional advancement, and the repercussions which these [sic] might have on recruitment, but no positive lead would be given to them to come in in present circumstances. Further it would not be proposed to give an option to join the Service to officers already serving in Colonial territories, even in those places where the scheme would operate from the start in the case of new entrants.

In point of fact it is likely that the scheme would operate in the first instance only in the case of new appointments to the Gold Coast and Nigeria.

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<sup>1</sup> See 220, note 3. Thomas succeeded Williams as head of the Colonial Service Division in 1953.

<sup>2</sup> K W Blaxter, assistant secretary, CO, 1942–1956.

It is also felt that in the first instance it would be the most practicable course for the scheme to be administered by the Colonial Service Division of the Colonial Office although this would not preclude the establishment of an independent body if experience in the early stages showed that the scheme was proving successful and was capable of extension.

While the matter has been under submission to higher authority here we have not made any approach to the Treasury. We now think that the best way of associating them in our consideration of this question would be by inviting a representative of that Department to attend a further meeting of the Working Party at which the draft scheme sent to you by Blaxter on the 14th August, the comments received on it from other Departments (which would be circulated separately) and the proposals contained in this letter for limiting the operation of the scheme in the first instance in the manner stated, could be further discussed.

## 223 CO 1017/369, no 7A

15 Jan 1954

### [British Overseas Service]: CO minutes of an inter-departmental meeting with the Treasury<sup>1</sup>

*Sir Edward Bridges* said that the problem seemed to fall into three inter-related parts:—

- (i) Difficulties of recruitment.
- (ii) Discontent amongst serving officers.
- (iii) Difficulty of persuading Colonial Governments approaching self-government to continue to employ British members of the Colonial Service.

*Sir Edward Bridges* asked how serious the problem really was at the present time. *Sir Thomas Lloyd* replied that it was already serious and urgent in the West African colonies and in Malaya—in fact those Colonies now approaching self-government; and there were preliminary warnings of discontent amongst Colonial Civil Servants in East Africa. For Nigeria, recruitment had been extremely difficult in the last few months. The existence of widespread discontent among British Colonial Civil Servants in these Colonies was continually emphasised by their Governors—and not only by Colonial Civil Service Governors, since the same had been said by Sir Gerald Templer about Malaya.

*Sir Edward Bridges* next asked how this position showed up—if there had been any actual resignations.

*Sir Thomas Lloyd* replied that there was considerable evidence of a low state of morale amongst British officers in these territories. Some had actually resigned, and there was much talk of resignation. Those on leave were known to look round for better jobs, though admittedly these were not easy to find.

*Sir Edward Bridges* then asked what was the reason for this position. Was it because of dislike of working under local Ministers, or inadequacy of pay, or fear for their future careers?

<sup>1</sup> The meeting was attended by Sir E Bridges (permanent secretary, Treasury, 1946–1956, chair), Sir A Johnston, Sir T Padmore (second secretary, Treasury, 1952–1962), A E Drake (assistant secretary, Treasury, 1950–1957), Sir T Lloyd and Sir C Jeffries.

*Sir Charles Jeffries* said that he thought on the whole there was no cause for complaint at present about pay, which had recently been raised in various places as a result of Salaries Commissions. But British Colonial Civil Servants do not want to be cut off from their connection with the Crown, and they fear that when a Colony reaches independence they will become exclusively the servants of the Colonial Government. They have little faith in the integrity of the local Ministers, and they feel they may be pressed to act against their consciences.

*Sir Edward Bridges* said that recruitment to the Colonial Service had originally been made by the Secretary of State separately for each Colony. A more unified Colonial Civil Service had gradually been built up, which was suitable when all Colonies were Crown Colonies virtually under the direct control of the Secretary of State. But the question was whether this system was suitable for the present situation, when many colonies were moving towards independence. The Colonies themselves want more control over their own Civil Servants and British Colonial Servants were beginning to feel that the Colonial Service mantle is not a strong enough protection for them in the present situation. He could understand that the Colonial Office wanted to strengthen this mantle by a more unified form of service, but he had doubts about the particular remedies which had been proposed.

(i) *Educational assistance.* He was very doubtful whether this proposal would work in the form in which it had been put forward. The money needed for it would have to be voted by Parliament, and this would immediately mean that precise conditions for its expenditure would have to be laid down. Since the scheme would involve commitments for the future, it appeared that legislation would be necessary.

(ii) *Pension guarantee.* Here again he felt that it would be difficult to undertake a possible commitment for the future in respect of people who were not H.M.G.'s employees, without legislation.

(iii) *British Overseas Service.* He had two points:—

(a) if such a Service were established now to give additional protection to new entrants, he did not see how we could resist pressure to extend it to give the same protection to serving members of the existing Colonial Service. If we did not do so they would become even more discontented.

(b) he felt very doubtful whether native Governments would be willing to employ people on contract who owed their primary allegiance to the Crown, as they would under a British Overseas Service as proposed.

As regards the last point, *Sir Thomas Lloyd* felt that the answer could only be discovered by enquiry and experience. The Governors of the territories immediately concerned thought that local politicians would be ready to employ people under these conditions. This was confirmed by Sir Hugh Foot the present Governor of Jamaica, who had considerable experience of Nigeria; he felt that what local politicians wanted was to be able not to employ a man unless they wanted to, and to be able to get rid of him if they so desired. These requirements would be met by a British Overseas Service on the lines proposed.

*Sir Edward Bridges* said that in his opinion any variation of terms of service for new entrants should be such as could be applied to present serving officers. He thought, therefore, that the way to approach the problem was to look at the position

of serving officers and to see what variation in their conditions of service could be made, and what assurances for the future could properly be given by H.M.G., which would satisfy the present discontent; and then to apply these measures, perhaps with some slight modification to ensure greater flexibility, to new entrants. He had in mind the possibility of introducing period contracts, the laying down of definite periods of notice, a more definite undertaking by H.M.G. to find places for those who had to leave a particular Colony, etc; and the affirmation, by some suitable form of assurance, of a continued link with the Crown for officers now serving and for new entrants.

He felt however that it was of fundamental importance to show Colonial Civil Servants that their problems were really being taken seriously; and he thought that the best method of achieving this was for the basic conditions of Colonial Civil Service to be examined at a very high level, in association with the United Kingdom political parties, senior Colonial Civil Servants, and if possible politicians from the territories immediately concerned. It might be of advantage for at least part of the proceedings of such a committee to be in public. The improvement in conditions of service and the proposed assurances by H.M.G. would carry far more weight if they were announced by such a body than if they were the result of inter-departmental discussion at the official level.

*Sir Thomas Lloyd* expressed some sympathy with this view, although he was doubtful about the public nature of the enquiry because of the difficulty of drawing up terms of reference in such a way as not to offend the politicians in the Colonies concerned. But he felt that there were two distinct parts to the problem. The first was some reassurance to existing Colonial Civil Servants, and this was of great urgency since the Gold Coast would probably have their new constitution within two or three months, and a Nigerian Constitutional Conference was now sitting. He felt that, to meet this part of the problem, it was necessary immediately to announce a guarantee by H.M.G. of pensions and conditions of service, in the terms he had previously proposed. This having been done, an enquiry of the kind suggested could at more leisure examine what future action was necessary. He thought, however, that it might be difficult to associate local politicians with such an enquiry since they would be bound to take a purely local view and would not be interested in the Colonial Service as a whole. The best course might be to work out some sort of model agreement and then put it to the local politicians in the places concerned.

*Sir Edward Bridges* said that he recognised the urgency in West Africa, but still thought that the problem must be dealt with as a whole, and that the announcement of changed conditions and assurances would lose much of its force and effect if it was not made as a result of the high level enquiry which he envisaged. He thought that we should at least aim at this procedure, and see how we got on. He suggested that we should work out amongst ourselves what can be done by way of improving conditions and giving assurances to existing Colonial Civil Servants, and how these measures could be applied to provide a satisfactory Colonial Service for the future which was not wholly different from that which now exists; and that we should then consider the setting up of a high level body to put our proposals across.

It was agreed that a Working Party should be convened immediately to examine the matter further on this basis.

*Sir Thomas Lloyd* referred again to the Colonial Office proposal for an educational trust fund. It was suggested that if there were legislative difficulties over a

continuing annual commitment, the need might be at least partially met by a lump sum contribution (of, say, £100,000) to the existing Rajah of Sarawak Fund. It was, however, agreed that, since this proposal was first made, salaries had been raised in the territories to which it was intended chiefly to apply and that before any action was taken, an up-to-date assessment should be made in those territories of existing educational difficulties.

**224** CO 1017/369, no 14

25 Jan 1954

[Future of Colonial Service]: letter from Sir C Jeffries to A R Thomas  
on the plan for HMOCS

[Extract]

To put you in the picture, I enclose, for your personal information, a copy of the minutes of our meeting last week with Bridges about the future of the Colonial Service.<sup>1</sup> After that, I got down to preparing a new scheme on "evolutionary" lines which would deal in the first place with the present state of the Service and would also provide a basis upon which a "revolutionary" scheme could be built later if that seemed to be necessary. The enclosed draft statement of policy is the result.<sup>2</sup> It has been discussed with the Treasury and while they are not finally committed to it, Bridges has agreed that we may consult selected Governors to find out whether it would at least satisfy immediate needs.

As Nigeria is the key point in all this, we should clearly seize the present opportunity of getting Macpherson's and Benson's<sup>3</sup> personal reactions (I do not think that it would be proper to consult the politicians at this stage), and, if these are not too unfavourable, to discuss with the Treasury whether we can work on this line and prepare agreed proposals to be submitted to the Secretary of State on his return home. (The Treasury would clearly prefer that we should keep this on the official level at the moment).

You will note that the new scheme is in substance not altogether dissimilar from the plan which was abandoned in 1952, but in some ways it is more definite. It aims, first of all, at defining the scope of the problem and making it absolutely clear from now on who is in and who is out. Secondly, by adopting a new title<sup>4</sup> (the one suggested by Nigeria), we give the impression of a new deal and establish the conception of a continuing Queen's Service. Thirdly, we get rid at a stroke of the anomalies and vaguenesses of the present unified Services, while preserving the substance of unification. Fourthly, if it is decided later to go on with the "B.O.S." idea, it will be simple to add fresh regulations incorporating whatever provisions are required. Finally, we eliminate the word "Colonial", though the expression "Colonial Service" can still remain in use with its present "overall" meaning.

As regards the much debated question of the guarantee, the draft goes as far as the Treasury, at the official level, can be persuaded to go. My own opinion is that paragraph 7 of the draft statement should suffice to allay any reasonable doubts. The real test will be what goes into the agreements when the time comes. . . .

<sup>1</sup> See 223.

<sup>2</sup> Not printed; see 226 for an extract from the statement as issued.

<sup>3</sup> A E T Benson (KCMG 1954), chief secretary, Nigeria, 1951–1954; governor of Northern Rhodesia, 1954–1959.

<sup>4</sup> Her Majesty's Oversea Civil Service (HMOCS).

**225** CO 1017/370, no 68

29 May 1954

**[HMOCS]: letter from Sir E Twining (Tanganyika) to Sir T Lloyd**

I am sorry that I have not replied to your Confidential and Personal letter of the 20th April before. I have sought the advice confidentially of some of my senior official advisers, and while they concede that the document has considerable merit as a statement of policy, I can find no enthusiasm for it and, indeed, doubts are expressed as to whether it will have any beneficial effect either on the Service or on recruitment. They have drawn attention to their doubts as to whether young persons seeking careers will have any more confidence in the new proposals because nothing is said, nor we suppose can be said, as to what will happen if the territories concerned either refuse to have the conditions set out in paragraphs 6 and 7<sup>1</sup> embodied in their Agreement with H.M.G., or, having agreed, later default. One has suggested, perhaps slightly pedantically, that the title "Her Majesty's Civil Service Overseas" would be an improvement on the proposed title of "Her Majesty's Oversea Civil Service".

I have little personally to add. I suppose that we must accept such expedients to meet changing conditions and I for one will regret the disappearance of the name "Colonial Service" which has a very honourable tradition, tremendous achievements to its credit, even or perhaps because one of its outstanding qualities seems to be self-destruction.<sup>2</sup>

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<sup>1</sup> See 226.

<sup>2</sup> Cabinet discussed the proposed reorganisation of the Colonial Service on 15 June (CAB 128/27/1, CC 40(54)2). The White Paper on the establishment of HMOCS was published two days later.

**226** CO 1017/370, no 90

17 June 1954

**'Reorganization of the Colonial Service': Col no 306****[Extract]**

...  
6. Her Majesty's Government in the United Kingdom recognise that they have a special obligation towards those officers of the Colonial Service who hold their present posts as a result of having been selected for them by the Secretary of State. So long as Her Majesty's Government retains responsibility for the Government of the territory in which they are serving the necessary safeguards are provided by the Colonial Regulations or the constitutional instruments. Should the territory in whose public service they are employed attain self-government, these officers are entitled to expect that the following conditions will be observed:—

(1) So long as they remain in their existing employment, the Government of the territory concerned shall not alter their terms of service so as to make them less favourable than those on which the officers are already serving.

(2) The pensions and other benefits for which they or their dependents may be qualified under existing laws and regulations shall be similarly safeguarded.

(3) They shall continue to be regarded by Her Majesty's Government in the United Kingdom as members of Her Majesty's Service and as such to be eligible for consideration for transfer or promotion to any posts which the Secretary of State may be requested to fill in other territories.

(4) The government by which they are employed will not unreasonably withhold



consent to their accepting any such transfer or promotion and will preserve their existing pension rights on transfer.

(5) They will be given adequate notice of any intention to terminate their employment in consequence of constitutional changes and Her Majesty's Government in the United Kingdom will endeavour to find them alternative employment should they so desire.

(6) In the event of premature retirement resulting from constitutional changes they will receive compensation from the government of the territory concerned.

7. Her Majesty's Government in the United Kingdom accordingly make known their intention, if and when a territory attains self-government, to ensure the observance of these conditions by securing their embodiment in a formal agreement, to be entered into between Her Majesty's Government in the United Kingdom and the government of the territory. The agreement will also provide for the continuing payment of pensions already awarded to officers and their dependants. . . .

**227** CO 1017/396, no 17

1 Nov 1955

[Future of HMOCS]: letter from Mr Lennox-Boyd to Mr Butler.

*Enclosure:* memorandum by Lennox-Boyd<sup>1</sup>

You already know from the talk which we had on the 29th September and from my letter of the 13th September<sup>2</sup> of my very great concern about the future staffing of Colonial territories approaching self-government. It is the most worrying problem I have to face.

Since then I have had the advantage of talks with the Governor-General and the Regional Governors of Nigeria and have been able to crystallize my views on what is necessary in order to allay the malaise of the Service generally and to induce overseas officers to stay on in those particular territories from which there will otherwise undoubtedly be an exodus. My views are set out in the enclosed Memorandum which explains what I consider necessary (a) for H.M.O.C.S. generally and (b) for officers serving in special territories.

I cannot stress too strongly the importance of taking action on these lines now and wish to commend my proposals very warmly to you. No one can say for certain that a scheme on these lines will be successful in achieving the objects in view. But I can say with some confidence that nothing less will. I believe myself that the adoption of my *full* proposals will help considerably and might well do the trick.

I would like to put my proposals to the Colonial Policy Committee but naturally wish you to have an opportunity of considering them first.

**Enclosure to 227: 'Future of H.M.O.C.S.'**

The annexed paper describes briefly the position of H.M.O.C.S. today and contains

<sup>1</sup> The struggle between CO and Treasury that is illustrated in (227-242) has been described at length by Sir C Jeffries in his *Whitehall and the Colonial Service: an administrative memoir, 1939-1956* (London, 1972).

<sup>2</sup> This letter is in CO 1017/398.



my proposals for dealing with the very serious problem which arises with regard to the future of this Service. The paper has been written in such a form as to provide a basis, after some editing, for the White Paper which will have to be issued if my proposals are accepted. It is necessarily, therefore, guarded in its terms and I wish to add some remarks by way of amplification and explanation for my colleagues.

2. The immediate problem concerns Nigeria, and more especially the Eastern and Western Regions. On the grant of Regional self-government, which has been promised to any Region which asks for it from 1956 onwards, the British civil servants will have the right to retire with lump sum compensation. There are clear indications that the great majority of them intend to do so. If they do, the whole administration must inevitably break down, for Africanisation has not nearly reached and cannot for a long time reach a point of self-sufficiency. Nor is there any prospect of recruiting officers to replace those who will go. Even if there were, nothing could make good the loss of the local knowledge and the experience of the present staffs.

3. I need not emphasise the disastrous consequences of a breakdown. It is not only that the people of the Regions would suffer. Our whole colonial policy would be discredited and there would be the gravest repercussions both in our other territories and in the international field. The money we have poured into these territories for development would have been wasted. Our trade with the area would be damaged beyond repair.\* Even if we decided to suspend the constitutions and resume direct administration, we should have lost the essential staff with which to run it.

4. It is therefore absolutely essential to give the civil servants a counter-inducement to remain. I have discussed the problem very fully with the Governor-General and the three Regional Governors. In theory it ought to be the responsibility of the local governments to provide the inducement. But Regional Ministers, even when they appreciate the need for continuing expatriate help, are apt to overestimate their ability to carry on without experienced staff, and to believe that they can readily recruit foreigners to replace the British if the latter go. Moreover, even those who take a realistic view are not brave enough or sure enough of their political position to take action which would be unpopular with their less mature supporters. They are under strong pressure to speed up Africanisation, and the heavy extra cost of employing overseas staff is an embarrassment. Left to themselves they might in time learn the hard way; but by then irretrievable damage would have been done.

5. Worse than this, the civil servants, especially those in the Eastern Region, have not so far found it pleasant to work under the Ministers now in power. They put no confidence in Ministerial assurances and see no genuine prospect of a future career in Nigeria. They feel that the prudent course for the family man is to take his lump sum compensation while he can still hope to get another job. Yet most of them would rather stay, provided that their anxieties for the future were relieved and that they were given positive reason to feel that they were serving their Queen and country by doing so.

6. I have gone exhaustively into the question whether the situation can be dealt with in the framework of the traditional principle that colonial civil servants are in the service of the overseas governments. I have been forced to the firm conclusion that it cannot be done on any terms which would be acceptable either to the civil

\* Imports to U.K. from Nigeria, 1954, £108 million c & f; Imports to Nigeria from U.K., 1954, £52 million c & f.

servants or to the local governments. There is no alternative to a complete break with tradition.

7. The situation which is about to arise in Nigeria is bound to recur elsewhere. It would therefore be a mistake, even if it were practicable, to attempt a solution for Nigeria alone. What is needed is a new policy for H.M.O.C.S. I therefore propose in paragraph 9(5) of the annexed paper, to set up a "Special Division" of H.M.O.C.S. This will give officers the chance of transfer to a new form of service in which they will be the servants of H.M.G. in the U.K., paid by us, employed on terms fixed by us, and made available by us for assignment on secondment to overseas governments from which we should recover the salaries and other costs. The conditions must, of course, be attractive enough to outweigh the attractions of retirement on compensation.

8. I think that for the time being we can fairly limit the new arrangement to places where our traditional control of civil service conditions and appointments is being relinquished and where the offer of retirement with compensation has consequently been made. At present this means the Gold Coast (if that country agrees to come into the scheme) and the Eastern and Western Regions of Nigeria. Other places can be considered when they reach the appropriate stage. I have, however, wished at the same time to deal comprehensively with a number of problems affecting H.M.O.C.S. as a whole, and in paragraph 9(1) to (4) of the paper I have made some general proposals on which I must now add some comment.

9. In paragraph 9(1) I propose to broaden the basis of H.M.O.C.S. to include all pensionable overseas officers who have been recruited through the Crown Agents machinery as well as those recruited by the Colonial Office. This is necessary because the original method of recruitment has been to some extent fortuitous, and there is in fact no valid distinction to be drawn between different classes of officer once they have become established. This proposal does not really involve any commitment additional to what already exists by implication as a result of the 1954 statement of policy (Colonial No. 306, paragraph 12).

10. Under paragraph 9(2) H.M.G. would take power to take over the payment of pensions etc. (to be recovered from the governments concerned). This is necessary to allay the anxiety of officers in many places lest some future constitutional change may affect the security of the benefits to which they are now entitled. A guarantee by H.M.G. would be unsatisfactory, as tending to encourage overseas governments to adopt an irresponsible attitude. My proposal gives the officer security with the least possible risk of being open to this objection.

11. The proposal in paragraph 9(3) for a limited payment during a period of temporary unemployment is similarly a gesture mainly intended to give confidence to the service. In practice there is little likelihood of the provision being needed on any significant scale, but it is useful to have it there.

12. I attach very special importance to the proposal in paragraph 9(4) for an educational fund. Nothing has impressed me more, in my contacts with the Oversea Service, than the great difficulty which faces the man with children at school – which means almost always at boarding school in this country. Many colonial governments do in fact give their officials some help, and some officers can qualify for assistance from Local Education Authorities here. But there are many inequalities and hard cases. I would not wish to do anything which would discourage colonial governments from making proper provision, and that is one reason why I have chosen this plan for

a trust fund the transactions of which would be private. As I conceive it, this would in no sense be a charity (there is already a charitable fund which helps widows and pensioners), but a privilege associated with membership of H.M.O.C.S. Any officer of that Service should have the right to apply for benefits under this scheme. His application would be considered in relation to his personal needs, taking into account whatever allowances or grants may be available to him from normal official sources.

13. I trust that my colleagues will accept my proposals in principle, in order that an early announcement can be made and the many details can be worked out without loss of time. The proposals are revolutionary, but nothing less will meet the case. They will involve legislation, but I am sure that it will not be controversial. They will involve expenditure. How much I cannot say but at the very most it will be nugatory in relation to the annual expenditure by H.M.G. in the Colonies, to say nothing of the other issues at stake.

#### ANNEX

1. The Statement of Policy (Col. No. 306) issued in June 1954 announced the conversion of the former Colonial Service into H.M.O.C.S. and included important undertakings by H.M.G. for safeguarding the interests of members of that Service if and when the territories in which they are serving become independent. The statement also indicated that H.M.G. were giving consideration to possible lines of further development.

2. Since then, constitutional changes, affecting territories where a large proportion of H.M.O.C.S. is employed, have brought into prominence the new problem which arises in places where self-government in internal affairs, but not full independence, is the immediate target, and where the governments admittedly need to retain the services of officers from Great Britain and elsewhere and to recruit more officers on a substantial scale.

3. The accepted principle up to now has been that each territory has its own separate and self-contained public service, paid from its own funds. H.M.G. has however retained control over the selection of persons for appointment to public offices, at least in the higher administrative and professional branches, and in exercise of that control has recruited candidates from outside the territories and transferred officers from one territory to another. Moreover, H.M.G. has retained ultimate responsibility for determining the conditions of employment. It is this system of central recruitment, interchangeability of staffs, and co-ordination of conditions which makes the Service one in fact as well as in name.

4. As qualified candidates become available in greater numbers from the population of a territory, H.M.G. has progressively transferred the control of selection to local Public Service Commissions; while constitutional advances tend to lessen and in time to eliminate the power of H.M.G. to intervene effectively in the fixing of conditions of employment.

5. In the past, it has generally been taken for granted that the political independence of a territory would not be likely to come about until that territory was (amongst other things) reasonably self-sufficient in the matter of staffing its public service. In so far as the territorial government might wish, after independence, to retain existing overseas staff or to recruit fresh staff from overseas, it could meet its

needs by offering whatever terms were necessary in current market conditions. The principal concern of H.M.G., in such a case, would be to secure the agreement of the newly independent government to the observance of the contractual obligations already entered into with officers who had been recruited by or under the auspices of H.M.G., and to the grant of compensation for loss of career to any such officers who did not wish or were not wanted to stay under the new regime. The intention of H.M.G. to secure such agreements was affirmed in Colonial No. 306.

6. In practice, however, recent experience has shown that the point at which it is necessary to safeguard contractual obligations and to provide for retirement with compensation may come at a stage short of independence, namely when a degree of local self-government is reached which transfers the effective control of civil service affairs from H.M.G. in the U.K. to a ministerial government in a territory and the executive control of appointments to the local Public Service Commission.

7. The obligation to give officers the opportunity to retire with compensation is inescapable. The practical difficulty is that, if any large proportion of the present overseas officers serving in these territories were to avail themselves of the opportunity in the near future, a devastating blow would be struck at the efficiency of the administration. The building up of indigenous public services is going forward as quickly as possible, but it must take time.

8. In this situation the traditional function of H.M.G. in relation to H.M.O.C.S. calls for re-examination. It is not now only a matter of providing constitutional safeguards or of making sure that officers get their pensions and compensation when they go. These things are important, but this is at best a negative form of action. What is needed is a positive approach, taking account both of the responsibilities of H.M.G. towards the officers whom it has recruited and the desire of H.M.G. to help territories to meet their pressing staffing needs both now and in the future.

9. After a full examination of the problem, the following policy is proposed:—

(1) Membership of H.M.O.C.S. (which at present is confined to members of the former unified colonial services and certain other officers) should be extended to cover all pensionable civil servants who were recruited by or by direction of the Secretary of State for the Colonies or the Crown Agents for Oversea Governments and Administrations.

(2) H.M.G. should be empowered to take over, by agreement with the government of a territory, the payment of all pensions, gratuities, compensation etc. awardable by the law or regulations of the territory to officers of H.M.O.C.S. or their dependants, and to recover such payments from the funds of the territory.

(3) Any member of H.M.O.C.S. who loses his job in a territory through no fault of his own before reaching retiring age, should be eligible to be placed *en disponibilité* and to receive pay from H.M.G. at his former colonial rate until he can be offered suitable alternative employment, subject to a maximum period of twelve months from the expiry of his ordinary earned leave.

(4) H.M.G. should establish forthwith an educational fund for the benefit of members of H.M.O.C.S. It is estimated that a sum of £1 million would be required in the first place to be available for expenditure over a period of ten years, the position to be reviewed after the first five years in the light of experience. All officers of H.M.O.C.S. would have the right to apply to the fund for grants, which would be made on a basis of individual need. The transactions would be private as

between the officer and the authority responsible for the administration of the fund.

(5) To meet the special case of places approaching self-government, H.M.G. should be empowered to enter into agreements with the governments of particular territories, where it is found expedient to do so, for the offer to all members of H.M.O.C.S. currently serving in those territories of transfer to a "Special Division" of H.M.O.C.S. The basic organisation of the Special Division would be as follows:—

(a) The officers who so opted would be transferred from the employment of the territorial government to the employment of H.M.G. in the U.K.

(b) Officers would be paid directly by H.M.G. according to a prescribed scale of salaries and allowances.

(c) Officers would be liable for assignment to any post or duty which H.M.G. might direct. (In most cases they would be expected to continue for the time being in their present work).

(d) Subject to health and efficiency, officers would normally serve to age 50, but could be employed beyond that age if they wished it and H.M.G. had suitable employment to offer.

(e) Up to age 50, officers for whom H.M.G. was temporarily unable to find employment would remain on pay at prescribed rates.

(f) Officers should be pensionable under the Superannuation Acts, 50 being substituted for 60 as the earliest age at which retirement on pension is permitted. (Possibly some modification of the pension rate may also be needed). As an alternative to becoming pensionable, officers should be allowed to opt (once for all at the time of transfer) for inclusion in a Provident Fund into which H.M.G. would contribute a percentage (25% is proposed) of the officer's current salary. The contributions would accumulate at interest for the benefit of the officer or his dependants. Officers would in either case retain their eligibility to receive, on eventual retirement, any pensions earned by public service before their transfer to the Special Division.

(g) Officers would be assigned on secondment to overseas governments on the understanding that the employing government would refund to H.M.G. the full cost of the salaries, allowances, passages, pensions and Provident Fund contributions etc., would give due notice of any intention to terminate the employment of a seconded officer, and would not raise unreasonable objections to the withdrawal of an officer for assignment elsewhere.

(h) Officers would be liable to be transferred to the government service of a colonial territory to which the "Special Division" arrangements had not been applied, provided that the appointment offered was, in the Secretary of State's opinion, not of less value (due regard being had to all the relevant circumstances) than that which the officer already held. Officers so transferred would continue to be members of H.M.O.C.S. but would cease to be members of the Special Division.

(i) Once the "Special Division" is in being, H.M.G. should open recruitment into it from outside the existing Oversea Service. (The scale on which recruitment should be undertaken and whether it should cover all or only certain specified branches are questions for further examination).



**228** CO 1017/396, no 29

10 Nov 1955

**[Future of HMOCS]: letter (reply) from Mr Butler to Mr Lennox-Boyd**

Thank you for your letter of 1st November enclosing your proposals for the future of H.M.O.C.S.<sup>1</sup>

I agree with you that this is a difficult and important problem, and that some action is necessary to deal with it. But I am greatly disturbed by some of the proposals which you now put forward.

In the first place, I fear that the proposal that all members of the special division should be entitled to receive pay from H.M.G. up to the age of 50 whether or not employment could be found for them, would result in a commitment to pay large numbers of people for years for doing nothing.

You do not say to which territories you propose that the special division should apply, but I imagine that they might include the Gold Coast, Nigeria, Singapore, Malaya, and Uganda. These territories together account for about half the existing Oversea Civil Service. I know that there are many vacancies in the colonies, but they will tend to become fewer as self-government is achieved in more territories, and I cannot think that there will be enough to absorb all the members of the special division who may become unemployed.

I see little prospect of absorbing them in the Home Civil Service or in other special posts abroad. Just as the Colonial Office have refused to lower their standards in order to fill their vacancies, so the Home Civil Service cannot be expected to take in large numbers of colonial civil servants who would not in the ordinary way be qualified for the administrative class of the Home Civil Service, and whose general aptitudes are not suitable for most of the jobs at home.

Outside the Colonial Service, very few administrators are required abroad, though a few experts are required from time to time in the Middle East and elsewhere. It seems to me therefore that the danger to which I refer above is real, and I am convinced that the payment of any substantial number of former colonial civil servants for doing nothing for a period of years would not only be extravagant, but repugnant to public opinion; it would also be quite inconsistent with our well established terms for "abolition of office" in the Home Civil Service.

Secondly, I do not see why the proposal that people who lose their jobs should receive pay from H.M.G. for twelve months should be applied throughout H.M.O.C.S. in all territories. This proposal was originally suggested to deal with the particular difficulties in Nigeria. I see no ground at all for introducing it throughout the Colonial Empire.

Thirdly, I am concerned lest the proposal for an educational trust fund should encourage Colonial Governments to disown their normal obligations towards expatriate staff, not only in regard to children's allowances, but in regard to expatriation pay also. The same risk applies to all proposals to make H.M.G. responsible for the salaries or other emoluments of colonial civil servants.

Fourthly, I am by no means convinced that your proposals would be acceptable to the Colonial Governments concerned. Will they be keen to employ civil servants who are avowedly servants of the U.K. Government and paid by us? Shall we not be accused of maintaining a specially paid staff for imperialistic purposes?

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<sup>1</sup> See 227.

Fifthly, would even your proposals be successful in achieving the objective of getting the staff to stay in Eastern Nigeria? And what would be proposed for those who did not wish to stay? I could not accept that they should all come home and be entitled to full pay from H.M.G. until they were 50.

The more I think of it, the more I come back to the view that we ought to concentrate on the particular problem with which we are faced, that is, the problem of Nigeria, especially the Eastern Region. I have already agreed to special measures to meet this,<sup>2</sup> namely the creation of a special division of the Oversea Civil Service, members of which would have the following privileges:

- (a) they would be regarded as members of a U.K. Service designated for service in a particular colony;
- (b) the U.K. Government would agree with that colony the rates of pay and conditions of service which the colony would grant to the individuals concerned;
- (c) the U.K. Government, as agents of the colony, would pay any compensation due when service came to an end, and would similarly act as agents for the payment of pensions, reclaiming the cost from the colony later;
- (d) if a member of the special division, through no fault of his own, were thrown out of a colony, the U.K. Government would continue his pay at the colonial rate for 12 months while he sought other employment.

I should be prepared to consider the extension of a special division on these terms to other territories besides Nigeria at the appropriate stage.

I believe we ought to give these proposals a trial now in Nigeria. I know that there is a risk that they may not be enough, especially in the Eastern Region. If so, we may have to consider further special measures to deal with the situation there, including the use of reserve powers. The matter is so important, as you say, to the future of the territories concerned, that in my view the use of reserve powers would be amply justified; it is indeed one of the purposes for which reserve powers are retained. I feel certain that the right course is to act on this limited and local basis. It must be wrong to distort permanently the whole shape of the Oversea Civil Service in order to meet a temporary crisis in Eastern Nigeria, where there are only some 280 staff employed, many of whom I gather may resign whatever we do.

I hope that you will see my difficulties, and not feel obliged to press your proposals. After all, it is not much more than a year since the reorganisation of the Colonial Service was announced, and surely we ought to give it a fair trial before abandoning it. As you say yourself, it is not by any means certain that your proposals would in fact do the trick in Eastern Nigeria and I should have thought that you were asking me to take a very large gamble on a very doubtful chance.

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<sup>2</sup> 'Note, approved by Sir E. Bridges, handed to Sir T. Lloyd by Sir A. Johnston at talk on 26 Oct [1955]', (CO 1017/396, no 15).

**229** CO 1017/396, no 30

15 Nov 1955

[Future of HMOCS]: letter from Mr Lennox-Boyd to Mr Butler

You will not be surprised to hear that I have read your letter of the 10th November<sup>1</sup>

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<sup>1</sup> See 228.



about H.M.O.C.S. with a feeling of acute disappointment. There are some points in it on which I can and am ready to argue, and no doubt there are minor respects in which my scheme could be improved upon, and in which some compromise would be possible to meet any serious Treasury difficulties.

What worries me, however, is that I have obviously not succeeded in impressing upon you the extent and urgency of the problem. The whole point of the case I put to you is that we *must* now change the whole shape of the Oversea Civil Service, not to meet what you call a temporary crisis in Eastern Nigeria, but to make it possible for a British Service to continue to function there and in other places where advanced constitutions have been, or will shortly be introduced. This is not a local or temporary crisis; and the time to act is now, while we still have the chance.

I thought I had made it clear, and I am sorry if I have not, that the plan which you describe on the third page of your letter has already been discussed with the Governor-General and the three Regional Governors of Nigeria who have categorically assured me that it will not do.

If I were to put it forward now as the best that H.M.G. is prepared to do, I should be acting in a way which, on the advice which I have from Nigeria, might well wreck the Service there. As for the use of reserve powers, I really must be allowed to be the judge of the circumstances in which such powers should or should not be used. I could not possibly contemplate the use of them in Nigeria at this juncture for the purpose of imposing conditions of service for British officials.

I am afraid therefore that I must press my proposals in spite of what you say. If they should fail to do the trick in Eastern Nigeria, the consequences of that failure would be serious. But they would be much less serious, from the point of view of the Oversea Service as a whole, than the consequences of a breakdown in Nigeria which could and would be ascribed to the failure by H.M.G. to take in time the action which its responsible advisers most closely concerned and best informed had urged as being the bare minimum.

I want this to be considered as a matter of the highest policy, no less important, I believe, than the introduction of Colonial Development and Welfare fifteen years ago. I had hoped that we might be able to agree upon a plan and to put it jointly before our colleagues. Since this is evidently impossible I am referring my scheme at once to the Colonial Policy Committee.

**230** CO 1017/396, no 34

23 Nov 1955

[Future of HMOCS]: letter from Mr Butler to Mr Lennox-Boyd

I am sorry that we seem so far apart on the future organisation of the Oversea Civil Service. If I may say so, I do not think that, when you express yourself so hostile to my proposals, you are doing full justice to the extent of the concessions I have offered to make. For years the Treasury has fought against any central payment of compensation and pensions and against any financial obligations being undertaken by H.M.G.—but all that has now been conceded, to meet the admittedly great difficulties of the present situation.

I do not understand you when you say that the changes you propose are not needed to meet a temporary crisis in Nigeria, but because of the general situation. Correct me if I am wrong, but my information was that the Nigerian Governors

(other than Eastern Nigeria) were quite prepared to try the scheme I outlined and that the only difficulty was in Eastern Nigeria.

I think that we ought to make a further effort to deal with this matter by special measures in Eastern Nigeria, coupled with a scheme on which, as a scheme, there is broad agreement between us. Certainly I hope that that further effort will be made to reach agreement, before the matter is referred to the Colonial Policy Committee, on which Treasury Ministers do not serve. Of course, the Financial Secretary or myself can come to a meeting of the Committee, but I think the fact that we are not members of it shows that it is not the obvious forum for a matter in which establishment questions and finance so largely bulk.

## 231 CO 1017/396, no 35

28 Nov 1955

[Future of HMOCS]: letter from Mr Lennox-Boyd to Mr Butler

Thank you for your letter of the 23rd about the Oversea Civil Service.<sup>1</sup> I should indeed be sorry if we were far apart on this or any other matter, and I hope we can come nearer together. I do really appreciate the very substantial concessions which you have already made. I only wish I could say that they go far enough. There are, as you say, important questions of establishment and finance involved. The Treasury must certainly have their say on these and indeed we shall greatly need the help of their wisdom and experience. I have already noted one or two points on which I think we can go some way to resolve the doubts expressed in your earlier letter.

I feel very strongly, however, that these are really secondary issues and that the main issue is one of major policy for which the Colonial Policy Committee is surely the proper forum. What happens in Nigeria in the next year or two is crucial. I am assured that if we do not offer our staffs there the opportunity of transfer to the direct employment of H.M.G. on terms sufficiently attractive to offset the attractions of retirement, we shall lose those staffs and the place will break down.

Here I am afraid I must accept your invitation to correct you as to the attitude of the Governor-General and Governors. If you will look at James Robertson's letter of the 29th August, a copy of which I sent you on the 13th September, you will see that he says explicitly at the beginning that what he calls the "revised plan" (which is the scheme agreed to by the Treasury) not only will not meet the case but might do more harm than good. In the rest of the letter he develops this theme. In my talks with him and the Governors in October this view was amply confirmed by all of them, and it was made very clear to me that no formula of "assignment" which did not incorporate the principle of transfer to the direct employment of H.M.G. would be acceptable.

It is true that, in order to limit our commitments, I have proposed that the offer of transfer to the direct service of H.M.G. should be immediately limited to the Eastern and Western Regions. But I have secured agreement to this from the Governor-General and the Northern Governor only with reluctance on their part and they have made it abundantly clear that if the scheme is not at once applied to the whole of Nigeria it must at least be announced as being potentially applicable to the other Nigerian services when the appropriate stage is reached.

<sup>1</sup> See 230.

I cannot therefore accept the view that we should attempt to deal with this by special measures for Eastern Nigeria or even the Eastern and Western Regions alone. No such special measures could be effective unless they included the principle of direct employment by H.M.G., nor would they be acceptable to the local governments if they took the form of singling out those regions for special treatment. If the principle is conceded—which I consider absolutely essential—there is surely everything to be said for doing it in a way which will present it as part of a constructive general policy and make it possible to apply it without further legislation to the rest of Nigeria, and in due course to other places such as Malaya and Singapore, when and if it becomes necessary in the interests of H.M.G. to do so.

I do very much hope that I have now done something to remove your doubts. The essential thing is to get the principle of direct employment by H.M.G. settled, not only to meet the need of serving officers in Nigeria and elsewhere but so that we shall have an organisation into which we can attract recruits. Once the principle is decided, I am very ready to agree that the working out of the scheme should be fully discussed with the Treasury. I have quite an open mind on the details: the only stipulations I must make are, first that the terms of employment must clearly be generous enough to attract officers to choose them in preference to retirement; and, secondly, that we have very little time to lose.

As I have discussed this generally with the Prime Minister in the past, and as he is Chairman of the Colonial Policy Committee, I am sending him a note to put him in the picture. I enclose a copy for you to see.<sup>2</sup> Meanwhile I am holding up the submission of my paper in the earnest hope that you and I may go forward as one on this matter.

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<sup>2</sup> Not printed.

**232** CO 1017/396, no 44

21 Dec 1955

[Future of HMOCS]: letter from Mr Butler to Mr Lennox-Boyd

I am sure you will agree that the developments you propose in regard to the Oversea Civil Service, about which you wrote to me on 28th November,<sup>1</sup> raise some extremely difficult questions, and I have been thinking over them in such time as I could spare from other matters.

The Treasury proposals which were finally put to you in the late autumn had not reached their present form when you had correspondence with the Governor-General in August and September, and I think that what you say about attempting to confine to the Eastern and Western Regions the offer of transfer to the direct service of H.M.G. bears out what I said, that it is these two regions that present the real problem with which we are now faced.

One of the many difficulties in dealing with this subject is that we have to bear in mind two considerations which are sometimes in conflict—how to induce expatriate officials to stay at their posts, and how to induce native Governments to continue to employ them. If I may say so, I think that you tend to be concerned primarily with

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<sup>1</sup> See 231.

the former aspect—which is, of course, of great importance; and I, while realising your difficulties, have always been troubled about the second.

There is one major aspect of your proposals which I cannot see my way to accept. This is that, in respect of members of the Special Division, responsibility for compensation in respect of loss of office should in effect be transferred entirely to H.M.G. I do not see why we should relieve Colonial Governments of this burden. We have, of course, in the past agreed with overseas Governments that compensation will not be payable, if public employment was found for a redundant expatriate; but that is very different from assuming a specific liability to pay all these people to the age of 50. We have not done this in any of the cases which have hitherto arisen. This feature of your scheme may make Colonial Governments very willing to fall in with the idea of a Special Division; but, of course, it will also make them very easy in their own minds about getting rid of expatriate officials who are members of the Special Division, once self-government has been granted. There would be no thought of a large bill for compensation—the burden is transferred entirely to H.M.G. in the form of a promise to pay the officers concerned a salary to the age of 50.

There is another feature of your scheme which would in practice make it unstable. Expatriate officials would have the choice of remaining in the employment of the Colonial Government or of joining the Special Division. It would thus be at the option of each officer whether the financial burden arising out of his loss of employment fell on the Colonial Government or on H.M.G. If most of the civil servants in Nigeria decided to remain servants of the Nigerian Governments, then a bill of several million pounds might, in certain contingencies, fall on these Governments. If they decided to join the Special Division, the burden would fall on H.M.G. I cannot think that, in the long run, in respect of Nigeria or in respect of the other colonies to which the scheme might be applied, it would be found that the financial burden as between two Governments could be determined according to the election made by individual officers.

I am, therefore, most unwilling to see Colonial Governments relieved of their obligation to pay lump-sum compensation in all these cases, and I should hope you will agree that they should remain liable.

This, I think, would have considerable influence on the nature of the scheme for the Special Division which could be worked out and, if you agree, I should like our officials to get together to see what is practicable.

As you know, my ideas of a reasonable scheme are as follows:—

- (i) Officers to be appointed by the U.K. Government to the Oversea Civil Service and assigned to a particular colony.
- (ii) Pay and allowances to be settled for members of the Special Division between the U.K. Government and the Colonial Government, but to be paid by the Colonial Government.
- (iii) Before self-government is granted, members of the Special Division who lose their employment through no fault of their own to be given 12 months' pay at the expense of the U.K. Government.
- (iv) The Colonial Government to remain liable to pay compensation to an expatriate official, whether he joins the Special Division or not, if he cannot be fitted in to the Colonial Service elsewhere.
- (v) The U.K. Government to accept an obligation to apply its best endeavours to

find employment in the Colonial Service or elsewhere for members of the Special Division who lose their job.

(vi) In the case of the Special Division pensions and compensation to be paid by the U.K. Government as an agent of the Colonial Government.

## 233 CO 1017/396, no 45

23 Dec 1955

[Future of HMOCS]: letter from Mr Lennox-Boyd to Mr Macmillan<sup>1</sup>

May I express the fervant [sic] hope that, amongst the many preoccupations of your new office, you will give very high priority indeed to the question of the future of Her Majesty's Oversea Civil Service?

You will find the full story in my correspondence with your predecessor, and I will not go over it again in this letter. I will only observe that, as you will see, we are faced with the certainty that, unless immediate steps are taken, there will shortly be a general exodus of British staffs, first in the Eastern and Western Regions of Nigeria, spreading before long to the rest of Nigeria and to other territories such as Singapore and Malaya. The result must be administrative chaos in the places affected, and a disheartening effect upon the Oversea Service as a whole.

I cannot exaggerate the extreme importance and urgency of this matter. It is the thing that worries me most of all. I am quite convinced that we must take bold and imaginative action and that it must be *now* if we are to avert a disaster. I am much concerned at the loss of invaluable time that has already been spent in negotiations with the Treasury.

I had brought things to a point at which I hoped to have a talk with Rab and to secure if possible his agreement to the proposals I wish to lay before our colleagues. I do greatly hope that you will let me discuss this with you at a very early opportunity. I believe that your own experience of this office and its problems will lead you to approach my difficulty with sympathy and understanding.

Since writing this I have had Rab's letter of the 21st December.<sup>2</sup> I am afraid it does not help me on my main point. I will not delay this, however, in order to deal with his arguments, which in any case I think I could best do in conversation.

<sup>1</sup> Macmillan succeeded Butler as chancellor of the Exchequer on 20 Dec 1955.

<sup>2</sup> See 232.

## 234 CO 1017/396, no 46

2 Jan 1956

'Her Majesty's Oversea Civil Service: note on Treasury attitude to proposals': note by Sir C Jeffries

[Extract]

... 11 The Treasury's fundamental difficulty, no doubt, and it is an understandable one, is that it is in principle undesirable to add yet another civil service to those (Home Civil Service and Foreign Service) for which Her Majesty's Government is already responsible; moreover the scheme involves much uncertainty about the prospective financial liabilities of Her Majesty's Government; and (perhaps worst of all) it would be a Service over which the Treasury could not exercise absolute

control, since to a very large extent they would be obliged to defer to the advice of the Colonial Office in determining establishments and conditions of employment.

12. Needless to say, the first and third of these objections have not been openly put forward. The second obviously has some force, but it has not been difficult to show that, while the extent of the possible liabilities is admittedly uncertain, it is by no means indefinite. At the very worst computation the potential expenditure is insignificant, both from the point of view of the national finances and in relation to the gravity of the issues involved.

13. Unable to sustain their case on this ground, the Treasury have elected to stand on two points. The first is doubt whether the scheme would be acceptable to the overseas governments who, it is suggested, would prefer the civil servants to remain fully under their own control and not to be officials of Her Majesty's Government seconded to them. The answer to this is that the Governor-General and Governors in Nigeria consider that their Ministers could be persuaded to accept the scheme and would in fact rather have the officers on secondment than in their own employment. The reasons are (a) the borrowing of European officers is easier to justify politically than employing them in the permanent service; (b) it is easier, too, to pay the price required by Her Majesty's Government for the loan of an officer's services than to pay the officer directly at a rate which is out of scale with the remuneration of local Africans; (c) an arrangement by which the officer is supplied at their request, to be employed only as long as they may want him, is greatly preferable to the old system by which he was in effect imposed upon them and they had to guarantee him a career up to retiring age. There is, therefore, no substance in this objection, and in any case it is a matter for the Colonial Office rather than for the Treasury.

14. The other Treasury point is that, if Her Majesty's Government takes over officers on terms which the officers regard as preferable to retirement with compensation, Her Majesty's Government is, in effect, relieving the overseas governments of a heavy liability and taking that liability on to itself. This misses the whole point of the scheme, which is to obviate the necessity of paying compensation at all. Officers who do not accept transfer to the new Service and prefer to receive compensation will get it from the overseas government and not from Her Majesty's Government. Officers who do accept transfer will no longer be eligible for compensation, because they will not risk loss of career. They will only have a guarantee that, if at any time (up to age 50) they should become unemployed through no fault of their own, and if Her Majesty's Government should be unable to assign them to any employment whatever, they will receive some form of remuneration until they are provided with work or reach the age of 50, whichever comes first. Supposing that (which is unlikely) on an average as many as 100 officers were unemployed at an average salary of £1000 a year, the total cost would be £100,000 per annum. Even if this were doubled or trebled it would be a small price to pay for saving Nigeria (and not only Nigeria) for the Commonwealth.



**235** CO 1017/396, no 47

5 Jan 1956

**[Future of HMOCS]: letter from Mr Macmillan to Mr Lennox-Boyd**

[1.] As requested in your letter of 23rd December<sup>1</sup> I have regarded it as one of my early tasks to read the Treasury papers about the future of the Oversea Civil Service. I can now let you have the views I have formed on going through the file; which, of course, contained letters from you and notes of meetings in which the Colonial Office have participated.

[2.] I confess that your proposals worry me. You are, of course, in a very difficult position, and it is obviously essential to do all we can to preserve the expatriate element in the administrative service of colonies that are approaching, or have reached, self-government. However, I don't think that you would suggest that there is any obvious solution to your difficulties—certainly the Colonial Office seems to have favoured different solutions at different times.

[3.] A proposal that large numbers of expatriate officials should be regarded as in the employment of the U.K. Government until the age of 50 would almost certainly land us in serious difficulties before we were much older. In Nigeria, the Gold Coast, Malaya, Singapore and so forth, you are dealing with large colonies with large numbers of officials. Much as we might wish that colonies which had achieved self-government should retain a substantial proportion of officers drawn from the U.K., is it not obvious that they will in fact to an increasing degree be induced by all manner of forces to rely on native talent, even at the cost of inefficiency? I notice that the delegation from the F.B.I., which recently visited West Africa and had talks with Ministers and officials, took the view that, in Nigeria the administrative service would be almost completely "Nigerianised" within a few years. They base this conclusion, not so much on the willingness or unwillingness of British officials to stay, but on the pressure there will be for the accelerated promotion of Nigerians.

[4.] You may, therefore, find yourself with a large number of expatriate officials on your hands, to all of whom you have given a pledge to employ until the age of 50. I realise that you have many vacancies in the remainder of the Colonial Service. But will they be for the right jobs and at the right grades? A vacancy for a cadet does not help you in placing a senior civil servant; and, of course, you will dishearten the Service if masses of people have to be placed and recruitment will be discouraged.

[5.] From this angle, I should have thought that a lump-sum payment for loss of employment was the answer in many cases. Nor can I understand why we should not expect Colonial Governments to make this payment, particularly as they have (no doubt under pressure from us) indicated their willingness to do the right thing by expatriate officials for whom they can no longer find employment.

[6.] Even if one was not faced with possible difficulties about placing these officials in other jobs or paying them while they remained idle in this country, I cannot see that your scheme really helps you with Colonial Governments. If I were a Minister in Nigeria or Malaya, I should be very reluctant to employ officials who were the direct employees of the former colonial power. Moreover, your scheme gives an incentive to the Colonial Governments to get rid of its expatriate officials. There would be no compensation money to be found. All these burdens would have been assumed by the U.K. Government.

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<sup>1</sup> See 233.

[7.] Now you may say that all this ignores the feelings of the expatriate officials themselves. I agree with you that, insofar as Colonial Governments, after they reach self-government, are prepared to employ expatriate officials, we for our part ought to do everything in our power to encourage these officials to remain at their posts; but I should have thought that the scheme outlined in the last paragraph of Butler's letter of 21st December<sup>2</sup> gave you a foundation on which you could build up a scheme which could be made to look attractive. After all, these officials are mostly young and will want employment, not paid idleness. Under either scheme you are obviously going to do your best to find them employment, and I cannot think that the prospect of kicking their heels in this country till the age of 50 on some form of half-pay—which is the only additional inducement you are offering—would make any appeal at all. Certainly it would make no appeal to the vigorous type of colonial civil servant whom we want to stay on.

[8.] Could not our officials get together and see whether something on the lines of the proposals put forward by my predecessor can be presented in a way which would appeal to colonial civil servants?

[9.] I am anxious to help, but I cannot honestly say that I think your scheme would achieve the objects you have in mind.

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<sup>2</sup> See 232.

## 236 CO 1017/396, no 48

[Jan 1956]

'HMOCS': note by Sir C Jeffries commenting on Mr Macmillan's letter of 5 Jan<sup>1</sup>

### *Para. 2*

This suggests that the Colonial Office has shifted its ground from time to time. The fact is that the problem with which we have to deal has changed. Remedies which might have saved the situation if applied in time become ineffective if delayed until too late, and more drastic action then becomes necessary.

In 1953 the Colonial Office was already under heavy pressure from Nigeria to introduce a "home-based Service" with a central pension fund. The Nigerian proposals as they stood seemed open to a number of objections, but the Colonial Office did put forward a plan which was thought to be workable and effective. This plan fell under two heads: guarantees to cover existing members of the Colonial Service, and a new "British Oversea Service" to provide for the future. At a meeting with Sir E. Bridges and other Treasury officials on 15th January 1954,<sup>2</sup> it was made clear that the Treasury would have nothing to do with any idea of a new kind of Service for which H.M.G. would be responsible, or any outright guarantee by H.M.G. of salaries, conditions of service or pensions. The Colonial Office were pressed and agreed to try the effect of the emasculated plan which was eventually published as Col. No. 306 (June 1954).<sup>3</sup>

The effect of the announcement was on the whole good except in the places (notably the Eastern and Western Regions of Nigeria) where constitutional change had gone farthest and officers had most cause to worry about their present

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<sup>1</sup> See 235.

<sup>2</sup> See 223.

<sup>3</sup> See 226.

conditions and future prospects. In the Gold Coast, things had already gone too far for the statement to have much effect either way.

It became clear then that the essence of the problem in Nigeria was not to see that officers got compensation and pensions when they retired, but to induce them to remain instead of retiring, in order to avoid a disastrous breakdown of administration. It was also clear that whatever might happen in Nigeria would not be considered as a purely local issue but must have repercussions over the whole Oversea Service, both as regards present morale and future recruitment.

At various times during the first half of 1955, very strong representations were made to the Secretary of State from Nigeria to the effect that Col. No. 36 had been a "damp squib", and that positive action on the lines previously urged was essential if the situation was to be saved.

In June 1955 a party of senior Nigerian officials was sent to London to put the case to the Colonial Office. As a result of these discussions, a scheme was drawn up in the Colonial Office for establishing a "Special Division" of H.M.O.C.S., which was to be "a Crown Service operated and managed by H.M.G. in the U.K.". Members would serve on a basic salary scale and a central superannuation scheme. While employed overseas "they would be in the position of servants of the Crown seconded to the government concerned". This scheme was agreed by the Nigerian representatives to provide a "bare minimum" of what was required.

At a meeting with the Treasury on 11th July, 1955, Sir E. Bridges strongly opposed any scheme which would purport to set up a United Kingdom service from which officers would be seconded. He agreed, however, to recommend legislation which would enable H.M.G. (a) to take over payment of pensions and compensation on an agency basis and to recover from Colonial Governments; and (b) to pay a displaced officer salary for up to a year while efforts were being made to find him alternative employment.

The Colonial Office felt that those concessions went a long way to meet the practical difficulties, though it was doubtful whether they would solve the "psychological" problem. Anyhow, they agreed to try the proposals out on the Nigerian authorities. In a letter of the 29th August, however, the Governor-General stated flatly that this scheme would not meet the case at all and that the creation of a genuine "home-based Service" was absolutely essential, both from the point of view of Service morale and from that of acceptability to local Ministers. This point of view was firmly maintained by him and by the Regional Governors in subsequent correspondence.

In an endeavour to reconcile the Treasury views with the advice received from Nigeria, a formula was then drawn up under which officers of H.M.O.C.S. would be "appointed" by H.M.G. and "assigned" for service under overseas governments. We had some hope that this might at least meet immediate needs. Meanwhile, however, the situation in Nigeria had deteriorated, as a result of local political developments and in particular the failure of all the Governments, except in the Northern Region, to implement fully the recommendations of the Salary Commissioner. At discussions between the Secretary of State and the Governor-General and the three Regional Governors at the beginning of October, it was made clear that no devices based upon maintaining the traditional position of officers as servants of the overseas governments could be successful. The acceptance by H.M.G. of direct responsibility was fundamental. Nothing would now meet the case but an offer to serving officers of an

outright transfer to the service of H.M.G. with a guarantee of a "career" (i.e., work if possible but some remuneration in any case) up to the normal minimum retiring age of 50.

The Secretary of State was convinced by these representations and wrote to the Chancellor on 1st November putting forward his considered recommendations.<sup>4</sup>

Although, naturally, there has been a good deal of trial and error in arriving at this final conclusion against a constantly deteriorating situation, we would not agree that there is now no "obvious solution". We are quite clear about what we want. There is *no* solution but acceptance of the principle of direct employment by H.M.G. There are many details to be worked out about which discussion and negotiation is possible and indeed necessary. But we cannot start upon these until the principle has been settled. Meanwhile more than two valuable months have been consumed in fruitless argument and the sands continue to run out.

#### *Para. 3*

The pressure for Nigerianisation, Malayanisation etc. is undoubted, but so is the impossibility of Nigeria carrying on at all—it is not only a matter of "inefficiency"—without outside help. No doubt the outsiders, whether British or foreign, will increasingly be employed in an advisory rather than an executive capacity, but they will be needed, and our scheme is the only way of ensuring that they can be supplied from British sources, because it not only gives the officers security and encouragement, but enables them to be employed without standing in the way of the promotion of local people to substantive posts in the local service.

#### *Para. 4*

The prospect of "large numbers" having to be kept on unemployment pay is quite unrealistic. The total numbers to be considered are not "large" to begin with—say 1000 in Nigeria. Some of these will not want to join the new Service and will prefer to take compensation. Of the rest, some are getting on for retiring age anyhow. Many will be kept on where they are. Many of those who are not kept on will be disposable elsewhere. Others will find or will be found private employment. We cannot guarantee that there won't be a residue, but it cannot in any circumstances be "large" or represent a heavy financial commitment.

But as regards officers who do transfer, the whole point of our scheme is that we are offering a career, not compensation for loss of career. (See also on para. 7 below).

#### *Para. 6*

We are assured that the truth is precisely the opposite, and that oversea Ministers will find it more easy politically to employ officers who are seconded to them by H.M.G. than officers for whom they are directly responsible. The suggestion that oversea Governments are materially influenced towards keeping or not keeping British officers by the prospect of having to pay or not to pay compensation is unrealistic. This is a question of emotion, not of economics. Obviously, however, one of the important factors in making our scheme attractive to Colonial Governments is the fact that they would *not* have that liability in respect of officers who transfer to the new Service.

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<sup>4</sup> See 227.

*Para. 7*

It is no use talking of putting out schemes which can be "made to look attractive". We cannot afford another damp squib. Certainly what officers want is a promise of a useful career, not one of paid idleness. There is *nothing* in the scheme set out in Mr. Butler's letter of 21st December<sup>5</sup> to give officers any assurance of this. That is why that scheme has already been turned down by the Nigerian Governors. Our officers are not such fools as to be incapable of seeing that that scheme gives them precisely nothing (except the year's unemployment pay before self-government is granted) upon which they cannot count already. The Colonial Office scheme gives them the assurance that H.M.G. will *employ* them up to age 50. It will not turn them loose with compensation. If it cannot *in the last resort* find them work to do, it will nevertheless give them an income to live on.

The difficulty that has persisted throughout these discussions is that we in the Colonial Office put the whole emphasis on keeping these officers employed and have every confidence that in the vast majority of cases we can do it: the provision for unemployment pay is only a safeguard in the background to be called upon if all else fails. The Treasury put this bogey in the foreground and have built up a fantastic picture of "large numbers" of people being paid large sums by H.M.G. for living in idleness.

With respect, one would have hoped that the representations made by the Secretary of State would have impressed upon the Chancellor what is really at stake, beside which the doubts and fears expressed by his officials are of minor importance. The real question is that posed by one of the Nigerian Governors in a fit of exasperation: "Do they want to keep the b - y place or not?" It could no doubt be argued that, financially, the Colonies are a drain upon the U.K. We spend large sums on their development and welfare. Their defence and security add very seriously to the strain on our commitments. They are running for independence anyhow, and there is no good reason why we should waste money and effort which we can ill spare in trying to prevent them from going to blazes in their own way. In so far as they are important to us economically, we are also important to them, and future economic relations will be decided in the long run by the hard facts of life rather than by anything we may do or not do in the political sphere.

If that is the basic approach then the Treasury are right in holding that what we have to look for is the point at which (to quote Sir E. Bridges) we stop.

Our understanding, however, in the Colonial Office is that the policy of H.M.G. is based upon totally different premises. It is that it is worth everything to us to keep these territories in the Commonwealth as well-governed and economically viable units of the free world. At the present juncture this depends more than anything else upon the continuance of British assistance in the public services. The only hope of securing this is to offer something which will not just *look like* but what will really be a new departure.

The immediate problem arises in Nigeria, but Nigeria is only the present focal point of an issue which deeply affects the whole Colonial Empire. For the reasons given above it is unrealistic to suppose that any getting together of officials can work out a presentation of the Treasury scheme which would "appeal" to the Overseas Service. Quite bluntly, neither the Secretary of State nor his officials could face the

<sup>5</sup> See 232.

Governor-General of Nigeria and the Regional Governors with any plan which did not include the principles which they have consistently stated and which the Secretary of State has agreed to be essential.

The consequences of either delaying much longer a statement of policy, or of issuing a statement which the men on the spot would regard as a cynical flouting of their clear and categorical advice, are too grave to be thinkable.<sup>6</sup>

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<sup>6</sup> Subsequent minutes on the file commented on this note as follows: 'This is outspoken but that is the inevitable result of the Chancellor's letter' (Sir T Lloyd, CO 1017/396, 11 Jan 1956); 'This may be outspoken but it has the merit of being realistic' (Mr Hare, *ibid*, 12 Jan 1956).

## 237 CAB 134/1202, CA(56)6

14 Feb 1956

### 'Future of Her Majesty's Oversea Civil Service': memorandum by Mr Lennox-Boyd for Cabinet Colonial Policy Committee

I wish to bring before my colleagues as a matter of great urgency the question of future policy with regard to Her Majesty's Oversea Civil Service. The problem is described in Annexure A, and my proposals for dealing with it are set forth in Annexure B.<sup>1</sup>

The urgency of this question, especially in relation to Nigeria, has been increasingly impressed upon me in recent months, and a point has now been reached at which a declaration of policy by Her Majesty's Government can no longer be delayed. I am continually receiving the most disquieting evidence of the appalling deterioration of morale in the overseas service, especially in Nigeria, where daily more officers become committed to leave. Much concern is felt about this by members of both Houses of Parliament. Lord Glyn has been persuaded to defer until 21st or 22nd February a Motion which he has for some time wished to put down in the House of Lords, and it will be impossible to avoid making some statement then. A statement that H.M.G. has not yet been able to make up its mind would have a disastrous effect on the Oversea Service. So would a statement that the Government is prepared only to make concessions which the Service would regard as betraying a totally inadequate understanding of its needs and problems.

I most earnestly trust, therefore, that my colleagues will endorse the policy set out in Annexure B, which I regard as absolutely essential, and will authorise a statement on the lines of Annexure C to be made in both Houses on the 21st or 22nd February. I am certain that a positive policy will be welcomed by all parties here as well as by the Oversea Service itself, and that the legislation will be uncontroversial.

If this is agreed, instructions should be given to the officials of the Treasury and the Colonial Office to prepare at once a detailed scheme to give effect to our decisions.

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<sup>1</sup> Annexures A, B and C, not printed here, state the CO position as presented in Lennox-Boyd's letters (see 227, 229, 231, 233) and Jeffries's note (see 236).



**238** CO 1017/396, no 60

16 Feb 1956

**[Future of HMOCS]: letter from Mr Macmillan to Mr Lennox-Boyd**

I had hoped that we could have had a further talk about the Oversea Civil Service before the matter was brought before the Colonial Policy Committee, but I see that you have now circulated a paper<sup>1</sup> on the subject and are suggesting that a decision should be taken before the Lords' Debate on 22nd February.

As I do not think your paper deals with some of the points that were troubling me when we had our talk on 3rd February, I shall have to put in a memorandum to the Committee setting out the respects in which I feel unhappy about your solution of this most baffling problem. I am sure that you would be the first to admit that it is a most complex issue. In view of my present commitments, I see no prospect of a discussion before the Lords' debate on 22nd February. I think your spokesman in the Lords' may have to deal with the motion as best he can.

Meantime, I shall get ahead with the drafting of my paper so that, when they come to discuss the matter, the Colonial Policy Committee will have before them the issues as we see them.<sup>2</sup>

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<sup>1</sup> See 237.

<sup>2</sup> Macmillan's memo to the Cabinet Colonial Policy Committee, 'Oversea Civil Service' (CAB 134/1202, CA(56)8, 21 Feb 1956) is not printed here. It states the Treasury position as presented in Butler's and Macmillan's letters (see 228, 230, 232, 235).

At its meeting on 23 Feb 1956 (CAB 134/1201, CA(56)10), the Colonial Policy Committee accepted in principle (a) the idea of establishing a pool of officers who might be seconded for service in overseas territories, and (b) the view that special arrangements would have to be made for serving officers in territories such as Nigeria. It asked that officials of the Treasury and the CO, together with representatives of the FO and CRO, should work out a plan for submission in the first instance to the Official Committee on Colonial Policy and subsequently to the Cabinet Committee (report by officials, 'Future of Her Majesty's Oversea Civil Service', CO 1017/397, no 111 [Mar-Apr 1956]).

The officials most involved were Jeffries of the CO and Sir A Johnston of the Treasury (draft letter from Jeffries to Johnston, CO 1017/396, no 68, 8 Mar 1956). The essence of their plan is conveyed in 239.

**239** CO 1017/397, no 76

[12 Mar 1956]

**'HMOCS': minute by Sir C Jeffries to Mr Lennox-Boyd**

I attach a scheme for the "Special Division" which has now been agreed at the official level between ourselves and the Treasury.<sup>1</sup> It will next have to be put to Sir Norman Brook's Committee<sup>2</sup> with a view to submission to the Colonial Policy Committee. I think, however, you ought to see it now.

2. This scheme is intended entirely to deal with the problem of maintaining the existing services in such territories as Nigeria, where provision has been made for officers to retire with compensation and where special action by H.M.G. is necessary in order to induce officers to stay. The legislation would enable the Secretary of State to "designate" a territory (by agreement with the local government) as one to which the scheme applies. It is clear that we should wish to designate the Eastern and Western Regions of Nigeria immediately. Whether Singapore should be proposed for

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<sup>1</sup> Not printed.

<sup>2</sup> ie, the Official Committee on Colonial Policy.

"designation" will depend upon the outcome of the April talks: if those talks break down the question will not arise; if they are successful, the Singapore Government may or may not be willing to be "designated." As regards the Federation of Malaya, the arrangements agreed at the recent conference should make it unnecessary to consider designation. The only other places likely to come into the picture in the near future are the Northern Region and Federation of Nigeria.

3. For the purpose of dealing with the problem of serving-officers, we have found it unnecessarily complicated and difficult to devise new salary scales and other conditions. We have therefore agreed to propose that officers should continue to serve on their existing conditions with the proviso that the salaries etc. granted from time to time should be agreed between H.M.G. and the government concerned. If H.M.G. cannot get that government to agree to conditions which are good enough, it will retain the right to offer the officer transfer to other employment. I think this is the most that can be done to impose a "sanction", for if we were to say that H.M.G. must approve the terms offered as satisfactory, we should risk creating an awkward dilemma. We could not force an independent or semi-independent government to grant salaries laid down by us, and any suggestion that we should ourselves "top up" what the local governments are prepared to pay would raise obvious difficulties at this end, while it might well be unacceptable to the oversea governments.

4. The Treasury having conceded the essential point that the officers should be taken into the service of H.M.G. and seconded to the territory, I feel that I can justifiably recommend that you should accept the above arrangement for the conditions of employment. You may however feel—and I have *not* put this to the Treasury—that if you do accept it, you are bound to revert to the proposal for setting up an Education Fund from which financial help could be given, on the basis of need, to officers whose remuneration does not enable them adequately to meet their family commitments. We left this in abeyance because we had it in mind that we should be fixing the salaries etc. and that these would include family allowances. Now that this idea has been dropped, the case for the Education Fund comes back into the picture. The Treasury will not, of course, relish this, and it will involve further argument and delay. Nevertheless you may consider that we ought to press for it as a condition of having met the Treasury difficulties in other directions. If so, I should like to be clear whether or not you wish this to be an absolute sticking point.

5. We have agreed that it is neither necessary nor desirable to force officers to make an immediate choice unless they wish. We suggest that for some time (e.g. five years) officers who so prefer should be allowed to carry on as they are, with a continuing right of option either to apply for transfer to the Special Division or to retire with compensation. This gives the officer the best of all worlds, and should encourage him to stay on until he can judge what will suit him best.

6. As regards the option to transfer to H.M.G., we have thought it right to make this subject to the Governor's recommendation and the Secretary of State's acceptance of the officer's application. I have a letter from Sir J. Robertson agreeing that this degree of "selectivity" is not open to objection. No reasonable application would be turned down, but there must be some safeguard against H.M.G. being landed with responsibility for obvious unemployables.

7. The most difficult question to settle has been that of the guarantee of employment or remuneration to age 50. As you know, the Nigerian authorities attach very great importance to this. The difficulties of giving an *absolute* guarantee

are however very formidable. Theoretically a man of 30 might have to be kept on pay (we have never specified the rate, but it obviously could not be *full* pay) for 20 years, during which he would remain liable to be sent anywhere at short notice. Such an arrangement would obviously be indefensible, and I feel that we must accept the necessity of providing an escape clause which will enable us to pay off the officer for whom we have no real prospect of finding a job. It is in the interests of such an officer, no less than of the government, that he should get a lump sum and a pension and be free to take up any work he can get. I therefore proposed that, if an officer cannot be placed after a full year of unemployment, he should receive compensation for loss of career as if he had not transferred to the Special Division; but that the cost of such compensation (i.e. whatever is over and above ordinary pension) should be shared equally between H.M.G. and the government which has thrown the officer out of work. The Treasury, although feeling some natural reluctance, have been very helpful in agreeing to this compromise in the interests of reaching a settlement. The Nigerian Government may not feel that it goes as far as they would like, but I hope you will agree that we must tell them that, for the reasons I have given, an absolute guarantee of a career to age 50 is impracticable, and that this is a common sense arrangement involving a substantial commitment by H.M.G., for disposing of what we all hope will be the rare residual case of the officer for whom a job is simply not available.

8. So much for the existing staff. The other part of the exercise, [is that] which concerns the future. We are working out with the Treasury the plan for setting up a new "central establishment" which would be a pool of home-based civil servants, paid by U.K. at rates analogous to those of the Foreign Service, who would be available for loan to any government which wanted them. This will clearly have to be a highly select body, and it will have to be started on a relatively small scale, to be expanded as it becomes more evident what the demand for such officers will be. We should aim at making it a balanced service including senior as well as junior officers, and would therefore recruit it partly from the existing Overseas and other services and partly from outside, according to the kind of posts we are asked to fill and the available supply of qualified candidates.

9. To work out in detail the composition, salary scales and complete terms of service of the new Central Establishment will necessarily take some time: it is not a simple matter. We can, however, submit the outline of a plan quite quickly, and if Ministers then decide in principle to set up the Central Establishment, an announcement to that effect could be coupled with the announcement of the Special Division scheme for serving officers.

10. I am afraid that, although we have got over the worst hurdle, there is still too much to be done to make an announcement possible before Easter. I have considered whether I should suggest to you that a copy of the scheme as now agreed should be sent privately to Sir J. Robertson for his opinion. On the whole I would advise against this. I believe that what we have achieved is better than he really expects, and that if he is told of it as the decision of H.M.G. he will accept it with relief. If, however, it were put to him as a scheme still open to discussion, he would be bound to consult his colleagues and perhaps to press us to seek further concessions which we should in all probability fail to obtain. Moreover, the acceptability of the scheme will clearly be greatly increased if we can include the educational fund and we could not mention that to him at this stage.

**240 CO 1017/397****6 May 1956****[Revised plan for HMOCS]: minute by Mr Lennox-Boyd to Sir T Lloyd**

[Briefing the secretary of state on the final version of the officials' report, Sir T Lloyd pointed out that 'The Report in its present form has yet to be agreed by Sir Norman Brook and it will be noted that the Treasury propose that it should be submitted to Ministers individually rather than to the Colonial Policy Committee. . . . The recommendations of the Report are roughly those contemplated in [Jeffries's] minute (see 239) but have suffered some whittling down by the Treasury. They must, however, be regarded as the most that can be agreed at the official level' (draft brief by Lloyd for Lennox-Boyd, CO 1017/397, no 112 [ca 4 May 1956]).]

I am very grateful for all the work put in by our people on this the most important issue of all. I am however very disappointed at the whittling away by the Treasury.

I should like a talk tomorrow or Tuesday in the office. To me it is impossible to exclude Northern Nigeria ("deplorable effect on morale" says the Governor) or Malaya or Singapore—and the absence of the guarantee till 50 robs it all of much of its value. I would like at the meeting W Africa Dept. representatives to attend as well (& the Minister of State). We can then discuss how I can explain my breach of faith to the Conservative MPs. As for the Treasury proposal that the problem should be taken individually with Ministers, my answer to that is ROUND OBJECTS.<sup>1</sup> It must go to CPC which was formed for this sort of purpose. Please fix a meeting of it this week.<sup>2</sup>

<sup>1</sup> Emphasis in original

<sup>2</sup> Sir C Jeffries minuted, 12 May: 'Since the above minutes were written there have been several attempts to reach a final draft. The S. of S. and the Chancellor had a meeting on 9th May at which it was agreed: (a) that the scheme should be applied to the whole of Nigeria; (b) that it should be specifically stated to be applicable to other territories as and when H.M.G. considered this desirable; (c) that the one year's unemployment leave on full pay should be extended when necessary to a maximum of five years; (d) that the matter should be brought forthwith to the C.P.C. with a view to an announcement on Wed. 16th May. Arrangements have been made for a C.P.C. meeting on the 15th, and the draft paper and announcements by the S. of S. have been circulated. Meanwhile a warning telegram has been sent to Nigeria. . . .' (CO 1017/397).

**241 CAB 134/1202, CA(56)16****12 May 1956****'Future of Her Majesty's Oversea Civil Service': memorandum by Mr Lennox-Boyd for Cabinet Colonial Policy Committee**

1. I have studied the annexed Report by officials<sup>1</sup> which has been prepared on the instructions of the Colonial Policy Committee at its meeting on the 23rd February. I am glad to note the measure of agreement reached at official level, and with much of the scheme proposed I have no quarrel. Indeed I acknowledge that in certain significant respects the Treasury have made concessions to the Colonial Office point of view.

2. There are, however, certain features on which I am far from happy.

3. The proposal that there should be a central pool of officers recruited and employed by H.M.G. and available for secondment in overseas territories has been

<sup>1</sup> Annexes not printed.

reduced in scope (see paragraph 1 of the proposed Statement of Policy) to a proposal for having in the first instance a register of individuals who are ready and available to accept service of this kind if required. I would rather come out straight away for setting up a permanent cadre, and there is, as the Report points out, a weight of Parliamentary and public opinion in favour of this. I am prepared, however, to accept for immediate purposes the proposed formula which at any rate recognises that if the demand for such officers rises to substantial proportions (as I am sure it will) and regular employment can be foreseen, individuals on the register will come permanently into the employment of H.M.G. for service overseas.

4. I am much more concerned immediately over some features of the proposed scheme for serving officers. Because of developments in Nigeria I cannot accept its limitation to the Eastern and Western Regions of Nigeria. It might have been possible to do so had my proposals been adopted months ago, but the staffing situation has now become much more acute and morale is affected in the Federal and Northern Regional Services as well as in the Eastern and Western Regions. The Governor-General strongly urges that the scheme should be applied to all four Services and the Governor of the Northern Region considers that the exclusion of the North would have a deplorable effect on morale.

5. Nor can I guarantee that we can stop at Nigeria. It may well be necessary, though I do not say now definitely that it will, to extend the scheme to other territories—almost certainly Singapore, possibly the Federation of Malaya, perhaps Uganda. I have always made it clear that in my view, although it is in Nigeria that the most acute staffing difficulties have so far arisen, it would not be possible to limit the scheme to any one territory, and that we should be prepared to apply it, if necessary, to other territories nearing the stage of self-government. I consider that in making my statement I must be free to make that position clear.

6. I must also press that officers who transfer to the Special List should be given greater security than is contained in the proposal of the Report of officials that in the event of a secondment being terminated by an overseas Government, an officer would be guaranteed full pay for a maximum of twelve months from the expiry of his earned leave or, in special cases, for a further short period. I have previously urged (see paragraph 10 of Annexure 'A' of C.A. (56) 6) that employment or some remuneration during any period of unavoidable unemployment up to the age of 50 should be guaranteed. I still think that this would be a bull point in attracting officers whose main concern is to continue and complete their careers under assured conditions to stay on in the new Special List rather than take their compensation and go. Recognising as I do, however, the Chancellor's difficulty about giving a guarantee in all cases up to 50, I am prepared—albeit with the very greatest reluctance—to accept some compromise on this point. I consider, however, that a year's guarantee is inadequate and that the guarantee of employment (or failing that remuneration at full Colonial rate of pay for any period of unavoidable unemployment) should run up to a maximum of five years, unless during that period the officer attains the age of 50, in which case it would end then. I should like to emphasise that it is hoped and believed that redundancy will be very much the exception if indeed it occurs, and that every effort will be made, and I hope will be made successfully, to place every officer who wants to stay on. We must however provide a cushion for the exceptionally difficult case.

7. With these considerations in mind, I have proposed certain revisions in the



draft Statement of Policy and append an amended version, with which I hope my colleagues will agree. I must repeat that the matter is not only one of vital importance if we are to avoid administrative breakdown with incalculable political and financial consequences, but that it is necessary to act now, for the staffing situation in Nigeria is deteriorating from day to day. Ideally, I should have liked to negotiate an agreement with the Nigerian Governments before making an announcement. Political conditions there are, however, at the moment such that I could not expect to get any firm commitment out of the Eastern and Western Regional Governments where the difficulties are most acute. I cannot afford any further delay and feel that it is absolutely essential to make a statement before the Whitsun recess.

8. I should add, for the record, that I still have it in mind to seek agreement to the establishment of an Educational Trust Fund or at least the provision of funds to supplement a small existing trust fund (known as the Rajah of Sarawak Fund) which exists to make educational grants in necessitous cases. I recognise however that this is a matter on which further discussion will be necessary between myself and the Chancellor, and it is of less immediate urgency than my main proposals.<sup>2</sup>

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<sup>2</sup> The officials' plan was considered by the Cabinet Colonial Policy Committee on 15 May and accepted with minor amendments (CAB 134/1201, CA(56)15). Two days later it was published as Cmd 9768.

## 242 CO 1017/398

17 May 1956

### 'Her Majesty's Overseas Civil Service: statement of policy regarding organisation': Cmd 9768

1. In 1954 Her Majesty's Government in the United Kingdom outlined in Colonial Paper 306 a reorganisation of the Colonial Service designed to take account of the growth of self-government in the Colonies and of the effect which this was bound to have on members of what became known as Her Majesty's Overseas Civil Service.

2. In this paper the Government indicated that they were ready to consider further developments if changing conditions showed these to be desirable.

3. There is no doubt that such developments are now essential. The problem is two-fold. In the first place it is clear that as Colonial Territories approach and attain self-government they will from time to time need the assistance of officers who have exceptional administrative or professional qualifications. Various overseas governments have already said that they would like to be able to look to Her Majesty's Government in the United Kingdom for help in finding such officers.

4. In order to meet these prospective needs Her Majesty's Government in the United Kingdom intend to recruit people with the necessary qualifications for secondment to overseas governments as required. Lists will be prepared of those who are ready and available to accept service of this kind, and if the demand rises to substantial proportions and regular employment for a number of years can be foreseen, they will come into the regular employment of the United Kingdom Government for service overseas.

5. This however is only part of the problem. Where constitutional changes take place which fundamentally affect the conditions of serving officers, compensation schemes have been and will be negotiated with the governments concerned. But where, as in the territories which comprise the Federation of Nigeria, acute staffing



difficulties exist, special arrangements must also be made to help create conditions which will encourage officers to remain.

6. The Governments in Nigeria have affirmed their desire to retain their experienced staff, whose loss upon any large scale would most gravely prejudice efficient administration and social and economic development. There is an understandable anxiety, however, amongst the expatriate officers, and especially those with families, about their personal future.

7. Recognising this, and attaching, as they do, high importance to these officers continuing to give their invaluable help, Her Majesty's Government in the United Kingdom are prepared, subject to the agreement of the governments concerned, to introduce a new scheme the main features of which are as follows:—

(i) There will be a Special List of Officers of Her Majesty's Oversea Civil Service who will be in the service of Her Majesty's Government in the United Kingdom and be seconded to the employing Government.

(ii) While seconded, officers will serve on salaries and conditions prescribed by Her Majesty's Government in the United Kingdom after consultation with the employing Government. Their pensions and any compensation payments for which they may qualify on retirement will be paid to them by Her Majesty's Government in the United Kingdom and recovered from the employing Government.

(iii) The employing Government will be asked to agree not to terminate the secondment of an officer (except in the case of ill-health, mis-conduct or inefficiency) without giving one year's notice, and to consult with Her Majesty's Government in the United Kingdom before introducing any scheme of re-organisation which might involve terminating the secondment of a considerable number of officers.

(iv) Officers transferred to the Special List will accept an obligation to serve Her Majesty's Government in the United Kingdom up to the age of 50 in any post to which they may be assigned from time to time. They will not, however, be required to accept assignment to a post which, in the opinion of Her Majesty's Government in the United Kingdom, is of less value (due regard being had to climate and other circumstances) than the post in which they are currently serving.

(v) Her Majesty's Government in the United Kingdom hope in the ordinary way to find continuous employment for all officers on the Special List up to at least the age of 50. If, however, any officer should become unemployed through no fault of his own, he will be kept on full pay for as long as may be necessary, up to a maximum of 5 years (or until he reaches the age of 50, if that is earlier), while efforts are being made to place him. If in the last resort he cannot be found suitable employment, he will get his pension, plus any additional compensation for which he would have been eligible if he had remained in his former service, and not transferred to the Special List. An officer who applies and is accepted for transfer to the Special List will not, therefore, lose his compensation by reason of his decision.

8. Her Majesty's Government in the United Kingdom will now approach the Federal and Regional Governments in Nigeria with a view to working out detailed arrangements, if those governments agree, for the transfer on certain conditions of existing expatriate pensionable officers to the Special List.

9. The scheme will be in a form which will make it possible for similar arrangements to be applied to other territories as and when Her Majesty's Government in the United Kingdom are satisfied that circumstances make such action desirable.

**243** CO 955/11, no 1

14 Jan 1952

[Local government in Africa]: note by Sir C Jeffries. *Minutes* by R S Hudson<sup>1</sup> and T B Williamson<sup>2</sup>

I have not followed very closely the discussions which have gone on for some years about the development of local government in Africa, and the point I am about to make is probably not new, though I have not in fact seen it brought out in any document which I have read. I therefore venture to put it forward in case it may be of value.

Constitutional development in the larger territories has inevitably tended towards the establishment of Parliamentary institutions on the Westminster model. At the same time, it has been accepted as an axiom that the foundation of a sound democracy lies in the establishment of "efficient representative local government machinery", and much thought has been given to the best way of achieving this end. In the meantime, the basis of administration has necessarily been the provincial and district system, under which local affairs are dealt with by administrative agents of the central government.

It is obvious that the progress of central government institutions towards a system of Cabinet responsibility to an elected Parliament has greatly outstripped the development of local government institutions. This was and must be inevitable, since the establishment of a central Parliament which is capable of working reasonably well is immensely easier to achieve than the establishment throughout a territory of efficient local government units. It is essentially a matter of man-power. The Colonies may have enough people with the necessary education etc. to man a central Parliament, but they have not and for a very long time will not have anything like the resources to man and to staff local government bodies on the scale and at the level required if those bodies are to be effective.

The whole point of our home institutions is that in Britain we have the man-power. County Councils, Borough Councils and the rest can carry the main weight of local administration because there are sufficient local supplies of people capable of manning and staffing them. We have, therefore, been able to build up a system by which the country is administered without any regional administrative representation of the central government at all. There is no chain of responsibility running up from the regions to the centre. The central government exercises certain financial controls and provides a framework of law and regulation within which the local authorities must work. But within their allotted spheres, the local Councils are responsible not to the central government but to their own constituents and they employ and direct their own administrative and technical staffs.

The two elements in the British system—Parliament and local authorities—are complementary. But what we have done in the Colonies is to develop one element in

<sup>1</sup> R S Hudson, head of African Studies Branch, CO, 1949–1961.

<sup>2</sup> See 173, note 2.

the absence of the other. A Parliament modelled on Westminster will not work without its complement. The question is: have we, while rightly seeking to build up local authorities as a long-term policy, taken enough care to build up in the meanwhile a central parliamentary system which will function without local authorities capable of taking administrative responsibilities comparable to those assumed by British County and Borough Councils?

I do not know to what extent, if at all, the present Gold Coast agitation against District Commissioners (even in a new guise of advisers to local authorities) is based on the proposition that the British in their own country manage very well without any officials of the kind, and that therefore this must be a device to maintain control in practice despite the ostensible concession of self-government. But it would not be surprising or indeed altogether unreasonable if such an idea were present. To overcome it is not easy.

It must first be frankly recognised that the British way is not the only way compatible with democracy, and that a highly complex and by no means perfect or final system, which has been evolved to suit conditions in Britain is not necessarily transplantable to other quite different conditions. I do not know much about the French metropolitan system, but it may well be that it offers a better model for Colonial territories than the British. The French central Parliamentary government is notoriously unstable owing to the multiplicity of parties; yet the system is such that the administration of the country functions efficiently in spite of the comings and goings in Paris. The British party system, a product of national character and historical evolution, gives stability at the centre, and except in a few controversial spheres the administration of national affairs proceeds continuously irrespectively [sic] of the party in power. Within this settled framework the local authorities can flourish and there is no need for the central government to control their activities in detail or to maintain regional administrative staffs for this purpose.

There is, however, little sign or probability that Colonial legislatures will in any near future develop anything like the British party system. They are much more likely to follow the Continental pattern. Therefore they will need what has been found by experience to be the complement to an unstable central Parliament, namely, an organised machine for carrying on the administration of the country. In other words, the provincial and district administrative system must be preserved. To suppose that it can be dispensed with in any measurable time is an illusion, since there exists in the Colonies neither of the two conditions which make it possible for the system to be done without—namely, a sufficiency of man-power to maintain and staff local government bodies; and a stable central Parliamentary institution.

If this is correct, the problem is to adapt the provincial administration to the new democratic régime. Under Crown Colony rule the provincial administration was, of course, the agent of the Governor, and through him of the United Kingdom government. This is one potent reason for the present unpopularity of the system. Again, it has been almost entirely staffed by British, that is by alien officers. This was largely due to practical necessity, but not entirely. It has been held by some if not all British authorities that the right place for the potential administrative officer of Colonial origin is not the provincial administration but the public service of local authorities. The theory has been that in due course the provincial administration—being an alien and undemocratic organisation required only during the transitional phase pending self-government—should wither away. For political reasons it might

be impossible to avoid admitting a few locally-recruited officers to the ranks of the administration, but this was wrong in principle and should not be encouraged.

While this view may be correct, the arguments already brought forward suggest that it is by no means unchallengeable. Had the alternative theory prevailed that (for the reasons given) the provincial administration would have to remain in being for long after the achievement of national self-government, the logical course would have been to encourage and develop to the fullest extent the employment of locally-recruited staff in this organisation, even at the cost of some loss of efficiency, and to establish the organisation as an agency not of the Governor but of the government. The transition then from a Prefecture directed by and responsible to a Chief Secretary and Governor to one directed by and responsible to a Minister of Home Affairs and a Cabinet would have been natural and easy.

If this argument has any basis, it may be desirable to re-examine our general policy and practice with regard to the development of local government institutions. In the particular case of the Gold Coast, it may be desirable to reconsider the present scope and functions of the Ministry of Local Government and the relationship of the provincial and district administration to that Ministry.

### Minutes on 243

... [Sir C Jeffries] questions whether the right place for the potential administrative officer of Colonial origin is in the public service of local Authorities rather than in the Provincial Administration—envisaged as becoming a Prefecture under a Member for Home Affairs.

| My own preliminary views are that if you have x number of men who might be administrative officers it is much better that they should be responsible to a  
X | popularly elected local council than that they should be the agents of a distant central government, especially if there is to be any lowering of standards, as is envisaged.

On the other hand it is important that there should be an efficient central government inspectorate for local government bodies and Dr Marshall<sup>3</sup> in his section on the future of DCs in his Sudan Report envisaged the DCs turning into local government Inspectors. I would therefore say that the potential administrative officers of Colonial origin should either become Executive officers of local government bodies or members of the local government inspectorate, with, of course, appropriate training.

All our experience and all the experience of colonials who have been to this country is in the English system of local government and it would be difficult to adopt the French system although the English system is used only as a model and is by no means slavishly followed.

Perhaps the existing Provincial Administration in the Gold Coast can gradually be absorbed by the Executive and inspectorate sides of local government. . . .

I have not quite followed the argument that because there is likely to be an unstable central government it should control local affairs through a Prefecture, as

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<sup>3</sup> Dr A H Marshall, city treasurer, Coventry, author of *Report on local government in the Sudan* (Khartoum, 1949).

in France. Is it true that the French system is better for France than our system would be? I have always regarded it as a strong argument for pressing on with building up a strong local government institutions [sic] that there are likely to be somewhat unstable and inefficient central governments in such places as the Gold Coast.

R.S.H.  
16.1.52

With reference to Sir Charles Jeffries' most interesting note below, I feel that if I knew as much about French (or African) local government as I used to know about English (and Welsh) I should be in a better position to contribute something useful on this. But I don't and moreover the continuous pressure of urgent day-to-day work in this Department makes any serious and prolonged study of any big subject impossible—both in and outside normal office hours. This is, of course, quite wrong but in the circumstances of today it seems inevitable and must therefore be accepted.

Having said that, I would say that I agree generally with Mr. Hudson's minute of the 16th January, and especially with the passage marked "X". I am not quite sure about the proposal for an efficient Central Government Inspectorate, but no doubt that is sound also.

Broadly I believe that the English system is the right model, and moreover I doubt very much whether (British) West Africans would willingly accept any other—just as they insist on following our central Parliamentary institutions. All this is, of course, a fine tribute both to those institutions and to our colonial administration.

Of course competent manpower is short in West Africa, just as it is in this country. But the Gold Coast appear to be tackling the problem in the only possible way, namely by establishing a local government training school. Statements by Government spokesmen in the Legislative Assembly, e.g. Mr. Saloway's<sup>4</sup> speech when he introduced the Lidbury Report last December, have made it clear that the Gold Coast Government attach very high priority indeed to the training of persons for the public service, both central and local. . . .

T.B.W.  
22.2.52

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<sup>4</sup> R H Saloway (KBE 1954), chief secretary, Gold Coast, 1951–1954.

**244** CO 537/6960

25 Apr 1952

[Position of colonial police]: minute by Sir C Jeffries

[In 1951 a conference of commissioners of colonial police had discussed the position of the police in the later stages of colonial constitutional development. The conference had recognised two problems in particular: a danger that police forces might become the instruments of political parties in power, and a danger of divided loyalties among individual police officers. (The text of the conference's conclusions on these issues is printed as the appendix to 247.) The CO subsequently opened a file to enable further discussion of these problems.]

Although a good deal has been written about this on the file, I do not, with respect, think that the minutes have got down to the real point.

Colonel Young<sup>1</sup> has stated the issue in paras. 32–36 of his report on the Gold Coast. But he does not suggest (and I don't see how he could be expected to) the means by which the independent status of the police can be "acknowledged". A very useful essay on the subject by Brigadier Dunn will be found on pages 46–50 of this month's *Journal of African Administration*.

I don't think it is a real answer to the question to say that this is not really a constitutional affair, that nothing has been said about the police in past constitutions, that the reserve powers are there and cover everything necessary, etc. I agree with Brig. Dunn that it *is* a constitutional issue, and a fundamental one, to which too little attention has been given in the past. What we do or omit to do now will have a profound effect on the future development of the Colonies as democratic states. I feel that it is our duty, in this Office, to consider and decide whether or not we intend to see the Colonies develop into policed states or police states. If the former, we should take the necessary steps to embody the relationship of police to government in the constitutional instruments while we still have the drafting of these, and not leave it to local laws which are at the discretion of the legislature.

This is no doubt a novel idea and therefore difficult to assimilate, because the "British police idea" has grown out of our historical and social tradition and depends, like most of our really important institutions, on the general acceptance of unwritten custom. But the Colonies, unlike ourselves, have written constitutions, and, generally speaking, what is not written into them is nowhere. It is doubtless true, as Sir K Roberts-Wray says, that the independence of the judiciary is largely secured by established constitutional propriety. The important word there is "established". There is no established convention regarding police, and we have not the time before us in which to build one up.

I suggest, therefore, that the police should be specially mentioned in constitutional instruments, and that a small working party, including the Inspector General of Police and one of the legal advisory staff, should be instructed to draw up a model form. This might cover

- (a) the power, generally now conferred upon the Governor by local Ordinance, to constitute a police force and to appoint its officers;
- (b) specific reservation for Her Majesty's pleasure of any bill relating to the police;
- (c) specific power for the Governor to legislate for the police with approval of Secretary of State;
- (d) power for the Governor to charge the expenses of the police on the revenues of the territory;
- (e) non-immunity of the police from legal action;
- (f) provision for a Police Commission to advise the Governor on organisation, conditions and promotions.

These heads are very crudely stated, but they may form a basis for discussion.

Concurrently, the working party might be asked to consider the framing of a model police ordinance. This ought in any case to be done, since there is at present no accepted standard and the local ordinances vary greatly in matters of principle as well as in detail. By this means the constitutional provision and the local law could

<sup>1</sup> Col A E Young, commissioner, City of London police, 1950–1971, author of *A Report upon the Gold Coast Police*, November 1951 (Accra, 1952).



be properly dovetailed into one another.

When some agreed drafts had emerged, we could try them out on some Governors and get reactions. We might also bring them up for discussion at the proposed Commissioners' Conference in 1953.

## 245 CO 554/400, no 1

[Mar 1953]

'The Africanisation policy of the West African governments': memorandum by M G Smith.<sup>1</sup> *Minute* by T B Williamson

[In a minute to Williamson, Smith explained that this memo had grown out of consideration of the difficulties 'we are now up against in the Gold Coast'. His minute continued: 'I have no doubt that a good bit of the [memo] can be shot at in different ways but I feel fairly convinced of its main themes: that all our interest now lies in openly ventilating all aspects of the problem with the West African Ministers to persuade them to put it sensibly in their speeches and perhaps in agreed statements before their public so that they no longer can pretend, as Dr. Nkrumah has been pretending in the Gold Coast for two years, that he must say one thing in public about overseas officers to save his neck but thinks differently about them in private. We have lost the initiative over Africanisation and now that it is so much a political issue it is in every way to our advantage to regain that initiative. This we can only do by seeking to satisfy the urge to Africanise wherever this can safely be done without an undue lowering of standards, and to demonstrate our good will we ought to be ready to put up some money for training or pension purposes' (CO 554/400, minute by Smith, 13 March 1953).]

Africanisation has been the policy of the Governments of the Gold Coast and Nigeria for many years—in the case of the Gold Coast it was first enunciated in 1925 during the Governorship of Sir Gordon Guggisberg.<sup>2</sup> But lip service to this policy has not involved, except in very recent years, any pressure to implement it and in the Gold Coast, for instance, although it is now 28 years since the policy saw the light of day there is still no African head of any Department. The inaction, if not the policy, of H.M.G. is therefore partly to blame for the present difficulties which the pressure for accelerated Africanisation in West Africa is bringing. There is, however, another major reason for these difficulties in that technical and social advances since the war have so increased the demand for a larger Public Service performing tasks of much greater variety that whether or not Africanisation had been pressed before the war it would still have been necessary to bring in many more overseas officers in the technical fields.

2. It is common ground that the maintenance of the efficiency and self-confidence of the Public Services in the West African territories is a *sine qua non* of the success of H.M.G.'s constitutional experiments there, as the territories contain no substantial uncorrupt middle-class and no other reservoir of talent and experience to protect the common people from exploitation by the very inexperienced and not necessarily high-minded politicians they have voted into power. The political struggle in West Africa is largely over and only the question of the timing of further political advance remains. But the question of the preservation of the standards and integrity of the Public Services is not yet resolved and should perhaps now become the major concern of our policy.

<sup>1</sup> M G Smith, principal, CO, 1950–1959 (seconded to CRO, 1954–1955).

<sup>2</sup> Sir G Guggisberg, gov of the Gold Coast, 1919–1927.

3. On the political front, H.M.G. early recognised that self-government as the expression of the new nationalist feeling was fast becoming the African goal and that to win African goodwill we must make strides towards granting this big enough to involve an element of risk for us and big enough to convince the Africans that we were handing over power out of conscious goodwill and not grudgingly because of internal pressure in the territories. On the political front in West Africa this policy has been largely successful and as a result all the talk there now is of retaining the Commonwealth link when independence is gained. But if we cannot protect the position of the Public Services these new countries may either enter the Commonwealth—or be rejected by it—not as self-respecting nations but as African slums.

4. If we are able to tackle this question effectively we must start as we did on the political issue with frank and not reluctant recognition that rapid Africanisation is now a pressing, perhaps the most pressing, local objective, and we must therefore seek to further it and to make it clear that we do further it by positive acts of policy and not merely stand by in passive acquiescence while Africanisation of an unbalanced sort is brought about by purely local devices. Only thus can we hope (if at all) to win enough African goodwill over our attitude to Africanisation to give us a chance of being allowed to guide its progress.

5. It seems to me that to achieve this we may have, through the Governors, to argue out again in both Nigeria and the Gold Coast the basis and objectives of Africanisation and to try to get Ministers to accept a series of propositions on the following lines:—

(a) It is fully recognised by both H.M.G. and the local governments that ultimate complete Africanisation of the Public Service is a proper and inevitable corollary of the constitutional changes that are taking place.

(b) At present political advance, which as a deliberate transfer of power can be achieved quickly, has outstripped the rate of Africanisation of the Public Service which depends on the attainment by many individuals of knowledge and experience which can be gained only over a comparatively long period of time; and urgent steps must be taken to bring the two into line.

(c) The rate of Africanisation and the rate of political advance can be brought into line by one of three methods:—

(i) political advance can be retarded.

(ii) standards of service can be so lowered that the efficiency and integrity of the Government machine is seriously impaired.

(iii) some lowering of the efficiency of the Service may be accepted while all available steps are taken to speed up recruitment to this lower standard.

The difference between (ii) and (iii) above is one of timing—in (iii) you agree to take longer over the job. But (i) is presumably unacceptable locally and (ii) we should strongly urge to be indefensible on every ground. We must therefore get (iii) to be the agreed objective so that further discussion is on how far standards can safely be lowered and on the timing of the programme.

(d) Any lowering of standards would come at a most inconvenient time. Because of recent great technological advances, because of the pressure of local demand for increased education and other social services and for economic development, and

because political advance itself increases the complexity of, and the strains on, the Government machine, the current need is for a larger and more efficient Public Service. The public which elected the new West African Governments is therefore entitled to have put squarely to it what insistence on over-hasty Africanisation would mean: far from consolidating political advance it would at best seriously retard the promising economic and social progress made since the war, and discourage needed further investment of overseas capital, and at worst it might lead to a voluntary mass exodus of existing overseas officers which would largely paralyse the machinery of Government. A Minister without a Ministry is decorative rather than useful.

(e) In urging therefore that Africanisation should not be pressed at a rate and in a manner seriously prejudicial to the interests of serving overseas officers, H.M.G. is not concerned merely to protect the interests of these officers—that perhaps could be achieved through an adequate compensation scheme—but with guarding against a mass exodus that would stultify H.M.G.'s own policy of promoting the orderly development of self-governing institutions in West Africa.

(f) There is a further consideration. Public Service standards can be lowered by a stroke of the pen. They can be raised only with great difficulty over a long period, for public servants of poor quality, accepted when standards are lowered, cannot be ejected when it is sought to raise the standards. But the West African Governments have not merely internal but external aims: they are looking to the day when self-government shall have reached the point of international recognition and they can seek their own place among the nations and perhaps as full members of the Commonwealth family. They will find great difficulty in achieving these aims, and in particular in being accepted as equal partners in the Commonwealth, if the efficiency of their governmental machinery is sufficiently impaired to make them potentially economic and defence liabilities and generally below the standards expected of members. A low standard of government would also do little good to the general cause of African nationalism. The ultimate independence of the Gold Coast and Nigeria is not in question. What is in question in the eyes of the world is the social, political and economic levels at which these territories are capable of sustaining their independence.

(g) The West African Governments should also appreciate another implication of drastic Africanisation. Part of the emotional demand for Africanisation is based on a natural desire to prove Africans to be at least as efficient and responsible as Europeans. But this claim, as it is often pressed, goes much further than a claim of equality and approaches a point of absurdity. No European would claim that an inexperienced European junior officer, however distinguished his academic career, could in a year or two accumulate the experience and judgement required of the holder of a very senior post in the Public Service. Yet it is on the belief in the fitness of Africans for promotion as rapid as this that part at least of the case for accelerated Africanisation rests.

(h) With so much at stake H.M.G. do not therefore consider it unreasonable to counsel a certain restraint in pressing Africanisation programmes to a point that may cause chaos in the Public Service, and suggest that if the issues involved are fairly put to the public this counsel will be accepted. But H.M.G. are anxious to do all they can actively to promote rapid Africanisation and point out that their *bona fides* in this respect cannot be questioned as they have already taken the major

steps necessary to ensure ultimate Africanisation by promoting the great projects for University and Technical Colleges as well as by awarding many scholarships to the major seats of learning in the U.K.

(i) H.M.G. are therefore prepared to co-operate to the full in any measures that will speed up Africanisation while substantially protecting the standards of the Service. It is recognised that some lowering of standards is called for just as some political risks had to be taken to launch the new constitution. This might involve the following measures:—

(i) H.M.G. attach the highest importance to the practical training of the Africans in the Service and are prepared to assist this both with money and with experienced personnel from the U.K.

(ii) H.M.G. are considering means of creating a U.K. fund for the payment of pensions into which Colonial Governments could make annual payments that would rid them of further pension liability in respect of officers for whom the payments were made.

(iii) H.M.G. are prepared to discuss means of funding the present pension liabilities of the West African Governments.

(iv) H.M.G. are prepared to discuss suitable compensation terms for officers whose services can be dispensed with as suitable African replacements become available. (This might reassure serving officers that their interests will be protected when the time comes and reassure local governments that they can dispense with serving officers without a major row with H.M.G.)

(v) Further pensionable recruitment should be undertaken only in exceptional circumstances or where, as perhaps in the case of Northern Nigeria, it continues to be the expressed wish of the territory or region concerned.

(vi) H.M.G. undertake wherever possible to offer transfers to other Colonial territories to officers whose services are no longer required in West Africa. (The possibilities of these transfers must vary greatly from time to time and between one Service and another.)

(vii) H.M.G. suggest that to avoid friction on both sides and to provide for the careful and efficient management of the Africanisation programme, a permanent body at working level should be set up in each of the territories concerned within the present machinery of Public Service Commission and Establishment Section. There should be both African and European members on this body and the Public Service unions should either be represented on it or have easy and direct access to it. This body should initially review and then keep under review the state of and prospects for the Africanisation of each Department of Government. These reviews might bring to light a variety of circumstances:—

(a) It might appear that the prospects of complete Africanisation of a particular Department within say five years were firm enough for it to be possible to ask the Secretary of State if he could seek within that period to transfer all remaining European officers in the Department.

(b) On the other hand, the prospects of Africanisation might appear so remote that an assurance, couched in suitably guarded terms, might be given to the overseas officers concerned that their services would be required for the foreseeable future.

(c) There might appear a positive reluctance of Africans to enter particular

vocations which, in the interests of Africanisation, would have to be overcome by some special inducement or form of direction.

6. The preceding suggestions for tackling the present difficulties over Africanisation are obviously extremely tentative; some of them would involve H.M.G. in considerable expenditure; others of them are by no means new or are already, to some extent, being implemented. But the essence of the matter cannot I think be challenged: the Africanisation issue has now become so important that we can no longer stand aside and leave it to be tackled by piecemeal local arrangements nor can we hope to avoid or defer its unpleasant implications without facing it in detail with the African Ministers. For example, the argument previously used that to discuss compensation terms openly would encourage African Ministers to dispense earlier than they would otherwise have done with overseas officers no longer has validity as they are already considering, with more enthusiasm than judgment, how to do this. Our only chance to achieve a rational settlement of these important issues is that, possessing as we do in both Nigeria and the Gold Coast very distinguished Governors who still command great personal influence and prestige in their territories, we should arm them with every argument we can think of and every proof of H.M.G.'s good will that we can muster to enable them to discuss the issues with their Ministers with complete frankness and with a view to reaching understandings that will take account of West African aspirations and H.M.G.'s own objectives, and that can be put for approval before public opinion in West Africa.

#### Minute on 245

I think we are indebted to Mr. M G Smith for his thoughtful, and thought-provoking, memorandum. I think we ought to be ready to discuss it with Sir C Arden-Clarke when he comes to see us, probably in a few days time. (The memorandum arises, of course, out of the problem which has led us to invite him to visit us again so soon.)<sup>3</sup>

Broadly speaking, I agree very much with Mr. Smith's thesis. My only differences are on matters of detail . . . with one exception. I do not agree that we should, publicly anyway, accept any lowering of standards. The traditionally high standards of the British Civil Service, whether in the U.K. or in its overseas territories, are something which, like the integrity of the Service, we ought to fight to maintain. Moreover—though this may sound a little inconsistent with my previous sentence—I would say that present standards in some overseas territories (including the Gold Coast) are low enough already. Furthermore, once there were any open agreement to any lowering of efficiency, it would be impracticable to draw the line: under pressure of opinion and events we should constantly be pushed lower and lower.

I have a further point. *Subject to Sir C Arden-Clarke's views*, I think that if the Gold Coast political leaders refused to play on a policy of the kind proposed in the memorandum, but insisted on rapid Africanisation at all costs both now and in the

<sup>3</sup> The problem to which Williamson refers concerned Sir J Macpherson's hostile reaction when informed of the proposed changes in the Gold Coast constitution which involved the abolition of the *ex-officio* ministers and the transition to internal self-government with the appointment of an all-African Cabinet. Macpherson and Arden-Clarke visited the UK in Apr 1953 for joint discussions at the CO. See 269–271 and BDEP series B, R Rathbone, ed, *Ghana*, part II, 125, 127, 128.



next constitutional stage, we should have squarely to face the issue of withdrawing a large section of the expatriate Public Service from the Gold Coast, on the ground that we were no longer prepared to carry the responsibility for the good government of a country that was determined to undermine its own chances of decent administration. (This would involve revival of the evacuation plan which, it will be recalled, Mr. Gorell Barnes first mooted last summer.)<sup>4</sup> And the implications of this, in so far as they would affect any prospects of the Gold Coast ever becoming a full and independent member of the Commonwealth, would have to be made clear to Gold Coast opinion.

One reason I have for making this drastic suggestion arises from the necessity to save the position in other "advanced" territories, particularly Nigeria. We know from Sir J Macpherson's recent letter (on the subject of a British Overseas Service) that we may before long be up against a similarly dangerous situation in Nigeria. If we can hold the position in the Gold Coast, on the bold lines proposed in the memorandum, and in agreement with Gold Coast opinion, our task should be easier in Nigeria. But if this fails, then I suggest that the Gold Coast may have to become, and be publicly seen to be, an example of a kind which Nigeria will not wish to follow.

I still feel, in relation to this as to other aspects of the Gold Coast constitutional problem, that in the ultimate resort we cannot afford a head-on clash. Our negotiating position has, no doubt, already been weakened by those provisions in the Sudan Agreement relating to Sudanisation of the Public Service in that territory.

T.B.W.  
14.3.53

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<sup>4</sup> Gorell Barnes accompanied Lyttelton on the secretary of state's visit to the Gold Coast in July 1952 and commented on his return: 'It seems fairly clear that the danger in the Gold Coast now is not that of an outburst of anti-European or anti-British feeling but rather abuse by a certain section of Africans of the power which we are transferring to them in increasing measure. . . . If this analysis is correct . . . we are faced with the alternative of clearing out altogether or, by our continued presence, appearing to condone, or even abet, a dictatorial form of government.' It was in this context that Gorell Barnes raised the question of whether Arden-Clarke should be asked to consider the preparation of plans for evacuation (CO 554/371, no 26, minute by Gorell Barnes, 29 July 1952, reproduced in Rathbone, *op cit*, part I, 118).

## **246** CO 554/400, no 2 [Africanisation]: note by Sir C Jeffries

[Mar 1953]

In the Gold Coast and probably soon elsewhere, we are coming to a stage in which a Colonial Government will be allowed effective self-government in internal affairs, only defence and external affairs being reserved to Her Majesty's Government.

2. Undoubtedly self-government in internal affairs must in principle be held to cover all matters relating to the civil service. Any attempt to reserve control of the civil service to an outside authority must seriously weaken confidence in the genuineness of the transfer of power; it must set up a continual source of friction; it must place the civil service in a very difficult position in relation to Ministers, Parliament and public; and it must encourage an irresponsible attitude on the part of Ministers towards civil service questions.

3. It is certainly arguable that if a Colony is given independence in internal affairs it should be left free to staff its own public service as it thinks best, even at some



considerable sacrifice of efficiency. *We* may feel that for the sake of good government it ought to keep European officers, but if it decides otherwise that is its affair. We may also think it desirable that European officers should be retained in order to preserve the British connection; but that connection might be impaired rather than strengthened if the presence of the officers was resented as a vestige of Imperial control. We may also wish to see Europeans retained because of the possibility that the grant of self-government may have at some time to be withdrawn and a reversion to "Crown Colony" government effected, as has in fact happened e.g. in Malta. But this is hardly a consideration which can be expected to appeal to Colonial political leaders.

4. In consequence of the decision, finally taken during the war, not to embark on a policy of real unification of the Colonial Service, we have necessarily taken the line of seeking to integrate the "expatriate" and local elements in each territorial service. To some extent this has been successful, but it cannot be wholly or permanently successful because it is an artificial and not a natural arrangement. The European officers cannot, as a rule, really identify themselves with the Colonial community, and the Colonial community will not, as a rule, accept them as part of itself. It is an unpalatable but inescapable fact that a territory like the Gold Coast will at best regard the European civil servant as a necessary evil, to be eliminated at the earliest possible opportunity, and in the meantime not to be allowed to stand in the way of the advancement of local aspirants to high office.

5. It is clear that we must try to devise a plan which will accept this fact and make the best of it. We shall do more harm than good by seeking to entrench the European civil servants as a privileged class, protected not only in their conditions of service but in their prospects of promotion. On the other hand, we must not give the impression that the Colonial Service no longer offers a career or that the inducements held out to recruits by the Secretary of State are illusory.

6. In this paper I do not propose to consider the terms of future recruitment, but the present state of the Service, since the essential point is not how recruits can be attracted for the future but what is to be done about the existing staffs. The two objectives to be aimed at are:—

(i) That in the general interest as many European officers as possible should be retained on conditions which are acceptable both to them and to the Colonial Government;

(ii) That those who cannot be or are unwilling to be so retained or suitably employed elsewhere should receive compensation terms which are unquestionably fair and adequate.

7. The second of these aims will no doubt be agreed upon in principle without dispute. The arrangements for compensation will have to be negotiated, but need not be discussed here. It is the former aim which is the more important and difficult. I do not believe that it will be attainable except on the basis of a clean cut and a fresh start.

8. It will, I think, be essential that on some appointed day the existing service of *all* European officers shall be deemed to be terminated. Those whom, as a result of previously conducted negotiations it has been arranged to retain should be reappointed immediately to their offices on new conditions. These conditions again will have been previously negotiated, and agreed upon as acceptable to both the

government and the staff concerned. They may include some or all of various devices, e.g

- (a) straightforward continuation of old conditions;
- (b) retirement on pension and re-engagement on contract (with the pension put into cold storage and some provision made for gratuity or additional pension to be paid on expiry of contract);
- (c) transfer to the Colonial Superannuation Scheme; etc.

9. Since Her Majesty's Government has (for reasons mentioned above) an interest from several points of view in seeing that as many European officers as possible are in fact kept on, it will clearly pay to make it as easy as possible for them to be kept on, and even to offer inducements to keep them on. The problem would be greatly simplified if the "British Oversea Service"<sup>1</sup> were in being, since some at least of the officers concerned could be transferred to that Service and employed in the Gold Coast on secondment. In the absence of such a Service, parts of the problem may be capable of solution by other devices. The staff which the Governor will require for dealing with defence and external affairs might be taken over entirely by Her Majesty's Government, either by transfer to the home service or under an arrangement by which Her Majesty's Government would repay the Gold Coast Government the whole or a substantial part of their salaries and a contribution towards their prospective pensions.

10. There are obvious objections to any *general* arrangement by which Her Majesty's Government would subsidise the Gold Coast (which can well afford to pay) in connection with the salaries or pensions of European officers who are doing ordinary jobs as servants of the Gold Coast Government. But there is room for examining the possibility of covering some of the ground by a sort of "technical assistance" formula, by which as a contribution to development and welfare the United Kingdom should pay (perhaps actually out of Colonial Development and Welfare funds, if necessary under a new Act) something representing the extra expense to which the Colony is put by having to employ persons from outside to do work for which local people with the necessary qualifications are not yet available. It should be practicable to make a survey of the present staff and to mark out certain posts and officers as suitable for this kind of treatment.

11. These tentative suggestions would need a good deal of working out, but I think that it would be better to approach the problem in the sort of ways indicated in this paper than to try to make the local politicians see sense by using threats of "evacuation", etc.

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<sup>1</sup> See 219–222.

**247** CO 537/6960, no 4

22 Apr 1953

[Position of police in later stages of colonial constitutional development]: report of a CO working party. <sup>1</sup> *Appendix*

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<sup>1</sup> The working party was set up pursuant to Jeffries's minute of 25 Apr 1952 (see 244). It comprised Jeffries (chair), W A Muller (inspector general of colonial police, 1951–1957), J N A Armitage-Smith (principal, CO, 1948–1956) and I B Watt (secretary).

1. The Working Party was appointed in June 1952 to consider what action might be recommended as a result of Conclusion No. 2 of the Conference of Colonial Commissioners of Police held in 1951. (This Conclusion is attached as an Appendix).

2. The question had been considered by Heads of Departments in the Colonial Office in minutes before the Working Party was appointed. The Working Party itself has held two meetings.

3. A most important (though often overlooked) aspect of the constitution of any country is the *enforcement* of the law in which the principal agent is the Police Force. If the Police Force is at the sole disposal of the central Government or of a Minister in it, there is a serious danger of the establishment of a "police state" in which the Force is merely an instrument of the Government of the day and of a partisan policy.

So long as a Colonial police force remains under the direct control of a Governor, who is in his turn responsible to the British government and Parliament, British tradition and public opinion provide a safeguard against improper use of the force. The possibility that as constitutional advance proceeds in colonial territories this safeguard might become ineffective is propounded by the Conference; and the fact that in some territories with advanced constitutions there is virtually only one political party, which may for a time at least become a perpetual government with little effective opposition, tends to support the view that precautions against the danger above mentioned are necessary. The position of the Police Force in such territories is so far safeguarded, in that responsibility for it is in the hands of an official; but that official will in process of time be replaced by a local politician, who will find the Police Force as an instrument in his hands which he may use properly (by United Kingdom standards) or of which, either from temptation or desire, he may not be able to resist the improper use for the ends of his own party or even himself.

4. In the United Kingdom, not only has the Home Secretary only a limited responsibility in regard to the Police Forces of the country (other than the Metropolitan Police), but the conventions both of the Constitution and of the Forces ensure that the police shall remain an impartial entity politically. It would be unwise to assume that sufficient time remains for similar conventions to be built up in colonial territories, particularly in those where the question is most urgent; and, while from some points of view that might be an ideal solution, the alternative of devising machinery whereby the same end might be secured has therefore to be considered. Unless some action is taken soon, there is the danger that control by a Minister who is a local politician will become the established practice.

5. The Police Conference recommended that the position of the Police Force should be safeguarded in constitutional instruments. There are obvious merits in this proposal, principally that, at present, the provisions of those instruments cannot, practically speaking, be amended by local legislation; if respect for the constitution is secured, it is of course a major safeguard for matters specifically covered in the instruments.

6. There are on the other hand arguments against now inserting in constitutional instruments provisions relating to the police. It is believed that, so far, Malta provides the only instance of such provisions (Malta Constitution Act, 1932, section 1 (2) and Letters Patent dated 19th September, 1933, both of which provisions have since been repealed). No such provision appears in the Malta Constitution Letters Patent 1947.

If such safeguards were now to be generally introduced, the effect might be to focus the attention of local politicians on the police, and to make the abolition of those safeguards a special target, as constitutional advance proceeded.

It can also be claimed that the Governor's reserve powers and power of withholding assent to Bills are adequate for the preservation of the police from "political" use. They are not however so in the long run, since the inevitable tendency as responsibility is transferred is to use them less and less: it is not therefore sufficient to rely upon them alone and indeed a situation might even come about in which the police might be required to enforce action taken by the Governor in the exercise of reserved powers in opposition to the Ministry which controlled the police. And in any case the reserved powers will not remain in being indefinitely in the larger territories.

7. The Working Party agree that, on balance, it is desirable that provisions which would serve as a safeguard for the police should be included in constitutional instruments, and that any danger inherent in this course should be accepted. While they recognise that in the last resort no constitutional device is necessarily proof against the political use of the police when power is effectively transferred to local hands, they feel that there is a good deal to be gained by making express provision which it would require the express and deliberate action of the government to overthrow or to evade. There is an observable tendency for what is in the constitution at the last stage to be retained when the final transfer of power takes place and until that time the beginnings of conventions may be established.

8. The question then arises as to the provision to be made. There is need for provision both as to the administrative control of the police and as to the recruitment, promotion and security of tenure of the policeman.

### *The Police authority*

9. It is probably true to say that in few, if any of the colonial territories is there a Police Authority now. There is the Commissioner of Police, who is appointed by the Secretary of State, or by the Governor, or by a combination of these two, according to the local law relating to the Police Force. When the Ministerial (or Member) stage of the Constitution is reached the Commissioner falls under a Minister, usually the Chief Secretary with his responsibility for defence, but in Kenya it is the Member for Law and Order (i.e. the Attorney General). As has been stated above, the facts that the Chief Secretary is for the present an official and that the Governor has the reserve powers, are inadequate safeguards in the long run and further safeguard is necessary. The Working Party consider that this may best be provided by the creation of a Police Council in the territory, which would in some respects be analogous to the Watch Committees in the United Kingdom. The Council, which the Governor would be obliged by the provisions of the constitution to consult on all matters of policy affecting the police, would include the responsible Minister or his representative or nominee, but would have on it also other representative and independent persons without political connection who would thus "dilute" the Minister and represent unofficial interests. It would be appointed at the present stage by the Governor acting in his discretion; but, since powers thus qualified will fall to Ministers at a later stage of constitutional advance and in order so far as possible to preserve the appointments from political influence, the Governor should be required, in making appointments, to act in consultation with the Chief Justice. The Council would be advisory to the

governor at the present stage of constitutional development, but its advice would no doubt normally be accepted. The Working Party came to no conclusion on the number of members of such a Council: they considered that the chairman might be a retired judge (he should in any case be of that kind of status), and the number of members would obviously have to be fixed so that the Minister did not have disproportionate influence in the Council's working. The Commissioner of Police would not however be a member, although he would be available for consultation with the Council at its discretion. The Working Party saw no reason why provision for such a Council should not be made in all colonial territories, and not only in those at an advanced stage of constitutional development.

10. The Working Party therefore recommend that provision be included in constitutions, as opportunity arises, constituting a Police Council for the territory to be appointed by the Governor acting in his discretion after consultation with the Chief Justice, to advise the Governor on all matters of policy and administration affecting the police of the territory.

#### *A Police Service Commission*

11. As the Police Conference observed, the maintenance of satisfactory conditions of service for the Police is essential if the morale and loyalty of the individual policeman is to be preserved. The police need special protection from political influence, particularly in the matter of appointments, promotions, discipline, removal, etc. It is not desirable to leave these matters in the hands of the Governor acting in his discretion since, when responsible government is granted, either this will be translated into acting on the advice of Ministers or, if not, it would place the police in a unique position which would not only be undesirable in itself but could hardly be maintained against inevitable criticism. Again, the authority of the Commissioner of Police as the head of a disciplined force has to be maintained. The Working Party *consider* that the most satisfactory means of providing for the police the safeguards which they need, while avoiding the other difficulties, is to provide in the constitutional instruments for the creation of a Police Service Commission which would be a body parallel to the Public Service Commission. It would advise in regard to appointments, promotions and discipline in the case of gazetted posts: appointments and promotions to non-gazetted posts would remain in the hands of the Commissioner. Disciplinary decisions in regard to the non-gazetted ranks would be taken by the Commissioner subject to a right of appeal to the Commission. The Commission should have overlapping membership with the Public Service Commission and might even consist of the same people, although they would sit separately in this special capacity. It should in any case be under the chairmanship of a retired judge or a person of equal status. (He might be the same person as the Chairman of the Public Service Commission and/or of the Police Council). The members should all be non-political and the Commissioner of Police would not be a member although he would of course be available to the Commission for consultation at their discretion.

12. The Working Party have observed that there is a bias in present policy towards centralisation of the police forces, by absorbing into a central force the tribal or native authority police forces where these exist. The establishment of a central police force under Government direction covering a whole territory has obvious dangers from the point of view of creation of a "police state" and while this aspect of



police policy is outside the scope of this paper, the Working Party *consider* that any article included in constitutional instruments to deal with the matters referred to earlier in this report should be so drafted as not necessarily to perpetuate or promote the centralisation of control over the force, or to prevent the establishment when the size and social organisation of a territory are such as to make this a practical proposition.

C J Jeffries

### Appendix to 247

The Conference considered the effect on the general position of Police Forces, and also on the loyalty of their individual members, of constitutional developments on the lines of those now proceeding, for example, in the Gold Coast. They recognised a danger that Police Forces as a whole might become merely the instruments of political parties in power; and they also recognised the existence in present circumstances of a possible clash in the individual policeman between his loyalty to his officers, and the executive Government, and his loyalty to the political leaders of his own people.

2. In view of the grave abuses of police authority which would be possible if it became the instrument of a single political party, which would be dangerous both to the community and to the efficiency and reliability of the Police Force itself, the Conference strongly recommended that the position of the police should be safeguarded in any new Colonial Constitution so as to provide, so far as possible, that the authority of the police, as in the United Kingdom, cannot be abused and to place it in an independent position comparable to that of the Judiciary. The Chairman undertook that the Colonial Office would refer this question to constitutional lawyers.

3. The Conference felt that if a safeguard of this nature can be introduced into developing constitutions in the Colonies, much would be done to ensure the continued loyalty of the individual policeman to the Executive Government, rather than to political leaders or parties. They felt that in most colonies the loyalty of the individual policeman is given primarily to his officers. Therefore the morale of the Police Forces needs to be fostered with particular care at the present time; and this consideration makes particularly important the granting to Police Forces of satisfactory conditions of service, and an adequate status in the community.<sup>2</sup>

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<sup>2</sup> Sir T Lloyd minuted Lyttelton on the report (29 Apr): 'These conclusions are generally in keeping with the line which you approved for Barbados . . . and I recommend their acceptance as a basis of some general policy in this matter. There may be practical difficulties in some places (e.g. the G.C. might jib) but these conclusions will, if you agree, be the objective everywhere.' Lyttelton minuted in reply: 'This does not seem to touch the subject of the "operational" control of the police? In other respects I agree.' Sir C Jeffries added (8 May): 'The question of "operational control" came up in connection with Barbados after the working party report had been drafted. The report might, I think, now be made more precise on this point. This however can be considered when the Police *Commissioner* issue has been disposed of' (CO 537/6960).



**248** CO 1037/2, no 13

July 1954

[Position of colonial police]: report of a conference of commissioners of colonial police forces, Police College, Ryton-on-Dunsmore, Warwickshire

[Extract]

*13 July 1954**Relation of police to government*

The Conference considered the suggestion that the police in a Colonial territory were the agents of the judiciary rather than of the Government and that the control of the police consequently belonged to those officers of Government who have been charged with the responsibility for maintaining law and order. The Conference rejected this suggestion. They were of the unanimous opinion that the police force derives its authority from the Sovereign whose local representative is the Governor. This view finds expression in the oath taken by all members of the force. The police should therefore enjoy a status separate and independent from either Administration or the Judiciary.

2. The Conference agreed with the view that police matters should be kept strictly immune from political influences. The Conference took note of the provisions concerning the police made in the new Gold Coast constitution and expressed the view that it was desirable to incorporate safeguards for the independence of the police in future constitutional instruments rather than leave them to be dealt with by local ordinances.

3. The Conference then discussed the question of providing machinery for safeguarding the recruitment, promotion and security of tenure of Colonial policemen. They considered that to mark the special position of the police the Commissioner should be appointed by the Sovereign in the same way as judges.

4. As regards other appointments, including promotions, which would be made either by the Governor or by the Commissioner according to the provisions of the local law, the Conference were not in favour of introducing reference to a Police Service Commission or similar outside body; the sole responsibility for making appointments or recommendations as the case may be should rest with the Commissioner. They endorsed, however, the view of the 1951 Conference as to the value of Promotions Boards within the force.

5. The Conference then discussed the question of setting up a Police Council in Colonial territories as an advisory body on welfare and conditions of service. It was recognised that the needs of territories differed, but it was accepted that in some, particularly those with advanced constitutions, such a Council would serve a useful purpose in lending weight to the recommendations of the Commissioner of Police and in demonstrating to the lower ranks of the Force that their representations were receiving a fair hearing.

6. In considering the question of setting up a Police Authority to make decisions on matters of policy and administration, the Conference considered that the Police Authority in a Colonial territory must be the Governor or Governor-in-Council; where a Ministerial system is established the check on abuse of power by the Minister can only be found in the collective responsibility of the Ministerial body.

7. As regards the operational control of the Force, the Conference considered

that in the execution of his duty the Commissioner of Police should be directly responsible to the Governor.

### *Model Police Ordinance*

The Conference agreed that in view of the widely differing nature of Colonial Police Ordinances it would be impracticable to draft a model ordinance which would be acceptable everywhere but that there would be great advantage if each territory could be supplied in future with copies of every new police ordinance enacted in other territories in order that it could make use of any features in those ordinances which appeared peculiarly well suited to its needs. The Conference agreed that as a general principle Colonial Police Ordinances should be enabling in character and confined in general to setting up the force; that as much detail as possible should be left to regulations; and that it was undesirable to include in the ordinances matters which should form the subject of a separate law.

15 July 1954

### *Organisation of police: central or local*

The Conference examined various arguments for and against the establishment of central or locally-controlled police forces in Colonial territories. They recognised that the factors that were operating in favour of locally controlled forces were generally political in character. There was the natural tendency in democratic governments to decentralise authority, and an awareness of the danger familiar from precedents in Central Europe, that a centralised police force might develop into the instrument of the political party in power.

2. From the point of view of the efficiency of the police force, however, the Conference recognised the many advantages of a centralised force. Such a force would be of a size sufficient to provide a worth-while career and offer good prospects of promotion for a high standard of recruit, and would be provided by the central government with machinery, including training facilities, by which its continuing efficiency could be ensured. Local authorities in Colonial territories could not all be depended upon to show the efficiency and integrity necessary for controlling their own forces: moreover, prospects of financial assistance from the central government, would inevitably act as a strong influence towards centralising the control of Colonial police forces.

3. From the recent experience of a number of Colonial territories, the Conference noted that many local authorities not only acquiesced in a central police force but actively welcomed the introduction into their areas of members of such a force. This reflected at once the success of a policy of placing upon the central government the responsibility for security and the growing popularity of police forces with members of the public in outlying areas.

4. The Conference further recognised that, apart from the question of security, it was necessary for police forces to handle immigration, when required to do so by Government, on a central basis, and that the efficient policing of territories which had a potentially vulnerable land frontier, and had no local military force in support, would be practicable only with a centrally organised force.

5. The Conference concluded that in present circumstances Colonial governments could not discharge their responsibility for law and order except through the agency of adequate police forces under central control, and that the advantages of

such forces decisively outweighed any danger of political interference with the police, at least so long as the Governor remained the recognised police authority.

## 249 CO 1037/2

10 Aug 1954

[Position of colonial police]: minute by J S Bennett<sup>1</sup>

As I understand it, the position is as follows:—

- (a) The Working Party set up after the first Conference of Colonial Commissioners of Police owes Ministers a further report on "Operational Control".
- (b) The Working Party decided to consult the Home Office about this, but Home Office advice has not yet been forthcoming.
- (c) Meanwhile the second Commissioners' Conference has met, and has touched on the same subject. The papers on "Relation of Police to Government" and "Central or Local Organization of the Police" seem to me to be addressed to the same fundamental problem, i.e. should the police be given some sort of autonomous status at one remove from the Central Government when the Central Government falls into the hands of African Ministers.
- (d) The Secretary of State will have to come to some decision on the above mentioned recommendations of the 1954 Commissioners' Conference and convey it to the Colonial Governments in a circular despatch.
- (e) For that purpose the recommendations will need to be examined in the Office by the same people who are in the Working Party.

The simplest solution seems to be to re-convene the Working Party to do the whole exercise in one and to invite a Home Office representative along. It would be preferable to defer this until mid-September when Mr. Carstairs<sup>2</sup> and Mr. Armitage-Smith will be back from their respective leaves. By that time we may have the Conference Report in print, and the Home Office could be sent a copy in advance so that they could be thinking about the extracts here at issue.

<sup>1</sup> J S Bennett, assistant secretary, CO, 1946–1966 (seconded to Imperial Defence College, 1953).

<sup>2</sup> C Y Carstairs, director of information services, CO, 1951–1953; assistant under-secretary of state, 1953–1962.

## 250 CO 1037/2, no 19

5 Nov 1954

[Position of colonial police]: minute by I B Watt of a CO inter-departmental meeting with the Home Office<sup>1</sup>

[Extract]

1. *Sir Charles Jeffries* said that our aim was to establish a chain of operational control so that each policeman would take orders from his superior police officer. He drew attention however to the latest reports from the Governor of Kenya, where there was serious criticism of Colonel Young's proposals to give the police a status similar to that which they have in the United Kingdom. In Kenya the critics of Colonel Young's proposals, who included some leading Africans, preferred to see

<sup>1</sup> The meeting was attended by Jeffries (chair), W A Muller, J N A Armitage-Smith, I B Watt and P Allen (assistant under-secretary of state, Home Office).

policemen acting in coordination with, and under supervision of the officers of the administration, who are representatives of the Government.

2. *Mr. Muller* emphasised that operational control by the Governor direct through the Commissioner of Police was the simple solution in the smaller territories. But in the larger territories distance must be taken into account and it seemed to him as a practical proposition that there must be devolution of the Governor's authority and the Commissioner's powers to their representatives at some lower level. In the past it has usually been conceded that the Lieutenant-Governor, Provincial Commissioner or District Commissioner as the principal executive officer of government had this delegated authority *vis-à-vis* the senior police commander at his level.

In colonies which are moving towards independence, as in the Gold Coast, the British administration, exercised through Provincial and District Commissioners, was being replaced by local government bodies. Presumably such local bodies would expect to inherit all the functions of the administrative officers and there was a danger that if they could claim to inherit an *ex-officio* power of control over the police the police would become subject to political interference.

Would the position of the County Constabulary in the United Kingdom provide any guidance?<sup>2</sup>

3. *Mr. Allen* described the position of Chief Constables of Counties, and of the Commissioner of the Metropolitan Police, their authority over promotions, discipline, and "disposition of the Force" under them. The last probably came near to the "Operational Control" which the Colonial Office were trying to define. There were "mutual aid" arrangements, sometimes coordinated for convenience by the Home Office, but more frequently fixed up directly between Chief Constables, for moving police from one County to another to help in emergency or on special occasions. In theory the Home Secretary *could* order one Chief Constable to dispose of his force in a certain way, but there was no instance of a Home Secretary doing so. The theory indeed was not accepted by everyone.

4. *Sir Charles Jeffries* said that in its search for a satisfactory system of operational control, to prevent the police being mis-used by a member of the Government of the day in any Colonial territory, the Colonial Office would wish to try to define carefully the positive functions and powers of the police. He asked whether the Home Office possess any written instructions or directives to Chief Constables which would define in some detail what was meant by "disposition of the force" i.e. one which defined the powers of a Chief Constable over the police under him. If it were possible to invest the Commissioner of Police in a Colonial territory with legal powers similar to those possessed by a Chief Constable, we should then try to work out a system under which administrative directions would be issued to the Commissioner, that in the exercise of these powers he should consult with some body; the powers however would remain his. . . .

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<sup>2</sup> Para 2 of the minute was substituted by Watt for the original version on 29 Nov (CO 1037/2, no 21). The original version read: '*Mr Muller* emphasised that an effective system of operational control must take account of the large scattered areas in most colonial territories. He considered that whether or not the police remain under the supervision of Administrative Officers (as appears to be preferred in Kenya), or operated as agents of the law, operational control must be devolved. In the Gold Coast where the District Administration, exercised through Provincial and District Commissioners, was being replaced by Local Government bodies, such devolution was even more necessary. Would the organisation of the County Constabulary in the United Kingdom provide any guidance?'

**251 CAB 134/1203 CA(0)(56)7****23 Feb 1956****'Limitations on legislative and executive powers in colonial territories':  
note by Sir K Roberts-Wray for Official Committee on Colonial Policy**

In the first footnote on page 5 of C.P.(55) 133,<sup>1</sup> it is stated that the only limitation on the sovereignty of the Legislature of the territories in question would be the reserved legislative power of the Governor. That is clearly incorrect, because there must be some other limitations and, on the other hand, it is by no means certain that that particular limitation will be required.

In this note I set out the various limitations on legislative and executive powers in Colonial territories, showing the methods by which control can be exercised in the United Kingdom, and make suggestions as to the extent to which it may be necessary to retain such limitations and controls.

**(1) *Statute of Westminster***

This Act removed for "Dominions" three general limitations on the powers of Colonial Legislature, i.e.—

(a) Dominion Legislatures were enabled to make laws with extra-territorial effect. I have long thought that similar power, at least within a limited field, could with advantage be conferred upon Colonial Legislatures. The existing bar to extra-territorial legislation is most inconvenient in matters such as the removal over the high seas of insane persons and juvenile offenders. It would be possible to confer upon Her Majesty in Council the right to give such extra-territorial powers as she thought expedient.

(b) Dominion Parliaments were authorised to amend Acts of Parliament.

(c) Parliament surrendered its right to legislate for Dominions, except where they have requested and consented to the enactment of legislation.

(b) and (c) obviously go together. So long as Parliament can legislate for a territory, the local Legislature can hardly be given power to amend Acts of Parliament, and vice versa. In theory, it would be possible to lay down that Parliament would not extend Acts to Colonial territories except within the limits of defined reserved subjects, but it is very questionable whether this would be desirable. Any limit on legislative power is difficult to define in a way which will avoid doubts, and if the definition were amended, that might give an unfortunate impression throughout the Commonwealth that Parliament might, if they wished, amend the Statute of Westminster.

**(2) *Methods of United Kingdom control***

(a) *The veto.* This is merely the right of the Governor to refuse his assent to a Bill. It would be revolutionary to abolish it, for in all territories in the Commonwealth a Bill requires the Royal assent before it can come into operation. The actual use of the veto can, of course, be restricted by constitutional custom, and I suppose principles upon which it should be exercised might be stated in a published despatch.

<sup>1</sup> See 203, the asterisked footnote to para 2 (iv) of Appendix B on p 64.

(b) *Reservation of bills.* Under most constitutions the Governor can reserve any Bill for Her Majesty's assent and is required to reserve Bills falling within any one of specified categories. Reservation, of course, leaves it to the United Kingdom Government to decide whether the Bill should become law. The power to reserve might be restricted to Bills of specified kinds. Under sections 36 and 37 of the Ceylon (Constitution) Order in Council, 1946, the Governor was required to reserve any Bill falling within certain categories and had no power to reserve any other Bill. So long as the veto is a reality, reservation is not of great importance.

(c) *Disallowance.* Though Her Majesty's power to disallow legislation to which the Governor has assented appears in nearly all the constitutions of territories which are the concern of the Colonial Office, its use is very rare indeed. I am aware of only two instances during the last twenty-five years, and in one of those the law was disallowed at the request of the Governor, because it had been found to contain a serious error. The power of disallowance might therefore be dropped. It may be necessary to make an exception for Colonial stock which the local Government wishes to be included in the list of trustee stock (see section 39 of the Ceylon (Constitution) Order in Council, 1946). Normally, before stock can go on the list, the local Legislature has to acknowledge the right of the Sovereign to disallow any legislation prejudicing stockholders. In the case of the Dominions, however, under the Colonial Stock Act, 1934, it is sufficient if the Dominion government has given an undertaking confirmed by the Dominion Parliament that legislation which appears to Her Majesty's Government in the United Kingdom to affect adversely the rights of stockholders shall not be submitted for the Royal assent except after agreement with the United Kingdom Government, and that, where such legislation has already been passed, the Dominion Government will take steps to ensure that it is amended in accordance with the United Kingdom Government's request. This amendment might be extended to self-governing dependencies.

(d) *The governor's reserved legislative power.* The common form provision lays down that, if the Legislature fail to pass a measure which the Governor considers expedient in the interests of public order, public faith or good government, he may declare that the measure shall have effect as if it had been passed. This, if retained, could be limited to specified subjects. Here again there is the difficulty of defining them with precision, but this could be overcome by empowering the Governor to act "if he is satisfied" that the Bill deals with one of the prescribed subjects.

(e) *Power to legislate by Order in Council.* Except in a few of the older Colonies, this power is reserved in all Colonial constitutions. In Colonies obtained by cession or conquest, this power must be expressly reserved if it is not to be surrendered. The reservation can be limited to specified subjects (see section 30 of the Ceylon (Constitution) Order in Council, 1946, which reserved the power for the purposes of defence and external affairs).

(f) *Governor's reserved executive powers.* Until a few years ago nearly all Colonial constitutions permitted the Governor to act freely against the advice of his Executive Council; and even now the right exists, subject, in the case of more advanced territories, to certain restrictions. In particular, the Governor may be required, except in the case of urgency, to obtain the Secretary of State's prior consent. This reserved power could be limited to specified subjects, e.g. matters which the Governor was satisfied affected external relations or defence.



### (3) *Amendments of the constitution*

Under section 5 of the Colonial Laws Validity Act, 1865, a representative Legislature (i.e. one comprising a legislative body half the members of which are elected) has power to make laws respecting its constitution, provided that the amendment is made in the manner and form (if any) prescribed in the constitution. The constitution may also be amended by Order in Council, except in certain cases where the power has been lost. No doubt the Legislature of a self-governing dependency would be a representative one and its authority to amend the constitution under the Act of 1865 would be allowed to remain, but special machinery for amendment could be included as a safeguard against undesirable change. It is quite usual for a constitution to require amending Bills to be reserved for Her Majesty's pleasure.

### (4) *Limitations of legislative power*

As in Malta, certain subjects could be excluded from the authority of the local Legislature to make laws. Experience in Malta shows that this restriction gives rise to legal difficulties of interpretation and a feeling of frustration on the part of the local politicians. In most Colonies, laws can be made on any subject whatever, and there is no apparent reason why the Malta precedent should be followed elsewhere.

### (5) *Reserved subjects*

If any United Kingdom control is to have effect with regard only to specified matters, the following questions will need consideration:—

(a) "External affairs" is, of course, wider than "foreign affairs" because the former includes relations within the Commonwealth. It is difficult however, to say what precisely is embraced in either expression. For example, there is a case for saying that measures to ensure efficiency and integrity in the administration of justice are a matter of external affairs, because of the importance of ensuring that persons belonging to other countries arraigned before a Colonial Court obtain justice.

(b) Does "defence" include internal security? In some cases we have acted on the view that it does; the recent Malayan constitutional discussions proceeded on the assumption that it does not. Where can one draw the line? For example, if an agitator paid by a foreign Power is stirring up civil strife in time of war, are measures to deal with him within the scope of "defence" or not?

(c) What emergency powers should be required? Should they include the right to suspend the constitution? Should they be exercisable by Order in Council or by the Governor? Under the Emergency Powers Order in Council, which is in force in most Colonies, the Governor can make a proclamation which enables him to legislate by Regulation. One possibility is for the Governor to be given emergency powers for a limited time (e.g. three months) and for the matter to be dealt with thereafter by Order in Council.

### (6) *Parliamentary debate*

The extent to which questions and debate can be avoided in Parliament on the internal affairs of a self-governing dependency depends largely upon how far these checks and limitations on local autonomy are preserved.

**252** CAB 134/1202, CA(56)38, Appendix 16 May 1956  
**'Powers of colonial governors to preserve order': note by Lord Salisbury for Cabinet Colonial Policy Committee**

[In Apr 1956 Salisbury suggested in Cabinet that colonial governors should have reserve powers to enable them to take limited action to preserve order without going to the length of declaring a state of emergency. Cabinet invited Salisbury to develop his ideas in a memo for the Colonial Policy Committee (CAB 128/30/1, CM 31(56)9, 26 Apr 1956). Salisbury explained that the note was written 'as a result of impressions I gained in Colonial Territories on my visit to Rhodesia earlier this year'. The note was circulated to the Colonial Policy Committee with the agreement of Lennox-Boyd who had already received a copy.]

During my visit to Africa I have had the opportunity to talk with a good many men both officials and unofficials with recent experience of Africa, and there has been borne in on me more and more what seems to be a really serious defect in our machinery for preserving law and order in our Colonial territories, a defect which has been equally visible in Cyprus and Malaya. At present, it seems to be geared only to deal with two completely different sets of circumstances, what may be called normal times and what may be called emergencies. In normal times, no doubt, it is very important to preserve all the rights and liberties of the individual, and they are indeed as jealously safeguarded as they are in this country. And, equally, when an emergency arises, it is no doubt necessary, in the interests of the community as a whole, that these rights and liberties should be temporarily suspended. No one, I imagine, would seriously dispute either of these propositions, or would criticise our administrative machinery, so far as it is devised to deal with the two states of affairs which I have described. But, unfortunately, in the world in which we now live, we must, I am afraid, face the fact that what we used to describe as normal times no longer exists in the larger part of the Colonial Empire. Everywhere, with varying intensity, the cold war rages: the existing régime is being attacked by subversive forces. It cannot, in the great majority of territories, be said that there is an emergency, but there is a budding emergency. Yet the Government of the Colony has not adequate powers to deal with this twilight period, to take the measures which are vitally necessary if disaster is to be averted. It has to behave as if the skies were cloudless until the storm actually breaks; and then it is too late to avoid bloodshed and misery. We all remember how, in Cyprus, Sir Robert Armitage continued to ask fruitlessly for powers which have since been granted, too late, to Sir John Harding, and other similar cases could no doubt be quoted. This surely cannot be right. It is all very well to put the blame on the Home Government, and say that an emergency ought to have been declared sooner. But I am sure that this is not the answer. The declaration of an emergency, which involves the suspension of liberties which would normally be regarded as inalienable, is a serious matter; and the Home Government must be sure of having Parliament behind it before it acts. What seems to me to be required is to give the Governor of a Colony certain additional reserve powers, which can be used without the declaration of any emergency. What these powers should be would, of course, require most careful examination. I will only mention one. I should have thought that he should certainly have the power to banish a persistent agitator; and no doubt there are others equally important. I fully realise that to grant such reserve powers to the Governor would be regarded in certain quarters as a dangerous

innovation, and Parliament would no doubt insist on a right of appeal. Yet to subject the decision of the Government to challenge in the courts of the Colony, with all the uncertainty, delay and local disturbance that might be involved, would largely nullify the value of the new powers. Would it not be possible, for this special purpose, to provide for an appeal straight to the Privy Council? That is the highest tribunal that exists for a purpose of this kind, and the detached and remote atmosphere in which it sits would make it specially suitable to deal with a case where strong passions are likely to be aroused.

I realise that a proposal of this kind is easy to criticise, and may well be regarded as chimerical. But I submit that something must be done. Colony after Colony is being plunged into turmoil by forces with which our present administrative and legal procedures does not enable us to deal until all the harm is done. If we are to preserve our Colonial Empire at all, we must give Colonial Governments the necessary means. And now, when events in Malaya, Kenya and Cyprus are fresh in the minds of the British Parliament and the British people is, I submit, the time to do this.

## 253 CAB 134/1201, CA 33(56)2

25 July 1956

### 'Powers of colonial governors to preserve order': Cabinet Colonial Policy Committee minutes

The Committee had before them a note by the Lord President of the Council (C.A.(56) 18)<sup>1</sup> regarding the need to reinforce the powers of Colonial Governors to deal with subversion in a situation short of an emergency. They also had before them a memorandum by the Secretary of State for the Colonies (C.A(56) 21)<sup>2</sup> commenting on the Lord President's note and suggesting that the crucial point was not whether such powers could be taken in any particular territory but when it was politic, opportune and effectual to use them.

*The Lord President* said that the need to provide Governors with effective powers which they could use to prevent emergencies coming to a head had been borne in upon him during his visit to Rhodesia and East Africa during the spring: he thought that Governors in particular should have power to banish persistent agitators. It was not material whether the subversive forces were those of nationalism or Communism, though in fact it had been our experience in Kenya, Aden and Cyprus that nationalist agitation contained an external element. He recognised the problems involved in the use of Governor's powers, but this did not, in his opinion, make it the less necessary to see that such powers were available in good time.

*The Colonial Secretary* said that he had carefully examined the problem to which the Lord President had drawn attention and he had circulated with C.A(56) 21 a despatch on powers for dealing with subversive activities which had been sent to Colonial Governors as long ago as 1950. Generally speaking, Colonial Governors already possessed powers to deport undesirable aliens. They had previously been encouraged to obtain (where this was necessary) similar powers, with certain qualifications, in respect of people deemed to belong to the territory, but as a result of Parliamentary pressure during his predecessor's term of office such an extension of Governors' powers was now at a stand-still. This situation was at the moment

<sup>1</sup> See 252.

<sup>2</sup> Not printed.

causing embarrassment only in Aden, but in view of the difficulties which had arisen there over four local agitators he would be glad to consider the possibility of a change of policy whereby Colonial Governors would be explicitly encouraged to obtain or keep powers to deport undesirable persons belonging to their territories. Such powers were unlikely to be necessary for very large territories, such as Nigeria, but it might be desirable that they should be taken generally so as to avoid concentrating attention upon the affairs of one particular territory. Such action would, however, be likely to invite Parliamentary criticism and might have to be justified in the light of the European Convention for the Protection of Human Rights. He realised that the Lord President had been thinking in wider terms than of increased powers for the deportation of undesirables. Nonetheless, the latter represented, at present the main area of the difficulty and he was somewhat doubtful whether other additions to Governors' normal powers were necessary at this time. As it was he had often had to overcome hesitations to use their existing powers on the part of Colonial Governors who were conscious of the local difficulties which this would involve. Moreover, he thought that Ministers might in practice see difficulties in giving to Governors discretionary powers which might well have to be exercised in cases of political difficulty.

*The Lord Chancellor*<sup>3</sup> said that the existence of adequate powers with subversion could be useful in itself as a stabilizing influence in the background of a Colony's political life. It might, therefore, be worth reviewing the present state of Colonial Governors' powers to deal with subversion so that Ministers could, for example, consider whether powers should not now explicitly be sought to deport persons belonging to territories. There would remain, however, the problem of the circumstances in which such powers were used. He believed that Colonial Governors were now attaching adequate importance to security, and where the lives and safety of the peoples in their care were at stake strong measures would be justified. Nonetheless an essential feature of the democratic way of life in which we were leading the Colonial peoples was the Rule of Law. To subject such measures to judicial scrutiny would not, however, always be practicable in that judges would not in general be fitted either by their training or experience to deal with cases in which evidence, or its sources, could not always be disclosed to the defence. He recalled the advisory machinery which had been set up in connection with detentions made under Defence Regulation 18B during the war and which had had a valuable effect in steadying public opinion, and suggested that it might be possible to establish somewhat similar advisory bodies in Colonial territories which would command general respect. The deportation of persons belonging to a territory would then only be carried out after consultation with such an advisory body, though the final decision would rest with the Colonial Governor.

The Committee discussed the Lord Chancellor's suggestion for an advisory body, and the following were among the main points made:—

(a) Such machinery might be mainly valuable for its effect on public opinion locally. Governors themselves were unlikely to feel the need for moral support.

(b) If such advisory bodies were to serve their purpose, their existence would have to be known and all cases for deportation would have to be referred to them, even

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<sup>3</sup> Lord Kilmauir.

though some of these would be politically embarrassing. It would however, be necessary to allow Governors in urgent cases to report the facts to the advisory body after action had already been taken to deport a particular undesirable.

(c) No reports of such advisory bodies would be published. On the other hand, it might be difficult to prevent disclosure on some occasions of the advice tendered to Colonial Governors. In such circumstances it would be bad for the Governor's prestige if he should appear to have been over-ruled by the advisory body.

(d) It would therefore be necessary to make it clear that such bodies were not courts of appeal, but had a purely advisory function.

(e) There might be one such body for each sizeable Colonial territory, composed of one judge, one expatriate civil servant and one representative of the non-official classes in the territory. On the other hand, since the number of cases was not likely to be at all large, it might be possible to consider a central body with a distinguished membership.

There was general agreement that it would be valuable to review the present state of Colonial Governors' powers to deal with subversion, with particular reference to the question of deporting people belonging to a territory and to the establishment of an advisory body on the lines discussed.

The Committee:—

(1) Invited the Colonial Secretary to examine whether there were any ways in which the powers of Colonial Governors to deal with subversion needed to be reinforced, and to report his conclusions to the Committee.

(2) Invited the Colonial Secretary, in connection with (1) above, to consider the possibility of advisory machinery on the lines indicated in discussion.





## CHAPTER 5

## Political and constitutional change

Document numbers 254–357

**254** FO 800/825, no 20

11–12 Nov 1951

[Sudanese self-government]: minutes by Mr Churchill and Sir W Strang

[Unlike the colonial territories proper, the Sudan was a condominium with Britain and Egypt acting as co-domini under the terms of an agreement of 1899. British responsibility was exercised through the FO. In outward tel no 220 despatched on 8 Nov 1951, the FO informed Sir R Howe (gov-gen of the Sudan, 1947–1955) that HMG hoped that 'the necessary basis for self-government' in the Sudan 'should be achieved before the end of 1952' (FO 371/90113, no 38).]

*Foreign Secretary*

Please see Foreign Office telegram to Khartoum No. 220 of November 8.

Surely we are not called upon to hurry this process in this way? I hope this may be considered maturely by the Cabinet before any such date is fixed.

W.S.C.  
11.11.51

*Prime Minister*

I am sending to the Foreign Secretary your minute M 25(C)/51 of the 11th November.

2. Mr. Eden had already asked me to ensure that his telegrams Nos. 539, 540 and 542 from Paris are brought to your attention. I attach copies of these.<sup>1</sup>

3. The Foreign Secretary proposes to make a statement on the lines of his telegram No. 540 in the House of Commons on Wednesday or Thursday of this week.

4. There is at present great uneasiness and impatience in the Sudan. The immediate cause of this is the purported Egyptian abrogation of the Condominium Agreement of 1899. Even before this the growth of political consciousness in the Sudan had been rapid, under the impact of recent events in the Middle East and the imminent [sic] granting of independence in Libya.

5. In order to unite Sudanese opinion, the Governor-General this year set up a Sudanese Commission to recommend to him the next steps towards self-government. This Commission is expected to make its report in the near future and to recommend steps that will lead to self-government before the end of 1952. Meanwhile the Commission, very unwisely, has sent a telegram to the United Nations asking for the appointment of an international commission to reside in the Sudan.

<sup>1</sup> Not printed.

6. It is in order to allay the uncertainty of the Sudanese, which is already finding expression in demonstrations, and to sidetrack the Commission's request to the United Nations, that it is proposed to make a statement about our own intentions.

7. We think that something on the lines of the proposed statement is the least that can be said if we are to give the necessary lead to the Sudanese. The Governor-General has been pressing us for early action.

W.S.  
12.11.51

**255** CAB 128/23, CC 7(51)6  
'Sudan': Cabinet conclusions on self-government

15 Nov 1951

The Cabinet had before them a note by the Secretary of the Cabinet (C. (51) 16) covering a draft of a statement which the Foreign Secretary proposed to make on the future of the Sudan.

Discussion turned on the question whether this statement should hold out the hope that a constitution providing for self-Government might be in operation by the end of 1952. The Cabinet were informed that this hope was already entertained in the Sudan, as a result of announcements made by the Amendment Commission, and that the object of the statement would be defeated if it contained no reference to this date.

The Cabinet:—

Authorised the Foreign Secretary to make a statement in the House of Commons on the lines of the draft appended to C. (51) 16.<sup>1</sup>

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<sup>1</sup> Mr. Eden's statement was made on the same day.

**256** FO 371/96855, no 80  
[Sudan constitution]: letter from Sir T Lloyd to Sir W Strang  
comparing the Sudan constitution with colonial constitutions

9 May 1952

Stephen Holmes<sup>1</sup> sent Jeffries a copy of his letter to you of the 9th April, enclosing a copy of a background note on the constitutional issues which would be involved should the Sudan, in exercising its powers of self-determination later on, elect for membership of the Commonwealth. We were glad to have seen this and the copy of your reply of the 21st April, and have no comments on the Commonwealth Relations Office note to offer at this stage. We should naturally wish to be kept informed if this issues becomes an actual one.

2. I take this opportunity of commenting on another aspect of the Sudan constitutional problem. With his letter (J.E.1015/33) of the 21st March to Trafford Smith<sup>2</sup> of this Office, Allen<sup>3</sup> sent over a copy of the draft Constitution which has been drawn up in the Sudan. Attached to this was a preliminary minute embodying the chief points of interest to the Foreign Office in the draft Constitution. Allen

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<sup>1</sup> Sir S Holmes, deputy under-secretary of state, CRO, 1951–1952; high commissioner to Australia, 1952–1956.

<sup>2</sup> Trafford Smith, assistant secretary, CO, 1945–1953; Lt-gov of Malta, 1953–1959.

<sup>3</sup> R Allen, head of Africa Dept, FO, 1950–1953; assistant under-secretary of state, 1953–1954.

suggested an informal meeting, after we had had time to study these documents.

3. We have now examined them, although, as Trafford Smith pointed out in earlier correspondence, it would put too much of a burden on our Legal Division, on which the task would chiefly fall, for us to undertake to comment on a draft Constitution in close detail. The following comments are, therefore, of a somewhat general character. They are points which stand out if one compares the general shape of the Sudan draft with the type of constitution existing in the more advanced Colonial territories.

4. The feature of the draft Constitution which chiefly concerns us is its provision, in Chapter IV, for an executive of fully responsible Sudanese Ministers, with no *ex-officio* Ministers in the interim period. This, as you have noticed, gave raise to a comment in the "Times" on the 3rd April correctly describing these proposals as going considerably beyond any system so far introduced in any of the African or West Indian Colonial territories. It is true that the wide powers reserved to the Governor-General, including his power to suspend Parliament and govern by Order in Council on proclaiming a constitutional emergency, might be argued to be a very considerable limitation on full responsibility during the interim period. There is little doubt, however, that if this Constitution comes into effect, the pattern set by it will be brought forcibly to our notice in territories such as the Gold Coast and Nigeria, particularly the Gold Coast, with demands for the early abolition of *ex-officio* ministerial posts. I suppose there was no alternative in the special circumstances of the Sudan to the course taken, but it is going to present us with a very difficult problem indeed in West Africa. You will no doubt recall that my Secretary of State drew attention earlier this year to the effects on the Gold Coast of developments in the Sudan in the paper (C. (52)28),<sup>4</sup> which he put to the Cabinet about the Gold Coast constitution.

5. In a telephone conversation between Trafford Smith and Allen, the latter mentioned that the Foreign Office would welcome advice on Clause 12 of the draft, and indicated that, so far as the Foreign Office are aware, an express provision to the effect that a Governor-General is to be "head of the Constitution" is uncommon. There is no such provision to be found in the constitution of any territory for which this Office is responsible. In such constitutions, Her Majesty is the "head of the constitution" (though that is nowhere expressly provided); the Government of the territory is Her Government; and the Governor is Her representative in the territory.

You will no doubt be consulting the Commonwealth Relations Office on the question whether any such provision exists in the constitutions of any independent member of the Commonwealth.

6. A small point, perhaps not very directly of concern to us, is that the Sudan draft does not provide in the interim period for safeguarding the independence of the police. The holder of the police power is bound to occupy a key position in any territory, and it is always a matter of concern in any newly-created government to ensure that these powers are exercised impartially. It has not as yet been thought necessary to make specific mention of the police in any Colonial constitution; but the point is one to which attention has lately been drawn in connection with the Colonies, and you may like to have it in mind.<sup>5</sup>

7. A feature in the draft Constitution which is alien to practice in the Colonial

<sup>4</sup> See 265.

<sup>5</sup> See 244.

territories is the inclusion of a chapter laying down a code of fundamental rights. No doubt this, and the reference in Clause 96(1) to the "right of self-determination" are there under the influence of the United Nations Declaration of Human Rights. It has the practical disadvantage that, as a result of the provisions of Clause 4 of the draft, a review of the entire legislation of the Sudan may well be necessary. I believe that the Government of India got itself into difficulties over a similar provision in the Indian constitution.

8. The alleged "right of peoples to self-determination" is, as you know, at present the subject of a great deal of confused debate in the United Nations Commission on Human Rights. It has been derived from two chapters in the United Nations Charter, where it has a very imprecise meaning. It is questionable whether the expression has any meaning in international law, and we ourselves are not very keen on it as a feature in a document in which the terms are, presumably, intended to have precise legal meaning. The same point may arise over amendments to the draft Constitution which we understand from the Press have been adopted by the Sudanese Legislative Assembly. One of these apparently provides that a clause will be inserted to provide for the Sudanese to decide freely the time when and the methods by which the right of self-determination shall be exercised.

9. All the comments in this letter are of a somewhat general character, but I hope that they will serve to indicate the chief differences which we see between the draft Constitution for the Sudan and the pattern of constitutions which we are accustomed to in the Colonial territories. We should be happy to take part in any informal discussion which you may be arranging over the Sudanese Constitution.

10. I am sending a copy of this to Liesching.

**257** FO 371/96855, no 90

5 June 1952

**'Sudan draft statute for self-government': FO record of an inter-departmental meeting with the CO and CRO**

A meeting was held in Mr. Allen's room at the Foreign Office at 3 p.m. on the 5th June. Mr. Coster, of the Commonwealth Relations Office, Mr. Trafford Smith, Mr. Morris<sup>1</sup> and Mr. Jasper Peck<sup>2</sup> of the Colonial Office, Mr. Fitzmaurice and members of African Department were present. Mr. Allen was in the chair.

2. On Chapter II concerning Fundamental Rights it was agreed that although none of those present saw any advantage in including this chapter, it would be more harmful to try to get it excluded now than to leave it in. The Colonial Office position was safeguarded in so far as it could be said that the Statute was produced by the Sudanese themselves, and that it was not a British draft. In this way the Colonial Office could argue against using it as a precedent for draft colonial constitutions.

3. Regarding the "right of self-determination" in the second paragraph of the preamble, it was agreed that if possible some other phrase should be substituted, such as:—

(a) "as a prelude to the attainment by the Sudanese of the ultimate goal of self-determination";

<sup>1</sup> W A Morris, assistant secretary, CO, 1948–1963.

<sup>2</sup> J A Peck, assistant legal adviser, CO, 1950–1965.

(b) that reference should be made to "their" right to self-determination, making clear that the right had been accorded specifically to the Sudanese and was not a general right. The Foreign Office would consult the Civil Secretary of the Sudan Government privately and ask him to assess the reactions to any proposed change on these lines. If his assessment was that it would create an uproar, it might be necessary to let the phrase stand and in argument regarding the "right of self-determination" in future point out that the Sudanese had a special right because of the pledges made to them.

4. The Council of Churches had written about the religious clauses in Article 7. The Foreign Office had already written to Khartoum on this subject and would act on the Civil Secretary's advice. The Colonial Office thought the alternative wording suggested by the Council of Churches safeguarded the point in which they were interested *viz.* the limitations necessary to preserve public order.

5. The absence of *ex-officio* ministers in the Sudan Statute could be explained by saying that the Sudan had now developed politically a stage beyond that at which *ex-officio* ministers were a necessary part of the machinery of government. Nevertheless it was recognised that the absence of provision for the Governor-General to control the allocation of portfolios might make certain difficulties, especially in connexion with the responsibility for defence. It was pointed out that although the Governor-General retained control of the Sudan Defence Force, he was not responsible for defence in general.

6. Connected with this problem was the absence of any special safeguard for the independence of the police. An interpretation of Article 98(1) giving the Governor-General special responsibility "for the public service" might be extended to cover the police. Alternatively, trouble with a difficult Minister of the Interior might be circumvented by Articles 91 and 92, which enabled the Governor-General to confer additional functions to the Public Service Commission, though this was an unsatisfactory solution. It was agreed that here again the Civil Secretary should be consulted and asked whether he was satisfied that the Governor-General would have sufficient control over the police to prevent a Sudanese Minister of the Interior using his control of the police to the detriment of public interest.

7. Finally the meeting considered the peculiar position of the Governor-General described in Article 12 as "the constitutional head of the Constitution". It was pointed out that this situation was quite unprecedented and that it would have been much better if the phrase "the constitutional head of the Constitution" were left out altogether or the whole clause were dropped. This, however, together with the question of the Governor-General's special powers, might be a subject for discussion with the Egyptian Government and it might be better to wait for the Egyptians to raise the question.

8. It was thought that it might be wise to make quite clear that the Governor-General's powers under Article 96(2) did not exceed the powers given to him in the Condominium Agreement of 1899. If some qualifying clause were necessary, it was suggested that some such phrase as "within the scope of his authority and powers" or "subject to existing arrangements for the conduct of those affairs" or "subject to existing international agreements relating to the Sudan" should be added to this Article. This suggestion would be put privately to the Civil Secretary.

9. It was agreed that subject to clearing up these points, Her Majesty's

Government should be recommended to approve the constitutional Statute. The timing of the approval would have to depend upon the state of Anglo-Egyptian negotiations. The position was that if Her Majesty's Government and the Egyptian Government did not both object, the Constitution would be put into force six months from the time when it was submitted to the Co-domini, that is to say, the 8th November, 1952.

## 258 CAB 128/25, CC 93(52)4

6 Nov 1952

### 'Sudan': Cabinet conclusions on the Sudan and Commonwealth membership

The Cabinet had before them a memorandum by the Foreign Secretary (C. (52) 388) covering the draft of a reply which he proposed to have sent to a letter he had received from Mr. Omar, the Secretary of the Sudan Party, which hoped that the Sudan would eventually adhere to the British Commonwealth.

*The Foreign Secretary* said that the reply could only be non-committal but it was for consideration whether it would not be wise to take preliminary soundings of other Commonwealth Governments on their attitude towards a possible application by the Sudan to join the Commonwealth.

*The Parliamentary Under-Secretary of State for Commonwealth Relations* said that the South African Government would certainly oppose the admission of the Sudan to the Commonwealth. Canada, Australia and New Zealand, also, would be reluctant to agree to the admission of the Sudan, not on a racial grounds, but because any increase in the number of small member countries would weaken the Commonwealth's coherence and detract from the value of Commonwealth discussions.

In discussion the view was expressed that a study should be made of the general implications from this point of view of our Colonial policy of developing Colonies to the stage at which they could attain "independence within the Commonwealth." There was no difference in principle between admitting the Sudan to Commonwealth membership and accepting, say, the Gold Coast as a full member.

The view was also expressed that, while the reply to Mr. Omar must be non-committal, it might be made more acceptable if the sentence: "It is not possible for Her Majesty's Government in the United Kingdom at this time to express any opinion about the form which that relationship should take" were modified to read as follows: "This is not, however, the time for Her Majesty's Government in the United Kingdom to express an opinion about the form which that relationship should take."

The Cabinet:—

- (1) Approved generally the draft letter attached to C. (52) 388 but invited the Foreign Secretary to consider the modification suggested in discussion.
- (2) Invited the Commonwealth Secretary, in consultation with the Foreign Secretary and the Colonial Secretary, to consider and report to the Cabinet on the problems involved in admitting to full Commonwealth membership Colonial territories which might in future attain the status of "independence within the Commonwealth."<sup>1</sup>

<sup>1</sup> For Swinton's report, see 178.



**259 CO 1032/10****20–21 Nov 1952****[Sudan and Commonwealth membership]: minutes by W A Morris<sup>1</sup>  
and Sir C Jeffries**

... 2. The enclosure to (12) is a draft Cabinet Paper,<sup>2</sup> prepared in pursuance of the Cabinet minute at (10).<sup>3</sup> It deals only with the question of possible Sudanese application for Commonwealth membership, leaving the general question in relation to more advanced Colonial territories to be dealt with in another paper.

3. It seems impossible to quarrel with the conclusions in paragraph 6, to the effect that this matter should not be raised on a hypothetical basis at the forthcoming meeting of Commonwealth Prime Ministers. It is arguable that, in paragraphs 3 and 4, the case has been a little too heavily weighted against the value of having the Sudan in the Commonwealth. The Foreign Office seem to be moved by the desire to get shot of the Sudan, in the interests of easy relationships with Egypt, and the C.R.O. by fear of anything which is going to cause awkwardness with Dr. Malan. It is difficult to dissent from the argument that the Sudan would not be much of a source of strength to the Commonwealth, but on the other side it might be thought:—

(1) that there would be some advantage in having this large neighbour to Kenya and Uganda within the Commonwealth, possibility through its having some nominal link with the British Crown, rather than have it grow up into a second Liberia;

(2) that, as there will presumably be sometime other relatively weak African units, such as the Gold Coast, self-governing within the British Commonwealth, too much cannot be made of the argument that the Sudan should not come in because it is not a great Power;

(3) that it might have a bad effect in West Africa if the Sudan became self-governing and then completely independent, if there was any public discussion of the possibility of its coming into the Commonwealth.

4. The real difficulty here, as I see it, is that nobody is really convinced that the Sudan is ripe for self-government, and that there is nothing in the previous pattern of full Colonial membership to justify one in regarding the Sudan as being nearly qualified for it. As the Jeffries/Syers Report put it "Standing in the community of nations cannot be conferred by the *ipse dixit* of the U.K. nor even assumed as a right". Therefore it would seem to be very unwise to take any step to sound out the views of other Commonwealth members at the present time, and the right course seems to be to wait and see. Unless it is thought that the earlier parts of the paper reflect too much of a F.O./C.R.O. point of view on getting shot of the Sudan, I do not myself see any amendments to suggest in the paper. ...<sup>4</sup>

W.A.M.  
20.11.52

<sup>1</sup> See 257, note 1.

<sup>2</sup> For the paper submitted to Cabinet, see 260.

<sup>3</sup> See 258.

<sup>4</sup> Gorell Barnes minuted on 20 Nov: 'It seems to me that FO underrate both the strategic importance of the Sudan and ... the degree of psychological influence which membership of the Commonwealth can exercise on a country's behaviour: India may be difficult enough in all conscience; but I feel sure she would be much more difficult if she were outside the fold' (CO 1032/10).

The issue is by no means clear-cut; what *is* clear is that to start discussions with other Commonwealth countries before we have a policy of our own would be a serious mistake. My own view is that the U.K. is already committed to the policy of a parti-coloured Commonwealth, and that if we have to choose between going back on that policy or losing South Africa from the Commonwealth we must face the latter. I would therefore rather see the Sudan in than out. But it is evident that there are powerful arguments to be put forward on the opposite side. The sooner we can get these questions thrashed out in the second part of the exercise, the better. . . .

C.J.J.

21.11.52

## 260 CAB 129/57, C(52)452

23 Dec 1952

### 'Membership of the Commonwealth: the Sudan': Cabinet memorandum by Lord Swinton

At the meeting on 6th November (C.C (52) 93rd Conclusions, Minute 4)<sup>1</sup> the Cabinet invited the Commonwealth Secretary, in consultation with the Foreign Secretary and the Colonial Secretary, to consider and report to the Cabinet on the problems involved in admitting to full Commonwealth Membership Colonial territories which might in future attain the status of "independence within the Commonwealth." A paper on this subject is being prepared and will be submitted as soon as possible.<sup>2</sup> The present paper is concerned with the question, which was also discussed at the Cabinet, of a possible application by the Sudan to join the Commonwealth, and whether preliminary soundings should be taken of other Commonwealth Governments as to their attitude towards such an application.

2. As to the likelihood of such an application, the majority of Sudanese are on the whole reasonably well-disposed towards us at present. There are, however, wide divergencies between different sections of Sudanese opinion. The rivalry between Sayed Abdel Rahman el Mahdi and Sayed Ali Mirghani, which is both personal and religious, the difference in outlook between the relatively well-educated politicians of the towns and the backward tribesmen in more remote areas, and the widely differing racial, religious, economic and cultural interests of the South as compared with those of the North, all make it difficult for the Sudanese to agree among themselves on any controversial issue, such as their future status. It is probably true, however, that the majority of Sudanese, among those who are politically conscious, wish at present to be free from British tutelage. In so far as they are still ready to accept British help and advice, this may be attributed principally to the fear that, if that help and advice were suddenly withdrawn, the Sudan might fall under the domination of Egypt. The Sudan has reached a stage in its political history where it may be subject to strong influences from several quarters, and future developments there are therefore almost impossible to predict. But it seems at the moment unlikely, though possible, that on the attainment of independence the Sudan will apply to become a Member of the British Commonwealth, unless it were our definite policy to take appropriate steps in order to bring about such an application.

3. From the point of view of our foreign relations there seems in fact to be little

<sup>1</sup> See 258.

<sup>2</sup> See 178 for the paper submitted to Cabinet.

advantage in trying to bring about such an application. Although on general grounds it is in our interest that the Sudan should remain on good terms with us after independence has been achieved, it should be possible to ensure this by other means than fostering any inclination which there may be on the part of the Sudanese to enter the British Commonwealth. The Sudan has no positive contribution to make to the Commonwealth on the political side; admission to the Commonwealth might, however, encourage the Sudanese to expect help from the United Kingdom. Certainly any encouragement now by us of the Sudanese to enter the Commonwealth would greatly complicate our relations with Egypt and might indeed spoil the good effect of any agreement which we may reach with her. In the short run, it would certainly be bad for the Sudan, since it would inevitably deepen and confirm the various cleavages in Sudanese opinion already referred to. Strategically there would be no advantage to us in having the Sudan in the Commonwealth, although we shall probably wish to obtain communications facilities in the Sudan.

4. On the economic side our main interest in the Sudan is in the purchase of cotton. In order that we may be sure that this cotton is available to us for sterling, it is highly desirable that the Sudan should become a full member of the sterling area once it has its own independent currency. The entry of the Sudanese into the Commonwealth might help to ensure this. It is unlikely that entry into the Commonwealth would bring preferential treatment to British exports to the Sudan, since we could not offer preferential treatment to Sudanese exports to the United Kingdom. Generally speaking, almost all our requirements in the Sudan would be met just as well by means of a Treaty and other suitable forms of agreement.

5. There is a contrary argument deriving from a feeling that it would be unwise and undesirable to disappoint the Sudanese if they showed themselves keen to apply for Membership. This argument might outweigh others if in fact the Sudanese do apply to become Members of the Commonwealth. In that event we might have to consider their application very seriously. But there does not appear to be any case, from the point of view of foreign policy, for our trying now to develop the growth of such a desire in the Sudan, though we should of course do our best to foster friendly feelings towards us there, and we should also avoid any action which might be construed as closing the door now upon the possibility of any future application by the Sudan for Membership of the British Commonwealth.

6. From the point of view of Commonwealth relations, it is clear that if the Sudan were to apply to join the Commonwealth she would be doing so in the capacity not of a dependent territory, but of a fully sovereign independent foreign country. This rules out the possibility that she would be prepared to consider admission on any status lower than that of full Membership of the Commonwealth, with its essential attributes, namely, attendance at Prime Ministers' meetings and participation in the process of consultation on matters of common concern. It is, however, clear that the Sudan is both too immature and too weak to make any significant or responsible contribution to the higher counsels of the Commonwealth. Moreover, she could not be admitted without prior consultation with all the existing Members, of whom South Africa, at any rate under her present Government, would certainly not agree. Finally, an application from the Sudan for admission to full Membership would inevitably raise the whole question of the admission to a similar status of the Gold Coast, Nigeria and other Colonial territories at or near a comparable stage of development. It would be clearly undesirable to embark on discussions with other

Commonwealth Governments on issues of such a complex and controversial character, fraught as they are with difficulties and dangers to the whole structure of the Commonwealth, without preparation and before we ourselves have evolved a considered policy on the matter.

7. There are, however, other considerations, to which the Colonial Office attach importance and which must be taken into account. We have frequently repeated that our aim for the Colonial Territories is "self-government within the Commonwealth." Although latterly at any rate, care has been taken to point out that this is not necessarily the same as full Membership of the Commonwealth, the effect has been to arouse in the larger Colonial territories an expectation of ultimate admission to full Membership and, if this is denied, some of them may choose to part company with us rather than accept indefinitely an inferior status. The decisions already taken regarding Ceylon, India and Pakistan imply that we have turned our back on the conception of a Commonwealth of Nations deriving its strength and inspiration from homogeneity in race, culture, religion and tradition. These new Members were all formerly dependencies of the United Kingdom; it is the United Kingdom which sponsored their admission to Membership, and has secured the acceptance by the other Members of a loosely knit Commonwealth of a new character. The United Kingdom at least cannot refuse to take the same line with other dependencies which reach the stage of independence. Although the Sudan is not strictly a British dependency, yet if that territory, having reached the stage of choice, elects to remain outside, this might well weaken the forces in the Gold Coast and Nigeria, at present in the ascendant, which see the independent future of those territories as lying within the Commonwealth. Any rebuff to a Sudanese application for Admission or even any indications that an application would be unwelcome would certainly do so. On the other hand, the concession of full Commonwealth Membership to a quasi-foreign State could hardly fail to stimulate demands for a similar concession to such territories as the Gold Coast and Nigeria.

8. The Colonial Office recognise that it would be undesirable for the reasons given above, to embark on discussions with other Commonwealth Governments on this issue at the moment. Meanwhile, however, they consider that, while it would be unwise to encourage the Sudanese to seek Membership of the Commonwealth unless and until there is firm ground for supposing that an application if made would be favourably considered, yet at the same time it is important that nothing should be said or done which would tend to discourage those elements in the Sudan who are in favour of Commonwealth Membership.

9. Our conclusion therefore is that it would be unwise to raise the question of possible admission of the Sudan as a full and independent Member of the Commonwealth with other Commonwealth Governments at the moment because:—

- (a) to do so would raise the whole issue of the admission of Colonies such as the Gold Coast to full Membership before we have had time to evolve a considered policy on the matter;
- (b) there are special reasons for not encouraging a condominium territory such as the Sudan to apply to be a Member of the Commonwealth which are not applicable in the case of territories already inside the Commonwealth; the Sudan would therefore be a bad case upon which to start a discussion of all the principles involved in admission to membership;

(c) the question does not become actual until the Sudan in fact applies for Membership. She may never do so, and meanwhile it is sufficient merely to maintain a non-committal attitude to any hypothetical enquiries that may be received on the subject, care being taken so to express replies that such an attitude is not misinterpreted as implying that we wish to discourage her.<sup>3</sup>

<sup>3</sup> Within a few months ministerial attitudes had hardened against the idea of Sudanese membership. In May 1953 Selwyn Lloyd, the minister of state, told the Cabinet Committee on Commonwealth Membership that 'We should avoid encouraging Sudan to opt for Commonwealth membership when she came to make her choice. It seemed best that Sudan should opt for independence and make a close treaty with us as Jordan had done' (CAB 134/786, CCM(53)1, 7 May 1953). The Sudan became independent outside the Commonwealth on 1 January 1956.

## 261 FO 371/102616, no 2

[18 May 1953]

### 'The Sudan': FO brief for UK representatives at Anglo-French ministerial talks

It has long been Her Majesty's Government's declared policy for the Sudan to prepare the Sudanese for self-government, and for the eventual exercise of self-determination. During the past ten years, the Sudan Government have, with the encouragement of Her Majesty's Government, introduced a number of constitutional changes designed to lead the Sudan forward in that direction. The position was of course complicated by the peculiar status of the Sudan as a "Condominium", and the attitude of the Egyptian Government, who claimed that the Sudan was an integral part of Egypt and refused to co-operate in Her Majesty's Government's policy of constitutional development. The strains set up by this conflict, as well as the examples of Eritrea and Libya, have caused the evolution towards self-government to go at a greater pace than would have been expected a few years ago.

2. This, very briefly, is the background of the decision by Her Majesty's Government in October 1952 to authorise the Governor-General to promulgate the "draft statute for self-government" which provided for an all-Sudanese Cabinet responsible to an elected parliament. This Cabinet was to have full powers of government except in spheres of foreign affairs, the Southern Provinces, the public services, and situations requiring the proclamation of a constitutional emergency, in all of which cases special powers were reserved to the Governor-General.

3. The draft statute had of course also been submitted to the Egyptian Government. Instead of following the path of their predecessors, the Egyptian Government under General Nuguib decided at this point to abandon their insistence on Egyptian sovereignty over the Sudan, and declared their readiness to co-operate in the immediate introduction of self-government to be followed by free self-determination. It was obviously in the general interest that we should not let slip this opportunity of securing for the Sudanese Egyptian acquiescence in Her Majesty's Government's policy for their future. Moreover, the Egyptian move had won them considerable popularity in the Sudan, particularly amongst those favouring an independent Sudan, who in the past had been most anti-Egyptian. Many of those thought that it was a case of genuine conversion; others were determined that the Egyptians should be tied down on this point by international agreement. There was also, of course, a



certain amount of readiness on the part of the Sudanese to get what advantage there was to be extracted from playing off their *co domini* against one another, and this was responsible for the disappearance of some of the more conservative provisions of the original scheme in the subsequent agreement.

4. After a complicated negotiation, we were able to sign with Egypt the agreement of last February<sup>1</sup> which provided for Egyptian acceptance of our policy, and co-operation in the procedure for carrying it out. It involved considerable changes in the arrangements we had originally envisaged, in the absence of Egyptian co-operation—though they are not so big as appears at first sight. The main points are that the elections to the Sudanese Parliament will be supervised by one international Commission; and that the exercise of certain of the Governor-General's powers will be subject to approval of another, to be known as the "Governor-General's Commission", which will remain in existence until self determination. On both commissions there will be British, Egyptian, Sudanese and "neutral" representation. Another change in the original arrangements, which we conceded with reluctance, was the provision for the "Sudanisation" of British administrators during the period which is to elapse between the establishment of self-government and the exercise of self-determination (a period which under the Agreement is "not to exceed" three years). The provisions of the Agreement on this are not, however, absolutely water-tight, and it may well be possible in practice to maintain some of the British administrators. British advisers, technicians, and so on, in non-administrative posts, will not necessarily be affected.

5. Of course, the carrying out of the Agreement involves a considerable amount of co-operation between the British and Egyptian governments, and we realise that the determination of political relations between Britain and Egypt generally may result in the breakdown of the machinery set up under the Agreement. What is solid gain, however, is that Egypt has committed herself to the principle of self-determination for the Sudanese and abandoned the claim to Egyptian sovereignty. She cannot go back on this. For the rest, Her Majesty's Government will proceed with their policy with or without Egyptian co-operation.

6. Egyptian behaviour since the signing of the Agreement has made it clear that their change of attitude has been merely tactical, and that they hope by propaganda and bribery to secure Sudanese support for the cause of union with Egypt. Their over-enthusiastic pursuit of this policy has, however, already destroyed their brief friendship with the pro-independence parties.

7. The present position is that the Electoral Commission has failed to complete arrangements in time for elections to be held this spring, and that they will now take place after the rainy season in October or November. The country is perfectly calm—as indeed it has been throughout the past troubled year—though events in Egypt are bound to have their effect.

8. The French Government seem to be somewhat apprehensive that the course of events may lead to the appearance of a militant Islamic nationalism in a territory close to their own. We have little apprehension on this score: though some such danger might arise if the Egyptian aspiration of a united Nile Valley were to be

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<sup>1</sup> The Anglo-Egyptian agreement of 12 Feb 1953. Under this agreement between the co-domini, not more than three years were to elapse between the establishment of Sudanese self-government and the Sudan's attainment of independence. For detailed documentation, see BDEEP series B, D Johnson, ed, *Sudan*.



fulfilled. The Sudanese are at present extremely parochial-minded: there is great difficulty in getting them to extend their horizon beyond the confines of their own home towns or villages to the limits of the Sudan. They have little apprehension of the country to the west except as a source of cheap labour,—“westerners” whose presence they resent, but whose work they cannot do without. The idea of a “greater Sudan” extending to the Atlantic has probably never occurred to any Sudanese even in his wildest fantasies.

9. Our own apprehensions are less about the emergency [sic] of Sudanese imperialism than about the ability of an independent Sudan to hold together. Obviously it cannot do so without help, and we hope that the Sudanese will continue to look to us for support and advice. We think there is a better chance of this in the way we have chosen than if we had attempted to hold them back and enabled the Egyptians to capture them by sponsoring the cause of Sudanese independence against us.

## 262 CO 967/173

8 Jan 1952

[Gold Coast and Nigeria]: letter from Governor Sir J Macpherson to Sir T Lloyd on the impact of Gold Coast policy on Nigeria

Arden-Clarke is probably discussing the future of the Gold Coast with you as I write. He told me about his visit and suggested that I might go out to the airport as he passed through here yesterday. I was very glad to do this, and I took with me Benson and Scrivenor,<sup>1</sup> because I thought that we should be concerting together plans to ensure (with the help of His Majesty's Government, including financial help if necessary) that, in spite of the withdrawal from the Gold Coast Legislature of the Motion on Lidbury, expatriation pay, or some equivalent inducement, would continue to be paid to our chaps in the Gold Coast and in Nigeria. (We had been following events in the Gold Coast with intense interest, and I called my people for a “war talk” as soon as I heard of the rough passage that expatriation pay received in the Gold Coast Legislature).

When we met at the airport the discussion was on a totally different basis from what I had expected. Had I not been in so critical a position at the moment—with Ministers to be chosen, in the Regions and at the Centre, within the next ten days—I should have jumped into the aircraft with Arden-Clarke, trusting that the Secretary of State would approve, *ex post facto*, my leaving my charge! Arden-Clarke told me what he proposed to ask H.M.G. to agree to—i.e.

- (a) that the existing situation in the Gold Coast should be recognized to the extent of calling Nkrumah Prime Minister (whatever the restrictions on his “portfolio” in the matter of defence, external relations, etc.);
- (b) that the logical next step would be the disappearance of the *ex-officio* Members of the Gold Coast Executive (possibly retaining an Attorney General in the back-ground and employing expatriate Financial and Economic Advisers); and
- (c) a threat to liquidate all District Officers over a period of five years. As regards

<sup>1</sup> T V Scrivenor, Civil Service commissioner, Nigeria, 1948–1953: deputy high commissioner, High Commission Territories, 1953–1960.

timing, I understood Arden-Clarke to say that he hoped that the announcement about changing Nkrumah's title to Prime Minister might be made at the end of this month.<sup>2</sup>

Let me say at once that I have always fully realised the gravity of the task that was given to Arden-Clarke, and that I have watched with admiration the way in which he has kept going what I have referred to as his "continuing miracle". I have feared for some time that Nkrumah would feel that he had to do something dramatic to maintain his position, and I have feared that this would take the form of demanding the elimination of the *ex-officio* Ministers. But I confess that when Arden-Clarke told me that *he* was pressing for agreement to changes of this nature the shock was very great, because I was bound to think of the effects here which would, I fear, be catastrophic, despite our brave hopes. What made the shock worse was the news that discussions had taken place with Nkrumah in London many months ago, and that the former Secretary of State had agreed that it would be necessary to allow Nkrumah to win further political advance along some such lines as these. With great restraint, I made no comment to Arden-Clarke (we talk the same language and I greatly admire him) but I am bound to say that I consider that the failure to tell us about these conversations is very hard to understand—having regard to the great and ever-increasing repercussions here from events in the Gold Coast.<sup>3</sup>

As I say, I realise very clearly the critical situation in the Gold Coast. All I ask is that in considering what action may be necessary there to save the Gold Coast for the Empire you in London will not fail to realise that the result may be to pose the same question for Nigeria. We are in the much stronger position than the Gold Coast, because of our size and diversity. But let no one think that we are safe. The Regional Houses are meeting now, as I write, and decisions are being made about the representation in the Central Legislation, and about the Ministers who will be acceptable. I shall know the position more clearly in a week's time, but already it seems fairly clear that I shall have a sedate Northern Region (for a time; Thompsonstone<sup>4</sup> himself thinks it is *too* safe); an Eastern Region dominated by the N.C.N.C.; and a Western Region dominated a thrustful Action Group which, as you know, is modelling itself on the CPP. Difficult as that team would be to drive in "Nigerian" harness, I was not pessimistic about the outcome. Both political parties had decided to try out the new Constitution, and responsibility has a sobering effect.<sup>5</sup> But if the concessions proposed by Arden-Clarke are given to the Gold Coast I shall have the gloomiest forebodings about the future here. It is virtually certain that the Action Group in the West and the N.C.N.C. in the East will get together and demand immediate changes in the Constitution along Gold Coast lines, or will vie with each other in the extravagance of their demands. The North as at present represented will

<sup>2</sup> For the background to these proposals for the Gold Coast, see BDEEP series B, R Rathbone, ed, *Ghana*, part I, 100, 101, 103, 104, 112, 114, 115.

<sup>3</sup> The discussions with Mr J Griffiths, colonial secretary under the Labour government, 1950–1951, had taken place in June 1951 (see *ibid*, 103). According to Lloyd, the failure to inform Macpherson was pure oversight (letter from Lloyd to Macpherson, 26 Jan 1952, CO 967/173).

<sup>4</sup> Sir E Thompsonstone, Lt-gov, Northern Region of Nigeria, 1951–1952.

<sup>5</sup> The 1951 constitution in Nigeria made provision for increased Nigerian participation in the executive (both at the centre and in the three regions), increased regional autonomy and more representative regional legislatures with increased powers. For background, see BDEEP series A, R Hyam, ed, *The Labour government and the end of empire 1945–1951*, part III, 221–223.

not be stampeded (thank God for their 50 per cent representation) but I foresee a sharp cleavage between North and South, and the collapse of our hopes and plans for a strong and united Nigeria.

Against this setting, the question of expatriation pay and the continued employment of expatriate officers—not least District Officers—appears to be of almost secondary importance. So far from being reasonably confident that we can make the new Constitution work, thus enabling us to hold the position in Nigeria until the politicians have learned, or been compelled by healthy public opinion, to work on reasonable, co-operative, albeit progressive lines, the whole constitutional position that we have build [sic] up so carefully is likely to be thrown into the melting pot.

I believe that five-sixths of the people of Nigeria would be desolated by the idea that District Officers might be withdrawn, but those five-sixths are incoherent and inarticulate and would be unlikely to be able to make their views heard against the extremely vocal one-sixth (or even less) who would inevitably clamour to follow the Gold Coast's lead. So far from being able to fend off, in the interests of the moderate politicians and thinking men of Nigeria and the vast silent rural population, any suggestion for a Leader of Government Business, we should be faced immediately in the South at least, with the clamour for Prime Ministers and, in due course, for the exclusion of Official Members. We have a very large number of expatriate officers in Nigeria, the greater majority of whom at the present moment, despite financial anxieties, too much work—especially paper work—and slight anxiety about the future, have not lost their "vocation", are on their toes, intensely interested in our developments, political and other, and cheerfully looking forward to working out their careers here. The effect on them of Arden-Clarke's programme can be well imagined, even if it were still possible to offer them reasonable conditions of service.

But the main thing is that our new Constitution has still every chance of ensuring that the co-operation between British and local people in local government, at the official level, and at the Ministerial level, will be developed and maintained for many years to come: up to the time in fact when the then Governor of Nigeria would be in a position to report to the Secretary of State that public opinion throughout Nigeria was so overwhelmingly pro good government and pro British ideals, institutions and practices, that he could quite safely advocate complete self-government; and that Nigerians themselves would either be able to fill all the important posts remaining in expatriate hands or, more likely, would themselves wish to retain Britishers there. If Arden-Clarke's programme is adopted that becomes a pipe-dream, and we may well join the number of those Colonies who have had to fight a rearguard action doomed to defeat.

I gathered from Arden-Clarke that his object was to win time for the emergence of a moderate political party which could form a reasonable opposition to the CPP as at present constituted. Quite frankly, if there is any pipe-dreaming about, the thought that two or three years in the Gold Coast would be sufficient to achieve this seems the dreamiest I have ever heard of.

This is a hard letter for you to receive at this time—just as it is a hard letter to write. I have tried not to be parochial but to look at Empire interests as a whole. And the dilemma is a painful one. All that I ask is that in weighing up the Gold Coast situation full thought will be given to the effects here.

I shall write you separately about our plans for a salary revision, including expatriation pay, and about the sort of arguments we might use with our politicians

(Himsworth<sup>6</sup> will be in London in a few days and can tell you how our minds are working). We must go on with these plans because I refuse to give up hope, but a slide in the Gold Coast will stack the dice against us in an almost impossible way.

<sup>6</sup> E Himsworth, financial secretary, Nigeria, 1951–1955.

## 263 CO 544/298, no 13

18 Jan 1952

[Nigeria]: letter from Governor Sir J Macpherson to Sir T Lloyd on the political situation in Nigeria

Your secret and personal telegram No. 80 of the 16th of January was handed to me at 11 p.m. that evening when we were in the midst of a large party for the Pakistani delegation. (Earlier in the day I had completed my "Cabinet-making" and the three Lieutenant-Governors had flown back to put the names to the Regional Legislative Houses).

Benson and I went out to the Airport early on the 17th and had an hour's talk with Arden-Clarke. It was—as always—friendly and understanding.

Nationalism, once it is in the saddle, rides hard. I know, too, that once a country is set on the road towards responsible Government it is very difficult to hold the position at a transitional stage. In giving you my assessment of our position and prospects I am very conscious of the fact that I am doing this before (but less than ten days before) I meet my Council of Ministers for the first time, and that in telling you of my high hopes (before, I learned last week about impending events in the Gold Coast) for the success of our planned advance I may be indulging in some pipe-dreams myself.

We have by a process lasting almost three years deliberately given this country a Constitution that is in advance of its true capacity, and in doing this I have been seriously criticized not only by many of my stout-hearted British Officers, but by a great many truly patriotic Nigerians. These honest people, who know only Nigeria, had not fully realised, when I started, what was happening in other parts of the world. We couldn't put a ring fence round Nigeria, and we had to take the initiative, and not wait to be overtaken by events, because of what was happening, and is continuing to happen, in the Gold Coast, the Sudan, Libya, etc. etc. We had to assess the situation, calculate the risks and make a brave cool plan. Then we had to go at it with everything we had.

We are now bringing into force—before the end of this month—a Constitution which is not what the extremists want but is that chosen by the people, accordingly to their varying degree of understanding. And we think that if we can get a straight run at it for even six months we can make a success of it, establishing mutual confidence between Ministers, Chiefs, Commoners, and British officials, who are all part of the very fabric. There are dangers, of course, but there has been a great increase in political consciousness, by reason of the wide discussions that have taken place, at all levels and all over the country, in the course of the review of the Constitution; and there is much less danger than before that the decent simple peasants will be taken for a ride by a small group of extremists with a lust for personal power. And those who thought I was going dangerously fast now see what I

was getting at: they appreciate the checks and balances and safeguards that exist: and they begin to think that the thing will work.

I know more than I did when I wrote on the 8th January about the complexion of the Regional and Central Legislatures and policy-making Councils.<sup>1</sup> The North, though still worried lest they be carried along at a break-neck pace by political Southerners, whose way of life they do not admire, have wisely made concessions to constructive critics of the Emirate system, and they have chosen for me at the Centre their best men among the young men. In the East, although there has been a swing away to the N.C.N.C. band wagon from the few old stalwarts who were returned to the House of Assembly, the majority party gives hopes of being reasonably responsible. At least they have excluded from consideration for Ministerial posts the wildest and least worthy of their number. The Action Group in the West are riding high and will push us hard but they want to make the Constitution a success.

These are the reasons which give us hope that with all the dangers we may make a success of the Constitution. Responsibility is very sobering and we shall be bringing the new Ministers hard up against tough problems. But if we were now to be faced with a clamour for further political advance, as the extremists, who have at present lost much of their power, would wish, then the whole fabric might fall apart.

You may well ask why if I feel reasonably confident about the situation I should get so worried about so small a thing as changing Nkrumah's title from Leader of Government Business to Prime Minister, especially as Arden-Clarke says that this merely recognizes a state of affairs which already exists. (This is on the assumption that Arden-Clarke can resist for a significant period of time the abolition of the Official Ministries, and that the process of removing up to 52 British Administrative Officers from the Gold Coast, to other territories, will remain only a threat).

The answer lies in the following considerations.

The Action Group in the West feel that to justify their willingness to co-operate in making the Constitution a success they must be able to prove to their people that it is not inferior to the Gold Coast Constitution. (Awolowo<sup>2</sup> has said this to me in terms). That is why they were pressing for a Leader of Government Business in the Western House of Assembly, and were making the other demands referred to in recent correspondence. If Nkrumah is made Prime Minister (just as our House of Representatives is meeting for the first time) I do not believe that Awolowo could refrain from making a similar demand, at least for the West. Note that the Action Group have just squeezed Azikiwe<sup>3</sup> out of the House of Representatives and that he is planning a fierce counter-attack. If they failed to clamour for concessions similar to those granted to Nkrumah (despite their shorter experience) they would play into the hands of the enemy.

Although I have hopes that the N.C.N.C. in the Eastern Region will not be too irresponsible, they could not let the Action Group in the West show themselves more hot for advance than the N.C.N.C. in the East. I don't see how they could help either joining with the West in their demands, or, more likely, outbidding them.

All this would get us off to a hopeless start. But that is not all. If Nigeria were small and homogeneous one might, conceivably, in spite of the danger to the decent folk,

<sup>1</sup> See 262.

<sup>2</sup> Chief O Awolowo, premier, Western Region, Nigeria, 1951-1962.

<sup>3</sup> B N Azikiwe, leader of the opposition, Western Region, Nigeria, 1952-1953; premier, Eastern Region, 1954-1959; gov-gen of Nigeria, 1960-1963, president of Federal Republic of Nigeria, 1963-1966.



to traditional authority and to the country as a whole, give in to demands for further concessions such as those proposed for the Gold Coast. But we are neither small nor homogeneous. And our North, unlike the Northern Territories of the Gold Coast, is strong and conscious of its strength and of its power (arising not least from the fact that it has more than half the population of the country). The North nearly broke away during the review of the Constitution, but are at present reasonably satisfied. (To show that even now they want reassurance, I enclose a copy of a letter<sup>4</sup> from the Sultan of Sokoto to the Lieutenant-Governor, Northern Region. I am working on this now and will be addressing you on the subject very shortly). If a clamour for further concessions is raised by the South I believe that the North would seriously consider withdrawing from the whole set-up.

You suggest that when the West and East demand innovations similar to those given to the Gold Coast I should tell the Party leaders that I understand the basis of their demands but that they first must give proof "as the Gold Coast have done" of their capacity for high Ministerial Office. Quite frankly that horse won't run. Any assertion that the Gold Coast have given such proof, if it could be made, would be challenged by the Action Group, who would claim, with some justification, that in spite of their inexperience they have as much ability as, and much more sense of responsibility than, the C.P.P. In any case they, and the East, would not think in terms of any period of probation that would give our Constitution a chance, or keep the North in.

I think you will see why any question of a joint statement by Arden-Clarke and myself is out of the question, much as we should like to help in this way. This letter is not a plea that concessions (already apparently promised) should not be given to the Gold Coast. It is not for me to judge what is right and practicable for the Gold Coast. (I tried to show in my letter of the 8th January that I understood the Gold Coast situation very clearly). You know me well enough to be certain that whatever happens we shall plug on and will not look for an alibi if our work for Nigeria is brought to ruin. I have given you the best assessment I can. And, as I promised Arden-Clarke, I have given it as dispassionately and undramatically as possible. I wish I were giving the assessment after three months of working with my new Ministers, because by that time, if we are not knocked off our stride by extraneous influences, I shall be able to predict with fair confidence what effect extraneous circumstances will have on Nigerian leaders (all new men), with whom we shall then be on terms of mutual confidence. I forgot to ask Arden-Clarke what was the special virtue in announcing the first concession at the end of this month, but I assume it is because the Budget Meeting starts then. The timing couldn't be worse for us because our House of Representatives meets for the first time on 29th January. Given six months I think we *might* "wear" the effects of concessions in the Gold Coast. Given three months I could give you my assessment with full confidence in its reliability.

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<sup>4</sup> Not printed.



**264** CO 554/298, no 14

18 Jan 1952

[Gold Coast and Nigeria]: letter from Governor Sir C Arden-Clarke to Sir T Lloyd on the impact of Gold Coast policy on Nigeria

I met Macpherson at Lagos on my way back to Accra, and he showed me your Secret and Personal telegram No. 80 of the 16th January. Macpherson confirmed that he would be sending you as soon as possible his full assessment of the probable repercussions in Nigeria of the constitutional changes contemplated for the Gold Coast.

I do not feel that it would be proper for me to comment on his assessment of the situation in Nigeria, nor am I competent to do so. I should, however, say that I personally feel that in his discussions with me too great emphasis has been placed on the significance of the translation of a Leader of Government Business into a Prime Minister.

I have nothing to add to the exposition of the situation in the Gold Coast which I gave you during my recent visit, but I must emphasise that, if the constitutional changes which I have proposed for the immediate future are not made, the repercussions in the Gold Coast may reasonably be expected to have a more serious effect on the success of the Nigerian experiment than the comparatively modest suggestions which I have put forward. I believe that Macpherson appreciates this point. I would also say that a policy which would require the Gold Coast and Nigeria to march in step along a common course of constitutional reform could not be successful.

**265** CAB 129/49, C(52)28

9 Feb 1952

'Amendment of the Gold Coast constitution': Cabinet memorandum by Mr Lyttelton

I wish to seek my colleagues' advice on certain proposed amendments to the Gold Coast constitution.

2. I will outline briefly the history behind the present constitution. There is a deep fund of good will in the Gold Coast towards the United Kingdom and the British connection is highly valued. The aim of all political parties is full self-government within the Commonwealth—not outside it. But nationalist feeling is strong and has been rising rapidly in strength since the war. It was the Government's failure properly to assess the strength of nationalist aspirations, and to retain the confidence of the people and the initiative for ordered constitutional advance, that was the root cause of the riots and bloodshed of February/March, 1948; though there were economic and social discontents also.

3. The Watson Commission, which enquired into the disturbances, recommended outside its terms of reference in August, 1948, a number of constitutional changes and reforms. It was thought fit to publish this document and the then Government agreed in principle with the objectives of the main recommendations but decided that they must first be considered by representatives of the Gold Coast people. Hence the establishment towards the end of 1948 of the Committee on Constitutional Reform under Mr. Justice Coussey, which consisted entirely of

Africans. This committee presented a report in August, 1949, which was accepted in broad outline by the Government the following October. The existing constitution embodies the results of Coussey's work.

4. A new Governor, Sir Charles Arden-Clarke, was appointed in the summer of 1949. He dealt firmly and successfully with an attempted challenge in January, 1950, by the Convention People's Party to the constitutional proposals which took the form of a demonstration of "positive action" for the immediate grant of "Dominion status", and his action had the support of responsible Gold Coast opinion.

5. The present constitution came into force at the beginning of 1951. It provides for a Legislature consisting almost entirely of directly or indirectly elected African members and an Executive Council (equivalent to a Cabinet) consisting of the Governor as President, three *ex-officio* members (at present senior European officials, namely the Chief Secretary who is Minister of Defence and External Affairs, and the Ministers of Finance and Justice), and eight African Ministers appointed from the Legislature by the Governor in his discretion but subject to a favourable resolution of the Legislature. The Executive Council is the principal instrument of policy; the Governor is required to consult it on all important issues, and must act in accordance with its advice unless he considers its expedient in the interests of "public faith, public order or good government" not to do so.

6. The constitution also provides for a "Leader of Government Business" in the Legislature who is chosen by the Members of the Executive Council from among their own number. He ranks in precedence after the Governor and Chief Secretary. The present Leader is Dr. Kwame Nkrumah, whose Convention People's Party took office after winning a large majority at the elections last February.

7. The following changes are proposed:—

(a) The title of Leader of Government Business should be changed to Prime Minister.

(b) The Prime Minister would be chosen by the Governor in his discretion but submitted to the Legislature for its approval.

(c) The Executive Council should have the alternative title of the Cabinet.

(d) The Prime Minister should rank, in Cabinet, next in order of precedence after the Governor (or Officer administering the Government) and would preside in Cabinet in his absence.

(e) The Governor would act after consultation with the Prime Minister, not in his sole discretion, in nominating for the Legislature's approval the African Ministers and in assigning to them responsibility for Departments.

8. I wish to emphasise that these changes are essentially changes of name rather than of substance: they do not go materially beyond recognising what is already the *de facto* position in the Gold Coast.

9. Dr. Nkrumah was in prison fourteen months ago for sedition and incitement to riot in the "positive action" campaign. Though he would not be the first Prime Minister in a Colony—Malta has had a Prime Minister for twenty years—he would be the first Negro Prime Minister in the Commonwealth. Dr. Nkrumah and the Executive Council recently showed some signs of being run off their feet by the back benchers of the party, though they now appear to have regained control.

10. Moreover, if these changes are made in the Gold Coast, there may be repercussions elsewhere in the Colonial Empire. In Nigeria the new federal

constitution has got off to a good start. Nevertheless, the politicians in the West, and possibly also in the East, may feel impelled to press that Nigeria or at any rate the West and East should follow the Gold Coast lead. But the Governor, who has flown here for consultation, tells me that the conservative North would be resolutely opposed to any further constitutional advance for a long time to come (as would he himself) and that he would resist such pressure, though he cannot of course be sure of being able to do so successfully. Apart from Nigeria, the grant of the title of Prime Minister in the Gold Coast might lead to an immediate request for a similar title in Jamaica which already has a Ministerial system. Trinidad is unlikely to want a Prime Minister. It is unlikely that any other Colony will be affected.

11. In these circumstances, I decided to call home the Governor of the Gold Coast, Sir Charles Arden-Clarke, for consultation and I had a long meeting with him. He has a reputation of being one of the aces in the Colonial Office pack. He has certainly handled the Gold Coast constitutional development in a masterly fashion: he has obtained a great personal hold over Dr. Nkrumah and the African Ministers and has eased the delivery of the new constitution through its birth pangs. When I saw Sir Charles Arden-Clarke his advice could hardly have been clearer. He said:

(a) that if this titular concession were made there was at least a chance of delaying further constitutional changes in order to allow time for the African Ministers to gain a further sense of responsibility and knowledge of government, and time perhaps for an opposition party to develop;

(b) that if we did not make these concessions he did not think he could hold back demands for self-government and Dominion status now. The platform slogan upon which Dr. Nkrumah's party won the election was "self-government now"; and it has now been adopted by his rival, Dr. Danquah, who does not lose any opportunity of attacking him for abandoning it. If we refused he said substantial numbers of troops would be required to keep the country quiet;

(c) that developments in Libya and the Sudan had increased the pressure and quickened the tempo of demands for further constitutional advance.

Such advice, coming from so resolute, experienced and sagacious a Governor would give pause but this is not all.

12. Last year my predecessor had an interview in London with the Governor and Dr. Nkrumah when the project was discussed of calling him "Prime Minister" and of the governor appointing Representative Ministers in consultation with him. Legally and literally what the Secretary of State said could be construed as not being a pledge. Morally and practically I consider he gave a pledge and it was so read by both the Governor and Dr. Nkrumah. To go back on it now would not only be to repudiate a British bargain but would inevitably lead to the inference that Her Majesty's new Government were determined to alter their policy with regard to the Gold Coast.

13. If, on the other hand, we make concessions, there is at least a chance of a policy of ordered progress by successive stages being successfully pursued.

14. I should add that if the leading Gold Coast Minister has the title of "Prime Minister" it does not mean that he has any right, any more than the Prime Minister of Malta, to be invited to meetings of the Commonwealth Prime Ministers.

15. I therefore with great reluctance, but without any doubt or hesitation, have to recommend to my colleagues that the concessions in paragraph 7 should be granted and the consequences accepted. If politics is the art of what is practicable

this course is justified.

16. I conclude by saying that no guarantee could be given that these steps will lead us to where we want. All that I can guarantee is that not to take them will certainly lead us to where we do not want.

## 266 CAB 128/24, CC 16(52)6

12 Feb 1952

### 'Gold Coast: amendment of the constitution': Cabinet conclusions

The Cabinet considered a memorandum by the Colonial Secretary (C. (52) 28) proposing certain amendments in the new constitution of the Gold Coast designed to give an appearance of greater authority to the Leader of the Government Party in the Legislature. It was proposed that the Leader of Government Business in the Legislature should have the title "Prime Minister" and that the Executive Council should be called "the Cabinet". The Governor would choose the Prime Minister, but would submit his choice for the approval of the Legislature; and he would consult the Prime Minister before nominating the African Ministers for approval by the Legislature and assigning their portfolios to them. It was also proposed that, in Cabinet, the Prime Minister should rank next in order of precedence after the Governor.

*The Colonial Secretary* said that his predecessor had given what would generally be regarded as a pledge to make these changes. They were, moreover, strongly pressed by the Governor of the Gold Coast. Though he could not welcome them, he was satisfied that, as things had gone so far, there was a definite balance of advantage in accepting them.

In discussion the following points were made:—

(a) Paragraph 7 (d) of C. (52) 28 was somewhat ambiguously expressed. It was, however, the view of the Cabinet that, when the Governor was absent from the Colony, the Officer administering the Government should take precedence over the Prime Minister and should preside over the Cabinet.<sup>1</sup>

(b) *The Commonwealth Secretary* said that these changes might excite some alarm in South Africa and he would like to have an opportunity of explaining them to the Union Government before any announcement was made.

The Cabinet:—

Subject to the points noted in paragraphs (a) and (b) above, approved the proposals in C. (52) 28.

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<sup>1</sup> Churchill afterwards minuted that in the absence of the governor, the deputy governor must preside over the Gold Coast Cabinet 'short of sudden death or some other equally valid excuse' (minute by Churchill to Lyttelton, PREM 11/1367, 13 Feb 1952).

## 267 CO 554/254

9 Feb 1953

### [Gold Coast constitution]: minutes by Sir C Jeffries and Mr Lyttelton

I agree with Sir H. Poynton in disliking "diarchy". Apart from any theoretical consideration, the practical difficulties of defining what comes on which side of the

fence are immense, as we have found in Malta. Nevertheless, we have somehow to find a means of satisfying aspirations for internal self-government while keeping certain essential powers in our hands. The essential powers are those necessary:—

- (a) to ensure the security of the territory;
- (b) to ensure the fulfilment of treaty obligations;
- (c) to retain the confidence of investors;
- (d) to protect any section of the population from discriminatory or oppressive measures.

It is a serious misfortune that we have got into the way of trying to reduce everything in the Colonies to a written formula, instead of (as in our own wiser home practice) allowing constitutional development to take place in the form of unwritten conventions. I hope that it may be our general policy to call a halt to this process, so far as we can.

Meanwhile, we must take things as they are, and consider what is best to be done in the present conditions of the Gold Coast. I have little doubt that we can and should concede to the territory what can reasonably be described as “self-government”; indeed, it virtually exists already. The problem is not so much what more to concede as how to present the case in such a way that the Gold Coasters are satisfied that they have got the essentials of “self-government”, while *we* are satisfied that we have got the essentials of ultimate control. . . .

C.J.J.  
9.2.53

I do not want to comment at any length at this stage but attention must be paid in dealing with External Defence and Affairs, and the stucco facade which is proposed, to the subject of access by the nominal Minister if he is to be an African, to information and intelligence.

The same point will arise, with as much force, over Police information: CID reports etc.

The sticking points must be at the very least:—

- (1) Governor's reserve powers to be intact;
- (2) Police to be outside political control;
- (3) Safeguards for the public service;
- (4) External affairs to involve reference here etc.

These are the bare essentials and cannot on any account be conceded [sic]. We must wait for Arden-Clarke's visit to decide upon our movements in the area of manoeuvre (ie other than the last line of defence).

O.L.  
[nd]

**268 CO 554/254****13 Mar 1953**

**[Gold Coast]: minute by P Rogers<sup>1</sup> on the impact of Gold Coast policy in East Africa**

I am very glad to have seen this.<sup>2</sup> I would suggest that at a fairly early date we ought also to inform East African Governors (and Mr. Marnham<sup>3</sup> may also feel that Central African Governors should be included) of what is likely to happen in the Gold Coast. We must have in mind that just as for example present events in Kenya are having repercussions in West Africa, so the rapid advance of self-government in the Gold Coast has had and will have marked repercussions in East Africa. One man in a good position to judge has said that Jomo Kenyatta's<sup>4</sup> public line was switched from that of flirtation with Communism to straight Nationalism, largely as a result of the Gold Coast constitution of 1951. Certainly that event had a profound effect on both white and black in East Africa and seriously exacerbated racial fears on both sides. I am not of course suggesting that repercussions in East Africa can possibly affect our policy in West Africa, but it is important in my view that we should let Governors know of prospective major changes of this kind and in doing so seek for our own background information their assessment of the probable effect of those changes in their own territories.<sup>5</sup>

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<sup>1</sup> As an assistant secretary, Rogers was head of the CO East African Dept in 1953.

<sup>2</sup> ie, the new constitutional proposals for the Gold Coast, see 271.

<sup>3</sup> J E Marnham, assistant secretary, CO, 1948–1964.

<sup>4</sup> Jomo Kenyatta, president of the Kenya African Union, 1947–1953; prime minister of Kenya, 1963–1964; president of Republic of Kenya, 1964–1978.

<sup>5</sup> D Williams (principal, CO, 1949–1953) minuted: 'The same goes for Central Africa' (CO 554/254, 16 Mar 1953).

**269 CO 554/254, no 20****16 Mar 1953**

**[Gold Coast and Nigeria]: inward telegram no 337 from Governor Sir J Macpherson to Sir T Lloyd explaining the effects of Gold Coast policy on Nigeria**

Your secret and personal letter of 5th March.<sup>1</sup>

Proposals for Gold Coast amount to almost complete self-Government in 1954, and they will be openly debated in Gold Coast in June this year.

2. You ask for my assessment of the effect on Nigeria and invite me to agree that resistance to these demands, involving major collision between Her Majesty's Government and the Gold Coast, almost certainly resulting in the use of sanctions, would have greater damage on our position in Nigeria than acquiescence.

3. I infer from your letter that you have been re-reading correspondence beginning with my letter to you of 8th January, 1952,<sup>2</sup> as a result of which I visited

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<sup>1</sup> Lloyd's letter of 5 Mar 1953, in CO 554/254, no 10, is reproduced in BDEEP series B, R Rathbone, ed, *Ghana*, part II, 123. It dealt with the transition to internal self-government in the Gold Coast (see 271).

<sup>2</sup> See 262.



London in February. Value of that visit was seriously affected by the fact that the Secretary of State had already been committed by his predecessor.

4. Lieutenant Governors are here for House of Representatives and their views and mine, and those of my Senior Official Advisers, are unanimous. I doubt whether I can get those views across adequately otherwise than by personal visit, but short answer is that I am unable to agree with the proposition in paragraph 2 above, and believe choice with which Her Majesty's Government is faced is between being prepared to use sanctions against the Gold Coast now, and being forced to use sanctions against part or parts of Nigeria slightly later.

5. I stand by everything in my letters of 8th January and 20th May, 1952. We have held the country together and much good work has been done. Had it not been for the constant comparison with the Gold Coast, situation would have been very encouraging. Southern politicians would not have felt compelled to press for advance and would have allowed time for the main inter-regional jealousies to be overcome. But the Gold Coast political advance, actual and bogus, has been a persistent canker. Southern political parties regard it as "national disgrace" that Nigeria should be constitutionally more backward than the Gold Coast, and therefore outbid each other with demands for constitutional advance, which they know in their hearts is premature. North rightly wants to give full trial to constitution which has been in operation for little over a year. Northern opinion has advanced very fast, but recent events, described in the next paragraph, have revived their fear of being stampeded by the South.

6. You will recall the demands of the Western Ministers last June. There has been constant pressure for the powers of Ministers to be the same as the Gold Coast. In the past two weeks, notices of motions by Southern Members for debate during the current meeting of House of Representatives include such subjects as self-Government in 1956: change of constitution to be made by House of Representatives, subject to ratification by Her Majesty in Council: Select Committee to suggest changes in the constitution: Nigerian President for House of Representatives, etc. And in speeches, Southern Members have advocated replacement of Chief Secretary, Financial Secretary and Attorney General by Nigerian Ministers, also removal of Lt. Governors from the Council of Ministers and regionalisation of the police. Effect of these notices and speeches has already been to harden the Northern attitude to such extent that we may have a serious showdown in the Council of Ministers before Easter.

7. No one would pin the label of reactionary on me or my senior advisers. All of us believe in, and have faithfully followed, declared policy of Her Majesty's Government to permit constitutional advance as quickly as is consonant with reasonable measure of good Government in the interests of the people. Our objective is to keep united Nigeria in the Commonwealth of its own volition. This is good for Britain and good for Nigeria. We are prepared to take risks, and my answer to your question would be different if Nigeria were homogeneous and closely knitted. But it is not. It is held together solely by the influence of British officials.

8. Effect of conceding the Gold Coast demands must be greatly to strengthen insistent demand by Southern politicians for sweeping constitutional changes. They would utterly reject any suggestion by Her Majesty's Government that similar concessions were premature for them, but such concessions would be totally unacceptable to the North, and acceptance of such demands by Her Majesty's

Government would lead to categorical demand by the North for separation. Nor would disintegration stop there. South would not be united. In the East there would be irresistible demand for complete separation of the Cameroons from Nigeria, with all the resulting local and international complications, and within the Eastern and Western Regions, splits would almost certainly occur on ethnic lines. If Nigeria splits it will not be into two or three parts but into many fragments. If concessions are granted to the Gold Coast now, it is my carefully considered opinion that, within very short time, it will be necessary either to use sanctions against the North (there are 17 million of them and they would rightly regard themselves as betrayed by us) to compel them to accept Southern proposal or to resist to the utmost Southern proposal which, once similar proposals have been accepted in the Gold Coast, would itself require the use of sanctions.

9. If the Gold Coast demands are resisted and sanction of force has to be applied, there will be sharp reaction amongst the Southern politicians, local press and subversive elements. But firm stand by Her Majesty's Government in refusing to acquiesce over hasty political advance in the Gold Coast would be welcomed by considerable majority of the people in Nigeria, and I should not expect security situation to arise which would cause serious embarrassment to Her Majesty's Government. Alternative is the disintegration of Nigeria. Even without further constitutional advance in the Gold Coast, we are going to have difficult time as a result of present clamour by Southern politicians for sweeping changes, especially as the demands will be rejected mainly, if not entirely, by the North and official votes in Council of Ministers and the House of Representatives. Extremists will be encouraged, but rejection will bring great relief to considerable body of local opinion.

10. In this telegram I have referred only to the Nigerian situation and have not presumed to comment on the Gold Coast problems. I am not unmindful of the very difficult problems which the Secretary of State and Her Majesty's Government have to face in other parts of Africa and in regard to colonialism as a whole but, if the Gold Coast demands are conceded, I greatly fear Her Majesty's Government will be faced very shortly with a still more difficult problem in Nigeria.

11. I am very ready to fly to London for discussion but, as I have said, situation in the Council of Ministers on constitutional issues is likely to be tense, at least for the next two weeks, and I believe it would be most dangerous for me to leave Nigeria before Easter. I trust, therefore, that the Secretary of State will not find it vitally necessary to take the Gold Coast proposals to the Cabinet before the Easter recess. If he must, you will, I think, agree that in spite of everything, there would be no alternative but for me to fly to London before the recess.

**270** CO 554/254, no 29

25 Mar 1953

[Gold Coast and Nigeria]: letter from Sir T Lloyd to Governor Sir J Macpherson explaining Gold Coast policy

You will have seen from our secret and personal telegram No. 33 that the Secretary of State welcomed your proposal to come home for talks about the constitutional changes suggested for the Gold Coast and that it should be possible to make them joint talks with Arden-Clarke.

Your telegram<sup>1</sup> seems to contemplate as the only possible courses of action in the Gold Coast full acceptance of the proposals set out in my letter to you of the 5th March (with all the consequences you believe that would involve for Nigeria) or the application of force. But in a situation in which ultimate self-government for Colonial territories is the declared policy of H.M.G. and the Gold Coast has already gone far towards it, Ministers (to whom this letter is not being referred) may feel that it would be difficult, if not impossible for H.M.G. to justify to Parliament and before world opinion the use of force over a disagreement which would mainly be about the timetable for the remaining steps. But there may be other courses open and the Secretary of State indicated one of them when, in discussion with Nkrumah in the Gold Coast last June, he warned Nkrumah that he should not ask for too much too quickly since the United Kingdom might not be prepared to remain in the Gold Coast except under conditions under which a good job could be done.<sup>2</sup> I am not saying that evacuation of British civil servants or some variation of it is necessarily the answer for the Gold Coast in present circumstances but that, in any given set of circumstances, the choice of alternatives may be wider than you have suggested.

The present proposals for the Gold Coast go further but not so much further than the suggestions for consideration made in Nkrumah's Statement in the Gold Coast Legislative Assembly on the 16th October. These Benson commented on in his letter to Gorell Barnes of the 2nd October and the immediate Nigerian reactions to the Statement were given in savingram No. 4665 of the 6th December. We gathered from these comments that although the next stage of constitutional advance in the Gold Coast would be bound to create difficulties for you, it was recognised as inevitable.

We do indeed, as my letter made clear, recognise that the changes proposed for the Gold Coast would leave [sic] their repercussions in Nigeria; and we recognise in particular your special problem of the Regions. But it may be that part of the solution to this will eventually have to be found along the line of giving, in due time, the southern regions a greater degree of autonomy than the north. This was a suggestion which I understand Gorell Barnes suggested that you might have in mind when you were here last autumn, and I should like you to give further consideration to it between now and the 15th April. We intend to do so too. One problem would of course be what to do at the Centre.

Many thanks for your telegram No. 383 just received. Would you please send us a telegram nearer the time saying what reasons you will be giving to the Press in Nigeria as to the purpose of your visit so that we may answer any enquiries we may get here on similar lines.

<sup>1</sup> See 269.

<sup>2</sup> See BDEEP series B, R Rathbone, ed, *Ghana*, part I, 118.

**271** CAB 129/61, C(53)154

13 May 1953

'Constitutional developments in the Gold Coast and Nigeria': Cabinet memorandum by Mr Lyttelton

*The Gold Coast*

On 12th February, 1952, the Cabinet approved a number of constitutional changes, including the use of the title of Prime Minister, in the Gold Coast (C.C. (52) 16th

Conclusions, Minute 6). These changes, proposed in C. (52) 28, took effect in March 1952.<sup>1</sup>

2. During my visit to the Gold Coast in June, 1952, the African Ministers, against a background of some carefully prepared "spontaneous" demonstrations, were at pains to impress upon me that they and the country wanted something which they variously described as "freedom," "self-government now" and "Dominion status." After a series of discussions, during which I was able to bring home to them, or at any rate to the Prime Minister (Dr. Nkrumah), a certain number of home truths, I authorised the issue of the following communiqué:—

"During his visit to the Gold Coast the Secretary of State had meetings with the Ministers. The Prime Minister and other representative Ministers made clear their wish for self-government within the Commonwealth.

"There was discussion on the meaning of this term and of what constitutional changes were involved. It was agreed by the Secretary of State that when proposals for constitutional change had been formulated by the Gold Coast Government after consultation with the Chiefs and people of the Gold Coast they would be examined and discussed between Her Majesty's Government and the Government of the Gold Coast."

3. In October last Dr. Nkrumah spoke in the Gold Coast Legislative Assembly about those features of the constitution which might be considered suitable for amendment and asked that political parties and other representative bodies should submit recommendations to him by the end of March 1953. The Gold Coast Government would then consider those recommendations and embody its own proposals in a White Paper for debate in the Legislature in July next.

4. Most of the views thus sought have now been published. The Northern Territories Council, which represents the poorest and most backward region of the territory, wants few changes apart from special help for its development and increased representation in the Cabinet. All the other groups advance a demand, expressed in different forms, for full self-government forthwith. The Gold Coast Government will be bound to take account of this broadly-based demand in formulating its own proposals; it will also be influenced by recent constitutional developments elsewhere such as the Sudan Agreement: I drew attention at the time to the implications for the African Colonies. It may be assumed therefore that if the Government of the Gold Coast is to continue to be by consent constitutional changes are inescapable. The alternative to an early grant of full self-government is agreement on changes which, though substantial enough to earn acceptance, may enable the grant of full self-government to be delayed for a further preparatory period.

5. I have discussed the situation fully with the Governor. Although he can give no guarantees, he is reasonably confident that by patient negotiation he will be able to keep the proposals finally submitted to Her Majesty's Government within the following limits:—

(a) The posts of the three *ex-officio* Ministers to be abolished. Representative Ministers would take over the portfolios of Finance, and perhaps also of Justice.

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<sup>1</sup> See 265, 266.

(The Minister of Finance would be assisted by a European Economic and Financial Adviser, or by some other machinery like a *caisse de la dette*, and the post of Attorney-General would become a non-political appointment in the Civil Service.) Defence (including the police) and External Affairs would become the direct responsibility of the Governor.

(b) The membership of the Legislative Assembly to be increased and to consist only of persons chosen by direct elections throughout the territory by universal adult suffrage. If a second Chamber, probably within delaying powers, is proposed it would include representatives of the Chiefs chosen by the Territorial Councils and perhaps European representatives of the Chambers of Commerce and Mines.

(c) The Governor's present reserved powers to be retained.

The Governor expects that after the debate in the Legislature in July the Gold Coast Government would appoint a Committee to work out detailed recommendations on electoral reform so that their full proposals could be submitted to Her Majesty's Government by about November. The Gold Coast Government would hope that agreement could be reached in time for fresh constitutional instruments to be made and new elections held by about July 1954—six months earlier than they would be under the present constitution.

6. If the Governor's hopes are realised the next stage of constitutional advance would be restricted to internal affairs. Her Majesty's Government would retain responsibility for external affairs and defence, including the police as the principle [sic] force charged with internal security. The Governor has recommended, and I agree, that these subjects should be removed from the Gold Coast Cabinet and made his direct responsibility exercised through a Deputy Governor acting as Secretary for Defence. In so far as it was necessary selected Representative Ministers would be appointed to a small Defence Committee over which the Governor would preside: the Prime Minister would answer questions, and handle other business (*e.g.*, supply), in the Legislature on defence and external affairs; another Minister would similarly handle police matters in the Legislature but the constitution would reserve overriding control of the Police to the Governor.

The objection to the alternative course of seeking to preserve in the Cabinet the present *ex-officio* post of Minister of Defence and External Affairs is that its holder would then be the only European Cabinet Minister: and he could hardly fail to be a target for constant fire.

7. There would be thus created an all-African Cabinet, with wide responsibility for internal affairs, over which the Prime Minister would normally preside and we might thereby gain a psychological advantage that would draw much of the sting from the nationalist attack. A practical advantage is that the Deputy Governor and Secretary for Defence who would, when necessary, act as Governor, would escape the embarrassment, to which the person who now has so to act is subject, of being normally a Minister junior to the Prime Minister.

8. Although these arrangements will not satisfy the wish of the Northern Territories Council for the retention of *ex-officio* posts in the Cabinet, their representatives would take part in the party consultations and in the debate in the Legislature which will precede the final framing of the constitutional proposals of the Gold Coast Government, and the Governor has advised me that they are likely to be reasonably satisfied by a compromise which gives them a quarter of the seats in the



Cabinet and leaves control of defence and external affairs to the Governor.

9. British Togoland is administered under Trusteeship Agreement as part of the Gold Coast and so long as that Agreement is in force Her Majesty's Government, as part of its general responsibility for the external affairs of the Gold Coast, must retain through the Governor a sufficient measure of control to discharge its obligations to the United Nations.

10. I have informed the Governor, who has now returned to the Gold Coast, that there are certain matters on which Her Majesty's Government are not prepared to negotiate. Her Majesty's Government will insist on retaining responsibility for external affairs and defence including the police, and the post of Attorney-General must remain a non-political appointment in the Public Service: the rest is open for manoeuvre.

11. The position of officers from the United Kingdom, who still hold most of the senior appointments in the Gold Coast Service, is safeguarded by the present constitutional instruments under which the Governor can protect their conditions of service and prospects of a career. Political advance has outstripped the pace at which Africans are being trained to occupy responsible posts in the Gold Coast Service and there is now increasing pressure to hasten the process of Africanisation of that Service by expedients which would lower its standards and prejudice the normal prospects of overseas officers. The Governor has advised me that, notwithstanding that pressure, there is good hope that the existing safeguards of overseas officers can be retained at the next stage of constitutional advance. If, however, existing safeguards had to be modified I should feel obliged to insist that the Gold Coast Government should forthwith introduce a scheme giving, as an addition to normal pension, adequate compensation for loss of career. To reassure the Public Service I propose to issue a statement to this effect as soon as the Governor advises me that this would be opportune; the statement would also include my undertaking to offer transfers to overseas officers in the Gold Coast whenever suitable vacancies occurred in other Colonial territories.

12. The situation is fluid and we are dealing in the Gold Coast with volatile human material. It is therefore impossible to forecast events very far ahead. But if agreement on constitutional changes were reached and a new Legislative Assembly, elected by universal adult suffrage, met about mid-1954, its first act might well be to demand complete self-government as a member of the Commonwealth. In that event the Governor hopes that the position could be held for a period which might last as long as three or four years while the country was prepared for greater responsibility and consideration was given to its form of association with the Commonwealth.

### *Nigeria*

13. I have taken into account the possible repercussions of the developments on West Africa, particularly in Nigeria, and have consulted the Governor of Nigeria about them. At one time he was apprehensive lest they should quicken still further the demand for political advance in the Southern Regions and thus lead to divisions, and strife, between the South and the conservative North. But as my colleagues will be aware, the latent discord between the three Regions has already been brought to the surface by recent events in Nigeria and in particular by the debate on 31st March in the House of Representatives on a private member's motion about the attainment of self-government in 1956.



14. As I informed the House of Commons on 22nd April, the situation in Nigeria is complicated and will require further patient and careful study. But I am clear that the present cumbersome constitution will have to be radically revised and that the best hope of preserving the unity of the territory will lie in seeking to reach agreement on some modified and lesser form of association at the Centre. The Governor agrees that this would probably have to be coupled with some measure of political advance—for example, the widening of the responsibilities and functions of Ministers—but that the arrangements at the Centre would have to be such as to satisfy the North that their interests were effectively safeguarded.

15. A further constitutional advance in the Gold Coast will not make a difficult situation in Nigeria any easier. But by and large Nigeria's future will, I think, be settled by events in Nigeria; and in any case I see no alternative but to proceed in the Gold Coast on the lines I have described which, as the Governor had advised me, represent the minimum concessions if we are to secure peaceful and ordered progress by successive stages.

### *Conclusion*

16. My colleagues will wish to take note of the position now reached in both territories. When the final proposals of the Gold Coast Government are received later this year I will consult them again. I may need to consult them before long about Nigeria.

**272** CAB 128/26/1, CC 34(53)6

27 May 1953

### **'Gold Coast and Nigeria: constitutional developments': Cabinet conclusions**

The Cabinet had before them a memorandum by the Colonial Secretary (C. (53) 154)<sup>1</sup> informing them of constitutional developments in the Gold Coast and Nigeria.

*The Colonial Secretary* said that, if the Gold Coast was to continue to be governed by consent, further constitutional changes were now inescapable. The Governor was reasonably confident that the next stage of constitutional advance could be restricted to internal affairs, the main changes contemplated being the transfer of Finance and perhaps also of Justice to representative Ministers and the restriction of membership of the Legislative Assembly to persons chosen by direct elections throughout the territory by universal adult suffrage. It was proposed that the United Kingdom Government should insist on retaining responsibility for External Affairs and Defence, including Police, and should not be prepared to discuss the possibility of this being transferred. He believed that the political leaders in the Gold Coast would be willing to co-operate on this basis.

In discussion the view was strongly expressed that the political leaders in the Gold Coast should be left under no illusion that, if they were to insist on assuming responsibility for their external affairs and defence, it would be possible for the territory to remain within the Commonwealth.

*The Prime Minister* said that the Colonial Secretary, although he was seeking no

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<sup>1</sup> See 271.

decisions from the Cabinet at this stage, would know that he had the Cabinet's full support in resisting any pressure for constitutional concessions in the Gold Coast beyond those outlined in C. (53) 154.

*The Colonial Secretary* said that in Nigeria the collapse of the cumbrous Constitution established under the auspices of the Labour Government had provided an opportunity of according a larger measure of autonomy to the 14 million Moslem inhabitants of the Northern provinces who were more favourably disposed to this country than the Southern Nigerians. Centralised administration should be confined as far as possible to such matters as railways, which had to provide adequately for the movement of agricultural produce from the North to the South for shipment.

The Cabinet:—

Took note of C. (53) 154 and of the points made in their discussion.

## 273 CO 554/254, no 64

11 June 1953

[Gold Coast financial policy]: letter from W L Gorell Barnes to Governor Sir C Arden-Clarke

You will remember that during our discussions here in April the Secretary of State drew attention to the need to warn the Gold Coast that the appointment of an African Minister of Finance might raise fears and create uncertainties among overseas investors, which would be highly detrimental to Gold Coast credit, unless it were apparent that the Minister was receiving, and was receptive to, sound and impartial advice and that the country's finances continued to be properly managed. At the time it was suggested that it might be worth considering the adoption of machinery analogous to that of a "caisse de la dette" to manage the Gold Coast's external public debt.

2. We have carefully examined this possibility and have come to the conclusion that there is no machinery of any sort which can be devised to create confidence amongst outside investors if the financial policies being pursued by the Gold Coast are not themselves sound and creditworthy. Until full independence is attained, the fact that the Governor's reserved powers can if necessary be used to prevent default by the Gold Coast Government on its external public debt should provide the essential basis of outside confidence. Thereafter, once full independence is granted, ultimate control by Her Majesty's Government will necessarily be relinquished and there is no kind of guarantee which we could offer to investors, nor any mechanical arrangements which could be made, which would alter the fact that the Gold Coast Government will then be free to legislate and act as it pleases in financial as in other matters. It then becomes entirely a question of confidence in the good faith of that Government alone.

3. That is not to say, however, that the kind of financial administration adopted both during the next (transitional) phase and after independence will not have an important effect on public confidence in the country's finances. The amount of capital which the Gold Coast can attract may well depend on its government continuing to receive sound financial and economic advice. The first line of our policy should therefore be to secure the appointment of a competent Financial Adviser—Tours is of course earmarked for this job after Armitage has gone—and to

encourage African Ministers to lean on his advice on all major financial matters, particularly those affecting public loans and banking.<sup>1</sup>

4. As regards the actual machinery for raising loans, we think that, apart from the maintenance of strict legislation covering the raising and management of such loans, confidence amongst outside investors will be maintained—and incidentally the cost of loans on the London market kept down to a minimum—by the continued use during the next stage of the services of the Crown Agents. You have not, in fact, suggested any change in this and we assume it is the intention to keep in force the General Loan and Stock Ordinance and the Trustees Ordinance. Looking further ahead, it may be of use for you to know that the Crown Agents continue to be the registrars of outstanding Ceylon Loans, registering transfers, paying interest, managing sinking funds etc. The Ceylon Central Bank took over the management of internal Loans, but it would have amounted to a breach of contract with United Kingdom investors for it to have taken over outstanding London Loans. In any case, it was thought to be in Ceylon's best interests to minimise disturbance in the market. Whether the Crown Agents services could be used in the event of fresh Ceylon borrowing in London, is, however, another question which has not so far arisen.

5. The measures we have suggested are of course mainly concerned with the public debt, which at present is small. But we understand that later on the Gold Coast Government may need to come to the London market to finance some of its Development Plan, and is in any case likely to make large demands on the United Kingdom if the Volta River Project proceeds. Furthermore, it seems likely that the confidence of the overseas investors in the mining and timber industries, which now constitute the bulk of overseas investment in the Gold Coast, will be affected by much the same factors as may determine the attitude of subscribers to public funds. The ploughing back of profits into these industries at present constitutes the main source of private capital creation in the Gold Coast, and if the industries are to expand and to continue competitive in world markets it is obviously of great importance that this flow should not be interrupted.

6. To sum up, if we can ensure in the next stage that the authority of a sound Financial Adviser is established, that the raising and management of external debt continues to be governed by strict legislation and that the Crown Agents' services are still used, we shall have done as much as we can to put the Gold Coast Government on the right financial lines for independence. After that, its general policies and of course the economic health of the country will be the deciding factors in preserving its credit standing abroad.

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<sup>1</sup> K C Tours succeeded R P Armitage as minister of finance in the Gold Coast government in Feb 1954. In June 1954, when internal self-government was granted and K A Gbedemah became minister of finance, Tours was appointed as economic adviser to the minister of finance.

## **274** PREM 11/1367, C(53)235

17 Aug 1953

### **'The Nigerian constitution': Cabinet memorandum by Mr Lyttelton**

The Conference on the Nigerian Constitution under my chairmanship has been sitting daily (with one day off) since 30th July. Its hours have usually been from 10 a.m. to 1 p.m. and from 3.30 p.m. till 6.

2. As I write this the news gleaned from reliable sources is that the Conference is about to break down on the subject of Lagos. The quarrel is a Nigerian quarrel and not between Her Majesty's Government and the Nigerians. I fear that I must trouble my colleagues with some account of the background and of the issues involved.

3. British Africa has a population of 60 millions of which Nigeria accounts for more than half. Of the 30 million Nigerians about 17 million are Northerners. The revenues have risen from £6-7 millions immediately before the war to £44 millions last year. As my colleagues will recall, the present constitution originated about two years ago under the auspices of the Labour Government. It provides for a federal system of Northern, Western and Eastern Regions under Central Government at Lagos. Lagos is incorporated in the Western Region but remains the capital. It is unnecessary to give an account of the tangled reasons which have led to the breakdown of the constitution. The present Conference was convened to consider its amendment. I will confine myself to the main issues.

4. Nigeria is inhabited by many races and no doubt the delegates would give the anthropologist some pause. Through their cranial differences he could perhaps trace some of the twelve races of Nigeria. For my purposes it is enough to point to three main divisions—the Hausa and Fulani of the North, Muslims and warriors, with the dignity, courtly manners, high bearing and conservative outlook which democracy and the *Daily Mirror* have not yet debased; and the Yoruba West and Ibo East, Pagan or Christian, with higher education and lower manners and inferior fighting value, somewhat intoxicated with nationalism, though loyal to the British connection at least so long as it suits them.

5. The Northern spokesman is Abubakar Balewa<sup>1</sup>—his soubriquet “the golden voice of the North”—a natural orator with real eloquence, nearly perfect English and all the arts of modulation at his command. The East is represented by Dr. Azikiwe, an American-educated demagogue, who makes few interventions but is able, persuasive, apparently moderate and wholly unreliable; the West by Mr. Awolowo with a flood of words always on the same wave length, a lawyer with considerable legal equipment and outstanding ambition. He is no more reliable than his Eastern Colleague. The last two are in an unholy but I believe temporary alliance. I can only claim as chairman to have concealed, I hope completely, the mounting impatience and deepening cynicism with which I have looked out upon this motley assembly tackling the niceties of constitutional balance. The fundamental cleavage is of course between the Muslim North and the pagan and Christian South, that is the Eastern and Western regions. It was asking much to expect so widely divergent elements to work an elaborate constitution.

6. Apart from these fundamental racial and religious differences one of the principal causes of the breakdown of the present constitution in my opinion has been that the regions were not given enough autonomy; another is that the Central Legislation [sic] and Executive were selected under the constitution by the Regions, which thus acted as sort of electoral colleges for the Centre.

The first of these disabilities we have overcome at the Conference by greater devolution, that is by a much shorter list of exclusive Federal powers and by leaving wide residual powers to the Regions.

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<sup>1</sup> A Tafawa Balewa, minister of works, Nigeria, 1952-1954; minister of transport, 1954-1957; prime minister, 1957-1966.

I tried to persuade the Conference to adopt separate elections for the centre so as to resolve the second problem but I have been unsuccessful.

The second difficulty has been indeed perpetuated by the Conference unanimously adopting the old system. One political party, the National Independence Party, withdrew at this point, not without substantial reasons. The causes for this perverse and pusillanimous decision to leave ill alone are easily understandable but are outside the scope of this paper.

7. The controversy over the whole constitutional issue is a controversy between Nigerians and not between Her Majesty's Government and Nigerians. I have thus tried to guide and not to impose. A large number of reefs has been navigated by agreement, but the ship is now about to wreck itself on Lagos island.

8. The North with their deep but already somewhat shaken trust in the British and distrust of their "brothers" in the West and East fear that the greater autonomy now suggested for the Regions will lead to the West seceding when it suits them. The West incorporates Lagos, at once the commercial and political capital of Nigeria and the only effective outlet to the sea for the trade and commerce of the North.

9. These fears are not groundless or insubstantial. The North now insist upon Lagos being a federal area under separate administration so as to safeguard it from becoming a Yoruba preserve and to make sure that their access to the sea remains open. The East, though ostensibly wishing to defer discussion on Lagos, are known to share the views of the North.

10. We cannot let the North down. They are more than half the population, more attached to the British and more trustful of the Colonial Service than the other two.

The West will not agree to lose Lagos and its predominantly Yoruba population: a deadlock is impending and by the time the Cabinet comes to read this paper will probably have occurred.

11. I propose therefore with the consent of my colleagues to break the deadlock by a decision of Her Majesty's Government who after all retain responsibility for the good government of Nigeria and are answerable for it to the House of Commons. If my colleagues agree I shall state that we have decided to excise Lagos from the West and to administer it directly by the Governor of Nigeria as the Federal capital under a Commissioner until the Nigerians themselves agree as to its future. The result will certainly be trouble and as likely as not some riots in Lagos and the West. They can probably but not certainly be dealt with by the five battalions stationed in Nigeria and the Police. I fear, however, that we shall be able to add Nigeria to Malaya, Kenya and Central African Federation as further diet for our political opponents. But it is a Nigerian quarrel and to act otherwise would be to alienate our friends, probably drive them into secession, to cast aside our responsibilities and to leave a dismembered Nigeria to settle its own differences perhaps with the spear.

12. I ask my colleagues to consent to my policy. It will doubtless be represented as imperialistic. I believe it to be inescapable.<sup>2</sup>

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<sup>2</sup> Cabinet consented to Lyttelton's policy (CAB 128/126/2, CC 49(53)5, 18 Aug 1953). Resuming in Lagos in Jan 1954, the constitutional conference reached agreement on a federal constitution with Lagos as a federal territory.

**275 CAB 129/62, C(53)244****4 Sept 1953****'Constitutional developments in the Gold Coast': Cabinet memorandum by Mr Lyttelton**

The proposals of the Gold Coast Government for constitutional change, which I anticipated in my memorandum C.(53) 154 of 13th May,<sup>1</sup> have now been formally submitted by the Governor in a short despatch enclosing the White Paper published by the Gold Coast Government in June.<sup>2</sup> Some of these proposals must be discussed with the Gold Coast over the next few months but meanwhile I have been asked whether they are acceptable in broad principle to Her Majesty's Government.

2. With the exceptions mentioned below, the proposals are substantially as expected. Acceptance would mean that, short of the exercise of the Governor's reserved powers, responsibility for internal affairs would be almost wholly in Gold Coast hands, while Her Majesty's Government would retain, through the Governor, responsibility for external affairs and defence.

3. The White Paper differs from my forecast of May last in these four ways:—

(a) It proposes the assignment to an African Minister of responsibility for the police "except insofar as the Governor will have a special responsibility in matters affecting internal security and the maintenance of public order". The Governor states that the ambiguity of this proposal at the time of publication last June was intentional and that his Prime Minister is fully aware that the position of the police will have to be stated with precision in the new constitutional instruments. As I told my colleagues I shall not agree to any arrangement that does not reserve to the Governor overriding control of the police.

(b) It proposes the establishment in other countries (such as the U.S.A. and Canada) of offices similar to the one which the Gold Coast maintains in London (as do also several other Colonial Governments) to deal with minor day-to-day business and to promote interest in and trade with the territory. This proposal, which might conflict with the Governor's primary responsibility for external affairs and raise difficulties of protocol, will have to be discussed with the other Departments concerned in the United Kingdom before a settlement is reached.

(c) It makes the proposal, to the rejection of which my colleagues agreed in principle (C.C.(53) 47th Conclusions, Minute 3) that, before the Gold Coast attained full self-government, responsibility for its affairs should be assigned to the Secretary of State for Commonwealth Relations.

(d) It lays great stress on a request, which I reported to the Cabinet in paragraph 12 of C.(53) 218,<sup>3</sup> that Her Majesty's Government should make a declaration expressing readiness, as soon as the necessary constitutional and administrative arrangements for independence have been made, to grant the Gold Coast self-government within the Commonwealth. This request was embodied in the motion for approval of the White Paper moved in the legislature by Dr. Nkrumah. The actual wording of the motion was that Her Majesty's Government should introduce an Act of Independence into the United Kingdom Parliament declaring

<sup>1</sup> See 271.

<sup>2</sup> A draft of the White Paper is reproduced in BDEEP series B, R Rathbone, ed, *Ghana*, part II, 133.

<sup>3</sup> See *ibid*, 136 and, in this volume, 313.



the Gold Coast a sovereign and independent State within the Commonwealth. It will be noted however that the proposal does not raise the issue of the Gold Coast's becoming a full and independent member of the Commonwealth. Gold Coast Ministers know that this is not a matter for the United Kingdom Government alone.

4. Despite certain obvious objections to making any such declaration of future intention, I endorse the Governor's advice that, to reject the proposal now that it has been made public, would bring about a rapid deterioration of the situation and would in fact hasten a demand for the immediate grant of independence. Sinister designs for perpetuating the Colonial "bondage" of the Gold Coast would be attributed to Her Majesty's Government both by West Africans and by others from whom the rapid but comparatively smooth advance of the Gold Coast towards self-government has gained much goodwill for our policy.

5. The substance of such a declaration would not be repugnant to our general policy. It has been the expressed intention of successive United Kingdom Governments to help the Colonies to attain self-government within the Commonwealth. The timing and method of attaining this objective must vary from one territory to another; but the Gold Coast, with no racial problem, considerable natural wealth and a popular African Government steadily gaining in experience and prestige, is offering—at least superficially—enough evidence of ability to manage its own affairs to deprive Her Majesty's Government of any justification for refusing this request. No timetable is attached to it.

6. I propose therefore if my colleagues agree to authorise the Governor to inform the Gold Coast Cabinet, when he sees fit, that the Secretary of State on behalf of Her Majesty's Government in the United Kingdom will be prepared, subject to a general agreement on constitutional changes, to make a declaration on the following lines:—

"When these changes (i.e. those agreed as the result of discussions on the proposals in the White Paper) have been made the powers retained by Her Majesty's Government will be the minimum which they must retain so long as they have any responsibility for the Gold Coast. These changes must therefore be regarded as the last stage before full self-government. The grant of full self-government within the Commonwealth is a matter for the United Kingdom Government and Parliament and I can say that, at the appropriate time, Her Majesty's Government in the United Kingdom will be prepared to take such steps as may be necessary for that purpose. Admission to full and independent membership of the Commonwealth is of course a different question on which all existing members would be consulted."

A declaration on these lines would probably be made public early in 1954 when the constitutional changes are introduced. But the precise timing would be fixed later as tactics required.

7. The arrangements to be made by the Gold Coast for achieving full self-government must include the establishment of a separate and largely Africanised public service, and the provision of suitable compensation for any overseas officers whose careers may be adversely affected by the changes. The first steps have already been taken to establish this separate service and my colleagues will recall that I

informed Parliament on 9th July of the proposals for compensating Colonial Service officers which Dr. Nkrumah, with my general approval, had made known in the Gold Coast Assembly.

8. Assuming a satisfactory settlement of the outstanding issues, I propose to submit new constitutional instruments to the Privy Council early in 1954. This would enable a fresh General Election to be held in about May, 1954, so that a new Government would take office in the middle of the year. The Government would consist of an all-African Cabinet over which the Prime Minister would normally preside, and which would be advised by a European Economic and Financial Adviser and a European Attorney-General; the single-chamber legislature would probably consist only of persons chosen by direct elections throughout the territory by universal adult suffrage; the Governor's present reserved powers would be retained and, through a Deputy Governor acting as Secretary for Defence, he would exercise responsibility for foreign affairs and defence, including overriding responsibility for the police; and selected African Ministers would be associated as necessary with these reserved subjects through a small Defence Committee under the Chairmanship of the Governor.

9. Much preparatory work must be done in the Gold Coast before fresh elections with an extended franchise can be held. I therefore propose to submit for approval, probably late in October, without prejudice to the detailed discussions which may then still be proceeding, a brief Order-in-Council to enable the Gold Coast Legislature to pass a new Electoral Ordinance.

10. The Gold Coast proposals, far reaching as they are, have been prepared with care by a moderate African Government anxious to avoid any break in relations with the United Kingdom. They were approved by the Legislature without a division, and they undoubtedly command widespread support throughout the territory. Their rejection would bring to an end settled government by consent, and forfeit the goodwill towards the United Kingdom and the desire to retain the British connection which are common to all parties in the Gold Coast. I invite my colleagues' agreement that I should approve them now in broad principle, and thereafter over the next few months work out a detailed agreement on the lines which I have described.

**276** CO 554/805

23 Sept 1954

[Gold Coast]: minute by R J Vile<sup>1</sup> on Gold Coast readiness for independence

Now that Sir C Arden-Clarke has agreed in telegram, Personal No. 26 of the 13th September, ((196 on WAF.33/34/01) that the original timetable for the Togoland discussions with the United Nations can stand, it is possible for us to submit these papers for further consideration of the Governor's letter at (1).<sup>2</sup>

2. It is, I think, but elementary caution to say that any decision about the date of independence for the Gold Coast would clearly be premature at this stage. It has, however, been accepted in the past that the Gold Coast would achieve independence

<sup>1</sup> R J Vile, principal, CO, 1947-1953; assistant secretary 1953-1961 (deceased).

<sup>2</sup> Arden-Clarke's letter dated 2 Sept 1954 in CO 554/805, no 1, on the date to aim at for the grant of independence to the Gold Coast, is reproduced in BDEEP series B, R Rathbone, ed, *Ghana*, part II, 153.

between two and four years from now, although we have not previously considered in any detail how ripe for independence the Gold Coast was likely to be. The Memorandum<sup>3</sup> opposite has accordingly been prepared in order to show the main difficulties which are likely to arise. Put shortly, I suggest that it shows that the Gold Coast has been fully extended by its efforts at constitutional and economic advancement, and that we cannot be entirely sure of its ability to keep up such a cracking pace. The Memorandum is not of course exhaustive, and if any further notes are required they can easily be made available.

3. While we may well have doubts about the ability of the Gold Coast to make the grade as an independent country I think we have recognised for some time that its possible administrative and political weaknesses are not likely by themselves to be the determining factor in any decision about independence. As the Governor says in paragraph 3 of his letter, Gold Coast Ministers would privately be glad of the longest possible time in which to gain experience before independence is achieved. Though they do not wish to hasten the process themselves they have to fulfil their own pledges to their electorate. The choice before us may well then be one of accepting independence at a certain date because its refusal would create worse conditions than its acceptance. The probability that the decision when taken will be of this nature does, I think, impose upon us additional and substantial reasons for caution at this stage.

4. While we can and must defer a substantive decision about independence (indeed we are not asked in terms to take one by the Governor) it is necessary for everyone concerned to have some idea of the time left in which to make the necessary preparations for independence. There is therefore much to be said administratively for reaching a decision on the basis of planning which should be adopted. Apart from this it will give Gold Coast Ministers a pretty firm indication of the length of time they have in which to prove generally their ability to govern, and in particular to reach a solution of the Togoland problem. I have therefore suggested in the draft letter to Sir C. Arden-Clarke an acceptance of December, 1956 or thereabouts as the date to be taken for planning purposes as the earliest possible date for independence.

5. Because the necessary preparations for independence affect quite a number of U.K. Departments I think that a Cabinet Paper by the Secretary of State would serve to put all Departments on notice about this matter. I have therefore prepared a draft Paper for consideration. I suggest that in this we can be perfectly frank about the situation and the reasons for the decision which has been reached.

6. I also submit a draft reply to Sir C Arden-Clarke in which I have attempted to put Gold Coast Ministers on notice that they must continue to demonstrate beyond doubt their ability to govern without suggesting that we have anything more than elementary caution as the reason for our reluctance to enter into any commitment about the date for independence. I have not included in the draft any overt reference to the approval of the policy by Ministers here, largely because the Governor has not asked us in terms to do so.

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<sup>3</sup> Not printed.

**277** PREM 11/1367

19 Aug 1955

[The future of the Gold Coast]: letter from F E Cumming-Bruce (Gold Coast) to Sir G Laithwaite. *Enclosure*: memorandum by Cumming-Bruce, 'Notes on the future of the Gold Coast with special reference to external relations after independence'

[This report by Cumming-Bruce, written six months after his appointment as adviser on external affairs to the governor of the Gold Coast, made disturbing reading in the CRO. Home minuted Eden on 30 Aug: 'I confess that I do not find it at all encouraging but it is useful to have a frank statement of the position as seen by someone outside. This isn't my concern yet but it looks like being so fairly soon & I shall feel happier if you know the true position in good time' (PREM 11/1367). Subsequent developments in the Gold Coast, particularly allegations of corruption over the affairs of the Cocoa Purchasing Company and accusations that the CPP were resorting to violence and intimidation against their political opponents in the National Liberation Movement, heightened CRO anxieties. Further critical reports from Cumming-Bruce and newspaper articles and editorials, especially in *The Observer*, fed these anxieties. Home wrote to Hare at the CO in July 1956: 'I am frankly unhappy lest we should be taking too optimistic a view. . . . I have a very direct concern in this to the extent that I shall be responsible for the Gold Coast if it does become a Commonwealth country. . . . Can we really be . . . sure . . . that, in fact, Gold Coast Ministers are going to look to us for advice? And how do we stand about violence, and corruption? . . . it would, be, I confess, a relief to my mind to have something positive from Arden-Clarke' (CO 554/1435, no 8, 11 July 1956). The CO mounted a defence of its policy towards the Gold Coast but Lennox-Boyd admitted in a letter to Home: 'It is clear to all of us that there are disturbing features about political life in the Gold Coast' (CO 554/1435, no 10, 18 July 1956). For detailed documentation on the development of friction over the Gold Coast between the CO and the CRO, see BDEEP series B, R Rathbone, ed, *Ghana*, part II.]

I have now been six months in the Gold Coast. I recorded my first impressions of the prospect of future relations with an independent Gold Coast after I spent a week in Accra a year ago, and I have so far refrained from attempting to cover more ground about the kind of country with which we are likely to be dealing because it is far from easy for a newcomer to Africa to form a judgement on the essential features of a scene so unfamiliar and in such a rapid state of change. West Africa has greater points of difference from the newly-independent members of the Commonwealth than of similarity to them, and the future is obscured by the political uncertainties arising from the very recent emergence of strong opposition to the Government.

2. It is, indeed, extremely difficult to form a judgement about the shape of things to come. There is a wide divergence of view on the part of those who have been out here for many years. Some believe that conditions will remain much the same: others confidently predict a rapid decline to the conditions of graft, nepotism and complete incompetence of Liberia. But even though any guesses made now are bound to require qualification later, I think that the C.R.O. would like to have a rough and ready assessment. I, therefore, have drawn up the enclosed memorandum in which I give as briefly as possible an estimate of the main features of the future scene.

3. I have shown the memorandum to the Governor who has stated that he regards it as an accurate presentation, though in his view slightly pessimistic.

4. I propose to expand this bird's-eye view by sending a series of notes on particular aspects. I imagine that such notes would be of more use to the C.R.O. than regular "affairs" reports on the course of events. You are aware of the main trends

from the Governor's half-yearly reviews, and I understand that the C.R.O. now receive copies of correspondence with the Gold Coast on matters of general interest. But reports to the Colonial Office are written for readers who know the background and this the C.R.O. lacks. It seems to me, therefore, that the most useful type of reporting in which I can engage for the C.R.O. is to provide background information on the present state of the country.

5. The assessment of the enclosed note suggests certain directions in which action might usefully be considered. The main points seem to be, first, the possibility of reducing the risk of administrative failure in the Gold Coast after independence: secondly, possible means of preparing the Government to fit smoothly into the Commonwealth framework: thirdly, action which we ought to consider in order to facilitate relations with the Gold Coast after independence. I deal with each of these in the following paragraphs.

6. First, the dangers of administrative failure now seem to be sufficiently serious to make it necessary for H.M.G. to face the problem and consider whether there is any way in which the risks can be reduced. The C.R.O. would be presented with novel and awkward problems if the administration of a new Commonwealth country virtually broke down.

7. We need not set our sights high. Positive success on the part of an independent Gold Coast in administering its own affairs would, I imagine, be a substantial help to our colonial policy elsewhere, but it would be unrealistic to make it an object of policy. On the other hand it seems of real importance that the Gold Coast should *not fail*. Administrative collapse and general corruption in a Commonwealth member would present difficult problems. The effects in other dependencies might be unfortunate; and our large commercial interests in the Gold Coast would be prejudiced.

8. Hitherto the basis of planning has been that an adequate number of good British members of the Services will stay on. But the date when officers had to declare their option either to go or to join the Local Service with a continuing right to retire has gone by without bringing any reassurance and the prospect is most disquieting. The number of officers who have decided to go at once, though large, does not impose too severe a strain: but there is clearly going to be a very much greater exodus in the next three years: and there are notably few who have made up their minds to stay on after independence. The prospects are perhaps worst in the professional and technical fields. It has been possible to defer judgement until the "appointed day" revealed the immediate prospect, but it is now necessary to take stock. The outlook, though dark, is admittedly uncertain: it is conceivable, though unlikely, that the Gold Coast will scramble through without any action by H.M.G. to increase the facilities for future employment of British personnel. But the stake is too high to justify a gamble. I suggest, therefore, that the C.R.O. might interest itself in the question whether some means cannot be devised to improve the prospect of employment by the Gold Coast Government after independence of pensionable staff of H.M. Oversea Civil Service. Any arrangements would have to be such as to limit the commitments of the Gold Coast Government to relatively short periods. The only previous official proposals to meet the needs of which I am aware, are those made by the Colonial Office, and discussed with the C.R.O. and Foreign Office, in 1953, under which a Service supplementary to the then Colonial Service would have been established on which Commonwealth and other governments could draw for staff for



limited terms of appointment. The C.R.O. at that time indicated its readiness to co-operate in some such scheme, even though the scale on which existing Commonwealth countries would be likely to employ U.K. staff was so small. But in the case of the independent Gold Coast, the demand might be strong, and the scheme might make all the difference. I think, therefore, that from the point of view of forward planning the C.R.O. has a strong interest in the question. There are perhaps other ways of attaining similar objects, and the C.R.O. might like to take stock of the position with the C.O. If a framework can be established before independence that will induce the Gold Coast to continue to draw on the resources of the Oversea Civil Service, we might save a great deal of trouble and expense that might otherwise have to be incurred in working out a salvage operation later on, e.g. in the form of a Technical Assistance Scheme.

9. Secondly, it would be very valuable if the Gold Coast Government could be represented at Commonwealth Ministerial meetings before independence, e.g. as an observer. This would help to widen the narrow horizon of Gold Coast Ministers, in particular the Prime Minister, encourage them to take a reasonable attitude in external relations, tend to head them off from some of the more extravagant demonstrations in the international field by which they may at present be attracted, e.g. in regard to West African Federation, and counter the potent influence of the Bandung group. Some consideration has, no doubt, been given to this possibility in the past: and the advantages have to be subordinated to considerations of tactics in relation to future Commonwealth membership. If, however, there are no major objections, perhaps the possibilities might be further pursued.

10. Thirdly, the relative weakness of the future administration here, and the extent to which Ministers may be susceptible to advice from United Kingdom sources, if it is carefully tendered in the right way, make it desirable that there should be strong United Kingdom representation as soon as the country becomes independent. I do not think that we could achieve this without establishing an effective working office in the period preceding independence. This raises various problems, about which I am writing separately.

11. There is also a need for healthy external influence here in addition to our own to counter the political influence of India. Canada seems to be in a good position to exercise such influence. I understand that Mr Pearson<sup>1</sup> is taking a personal and sympathetic interest in the Gold Coast, and I suggest that we should raise the question of possible appointment of a Canadian Commissioner. I am setting out the position as seen at this end in a separate letter.

12. I have sent a copy of this letter and the enclosed memorandum to Sir T Lloyd, to Sir P Liesching in Pretoria, to Sir A Nye<sup>2</sup> in Ottawa and to Metcalf<sup>3</sup> in Salisbury.

Enclosure to 227

#### *A. Long term prospects*

##### *Future internal progress*

The Gold Coast is so immature, and the unification of the country so recent, that it

<sup>1</sup> L B Pearson, Canadian S of S for external affairs.

<sup>2</sup> UK high commissioner, Canada.

<sup>3</sup> M R Metcalf, UK high commissioner, Federation of Rhodesia and Nyasaland.



will be difficult after independence to maintain reasonably efficient government and cohesion. But the long-term trends are likely to be in the right direction provided the first ten years after independence do not see a breakdown.

2. In the first few years after independence her course is likely to be unsteady, progress is likely to be slow, and relapse in some fields inevitable, e.g. in the integrity of public service. Developments during this period are likely to determine her future for a disproportionate subsequent length of time. If the position can be held for 15 years our postwar Africanisation policy will have then yielded an adequate number of Africans for senior Government posts.

### *Political stability*

3. Politically the country faces a period of instability. It will be within the power of Government to keep the situation under control, if the party in power proves capable of exercising restraint towards its opponents and learns how to handle law and order, and if administration is maintained at a reasonable standard. There is a fair chance that these conditions will be fulfilled, if a means should be found to facilitate future employment by the Gold Coast of good British personnel. If not, the Government's grip on the country may progressively relax.

4. The good record of African Ministers is largely due to the personal influence of the Governor, the unprecedented amount of money in the Government's hands from the cocoa boom, and the absence of serious problems. Ministers have learned much, but there is not likely to be much statemanship in Government policy after independence.

### *Cohesion of the country*

5. Difficulties in the control of the police and military forces may eventually reduce the cohesion of the country, but these do not seem likely to arise in a serious form in the first few years after independence. The Government may be reluctant to rely for a long period on British officers for the higher officer ranks in the army and police, and precipitate steps of Africanisation would be seriously prejudicial to discipline and efficiency, and be liable to undermine the Central Government's control of the country.

### *Limitations to progress*

6. The enervating climate, which saps energy and initiative, and the high prevalence of disease, are likely to impose a strict limit on the capacity of the Gold Coast to make progress.

## *B. Domestic prospects in the transitional period*

### *Decay of administration*

7. The central problem of the transition is how to prevent administrative failure in the few years after independence. Political advance having run far ahead of Africanisation of the services, the requisite degree of efficiency and integrity cannot be supplied by Africans, so far as can be seen ahead. The prospects of enough efficient British officers staying on for more than another two or three years seem to be very poor. The main African Ministers have an inadequate idea of the extent to which they are dependent on British officers and are liable to pursue policies that will discourage

men from staying. Employment of overseas officers on short-term contracts seems unlikely to fill the gap, though it will slow up the pace of run-down. There is, therefore, a serious risk of progressive administrative decline.

#### *Economic prospect*

8. So long as order is maintained, the effects of weak government need not be disastrous on account of the buoyancy of primary production. The basic economy of the country should remain sound, with continuation of production of foodstuffs and export of cocoa, gold and diamonds at present levels: and the Volta River Project would result in a great addition to resources.

#### *Form of government*

9. While the forms of parliamentary democracy are likely to be preserved, the country is too immature for the Government to be responsible to the electorate in any real sense. The C.P.P. seems likely to rely mainly on Tammany methods and the strong arm, and the present Opposition on appeals to tradition and to tribal and regional sentiment.

#### *Characteristics of political leaders*

10. The leadership in Government is not likely to be of high quality. The C.P.P. leaders have nationalistic fervour, and a certain amount of determination. They have a sense of humour, which redeems their vanity, and personally they are likeable and respond to a friendly approach. But their political ideas and methods are crude; and they lack a sense of realities. Their knowledge is shallow; and they are mercurial and wanting in solidity of character and integrity. The opposition includes among its main figures some men who are more balanced and better informed, and who have greater integrity, but they are relatively ineffective.

#### *Timing of independence*

11. Delay of independence would bring great advantages in the field of future domestic administration. But unless delay was clearly the result of internal factors, postponement would have great dangers for future external relations, and these dangers outweigh domestic administrative considerations.

#### *Party political prospect*

12. A change of Government before independence at present seems to be unlikely. A non-C.P.P. Government would probably be better informed and have a more responsible approach to external relations; but it would not necessarily handle administration any better than the C.P.P.; and it remains to be seen whether the opponents of the C.P.P. could ever muster and retain enough solidarity to work together as a Government.

### *C. External relations after independence*

#### *Commonwealth membership*

13. Commonwealth relations are so elastic that the Gold Coast ought to be able to be fitted fairly smoothly within the Commonwealth framework, unless administration breaks down: and the Gold Coast would be likely to derive substantial benefits

from the Commonwealth connection. But she will constitute a new class of member on account of her inability to administer her affairs competently without heavy dependence on overseas officers.

#### *Sentiment towards the Commonwealth*

14. To the main C.P.P. Ministers the Commonwealth is a bodiless abstraction devoid of sentimental appeal. If it could be given concrete meaning before independence, the effect on Gold Coast policy after independence would probably be far-reaching. The only really effective means would be Gold Coast attendance at Commonwealth meetings.

#### *United Kingdom relations with the Gold Coast*

15. Conduct of United Kingdom relations during the first few years of independence will not be easy on account of the immaturity of C.P.P. Ministers. But if administration remains on an even keel, and if we are patient, our relations with the Gold Coast ought to be reasonably good. Relations with a Government drawn from the present Opposition might be easier.

#### *United Kingdom assistance*

16. If the United Kingdom Government contributes capital to the Volta River Project according to present plans, there seems to be no reason to expect requests for financial assistance in other major forms.

#### *Anti-colonialism and neutralism*

17. The Nkrumah Government, if in power after independence, will be inclined to assert its independence of British apron-strings in various ways, some of which may be embarrassing. It seems likely to indulge in active steps of anti-colonialism in West Africa and perhaps further afield, and with Indian guidance these might be prejudicial to healthy political progress in other dependencies. On the broader international issues, India will have a magnetic attraction for the C.P.P. But the Gold Coast will presumably be over-shadowed in West Africa by Nigeria when the latter attains independence and her policies influenced by Nigerian policies. To the extent, therefore, that Nigerian policy is different, the Gold Coast attitude may be adapted.

#### *Commercial policy*

18. In commercial policy there is likely for a time to be some encouragement of domestic enterprise at the expense of overseas interests and some prejudice in favour of foreign countries at our expense. But if we are patient and accommodating, our strong position ought not to be seriously undermined.

#### *Defence co-operation*

19. In seeking from a C.P.P. Government any positive contribution in Commonwealth defence we should be swimming against the neutralist stream. But the Gold Coast Government seems likely to be prepared to co-operate over defence facilities if carefully handled.

#### D. General conclusion

20. The Gold Coast is likely to settle down eventually at a comparatively low level of efficiency. The conditions for reasonable commercial relations with the U.K. seem likely to be satisfied. The first ten years after independence will be of disproportionate importance for the future and there is a serious danger that during the period the country will lose overseas personnel to an extent that may undermine the administration beyond repair.

**278** CAB 128/29, CM 40(55)6

10 Nov 1955

#### 'Togoland': Cabinet conclusions

*The Colonial Secretary* said that British Togoland, which we administered under trusteeship, was a narrow strip of territory with 400,000 inhabitants on the eastern border of the Gold Coast. The Cabinet had agreed in May last year that, with independence for the Gold Coast approaching, we should invite the United Nations to consider future arrangements for British Togoland, giving it as our view that its interests would best be served by integration with the Gold Coast. The administration of such a small strip of territory would be difficult once we ceased to have responsibility for the Gold Coast. In the meantime the Trusteeship Council had sent a very competent mission to the territory to examine the problem on the spot. This mission would recommend that the inhabitants of British Togoland, when the time came to seek their views, should be offered the choice between integration with the Gold Coast and the specific alternative of continued administration under trusteeship pending the determination of their ultimate future. In view of this, it became necessary to consider whether, if the result of a plebiscite were unfavourable to union with the Gold Coast and the territory elected to remain under trusteeship administration, we would be prepared to accept a continuing responsibility for administering the area. In his view we had no alternative, in such an event, but to be prepared to do so, for among the likely alternatives there were some which would have dangerous repercussions for us. The United Nations might, if we refused, elect to administer the territory directly, and this would at once give the Russians a voice in Colonial affairs and a vantage point for interference in Africa. Alternatively, the territory might be handed over to a trustee in whom we could have no confidence. The northern part of the territory would probably vote for integration with the Gold Coast, but the leanings of the southern inhabitants were more doubtful.

In discussion the following points were made:—

(a) It was unthinkable that we should appear to eject from our midst people for whom we had been responsible by refusing to continue to administer them in the circumstances which had been outlined.

(b) The possibility that the Togoland tribes might vote against union with the Gold Coast opened up the prospect of yet another small territory which could not be self-supporting. It was pointed out, however, that separate administration would continue only for an interim period, for eventually permanent arrangements would have to be made for British Togoland whose future could not be considered in isolation from the future of the neighbouring French Togoland.

(c) It was also pointed out that the termination of the trusteeship over British Togoland was in any event dependent upon the continued advance of the Gold Coast to self-government. It was not yet clear that the Ashanti and northern districts of the Gold Coast were fully in support of the independence proposals.

*The Colonial Secretary* said that, unless the investigation which was now being carried out showed a much stronger feeling in these districts of the Gold Coast in favour of independent government and the constitution which would provide for it, it might yet be necessary to reconsider our position in the matter. Meanwhile, he was concerned in regard to Togoland to take up in the United Nations a position which would exclude any risk of the territory falling into undesirable hands.

It was the general view of the Cabinet that, while the course proposed by the Colonial Secretary should be followed in the forth-coming discussion of Togoland at the United Nations, the future of this territory and its relations with the Gold Coast raised more general issues which it would be desirable to consider separately.

*The Colonial Secretary* undertook to circulate a memorandum on this subject. The Cabinet:—

(1) Agreed that, in the forthcoming discussion of British Togoland at the United Nations, Her Majesty's Government should state their willingness to accept responsibility for the continued administration of the territory in the circumstances outlined by the Colonial Secretary.

(2) Invited the Colonial Secretary to circulate to the Cabinet a memorandum on the more general issues which had been raised in their discussion.

**279** DO 35/6176, no 48

3 July 1956

[Admission of the Gold Coast to the Commonwealth]: letter from Sir A Eden to Commonwealth prime ministers

[Eden raised this issue in writing, rather than in discussion at the Commonwealth prime ministers' meeting which was about to begin, chiefly in order to accommodate J G Strijdom (prime minister of South Africa, 1954–1958). Strijdom had indicated that 'while he was prepared to accept the Gold Coast contingently as a Commonwealth Member, he was most reluctant that the matter should be discussed in plenary session' (letter from Sir G. Laithwaite to Sir P. Liesching (Pretoria), DO 35/4673, no 156, 13 July 1956). All the prime ministers concurred in principle to the acceptance of the Gold Coast as a Commonwealth member, although Strijdom referred to the matter as a *fait accompli* (letter from Strijdom to Eden, PREM 11/1367, 5 July 1956; reproduced in part I of this collection as 151). On this question as an issue in UK-South African relations, see *ibid.*, 146, 147, 149–154.]

As you know, there will be a general election in the Gold Coast during the present month. If the present Prime Minister of the Gold Coast, Dr. Nkrumah, is returned, we know that he will introduce a motion calling for full self-government within the Commonwealth. The United Kingdom Government are committed to implementing such a motion if it is passed by a reasonable majority. The main Opposition party favour the calling of a conference to frame a new constitution, if they obtain a Parliamentary majority in the forthcoming election, but they intend that this conference should report before the end of 1956; and their intention is that thereafter the United Kingdom Parliament should be asked to grant self-government

within the Commonwealth. It is known that Dr. Nkrumah would like to see full self-government by March 1957; the Opposition will not wish it to be more than a few months later.

2. It seems practically certain therefore that before another of our Meetings can take place the Gold Coast will have achieved full self-government, and the question of Membership of the Commonwealth will have to be faced; delay in returning a definite answer on the latter point would arouse speculation and suspicion in the Gold Coast, and I am sure we ought to avoid this if possible. Given the probable timetable, it seems clear that we cannot expect to be holding another Prime Ministers' Meeting before the question of Gold Coast Membership becomes actual. We ought therefore to reach some kind of conclusion on the subject now.

3. There are, however, objections to any references being made in the final communiqué issued after our meetings to any discussion of Gold Coast affairs. However vague the reference was, it might be regarded as an attempt to influence the forthcoming elections in the Gold Coast. On the other hand, if, as will almost certainly be the case, we are to be faced before our next meeting with the question of Commonwealth Membership for the Gold Coast, then it will be very convenient if something could be placed on record now as to the views of existing Members.

4. My colleagues and I in the United Kingdom Government are convinced that the Gold Coast should on attaining full self-government be admitted to Commonwealth Membership. The alternative might well be that the Gold Coast would leave the Commonwealth. If that happened, I feel sure that the country might form other and to our mind undesirable associations in the international sphere, and the unfortunate consequences would of course not be confined to the Gold Coast. Other Colonial territories now aspiring to self-government in the foreseeable future might also cease to regard Membership of the Commonwealth as their natural aim and they would begin now to look elsewhere for support and encouragement.

5. I am therefore writing to you, and concurrently in similar terms to the other Prime Ministers of Member Countries, in the hope that in reply to this letter you will be able to record your agreement in principle to acceptance of an application for Commonwealth Membership from the Gold Coast on the assumption that self-government is reached. In that case, assuming that the other Prime Ministers also agree to what is proposed, I should hope it would only be necessary for me to send you and them a message by telegram when the question of Membership had been raised and had become actual, inviting formal concurrence in our informing the Gold Coast Government that, with the coming into effect of full self-government, the Gold Coast would also be accepted as a Member of the Commonwealth.

**280** CAB 128/30/2, CM 64(56)2

11 Sept 1956

**'The Gold Coast': Cabinet conclusions on arrangements for independence**

The Cabinet had before them a memorandum by the Colonial Secretary (C.P. (56) 204)<sup>1</sup> recommending that the remaining steps should now be taken to accord full self-government to the Gold Coast under the new name of Ghana and that the

<sup>1</sup> C.P.(56)204 dated 29 Aug 1956 is reproduced in BDEEP series B, R Rathbone, ed, *Ghana*, part II, 250.



necessary legislation for this purpose should be prepared for introduction in the forthcoming session of Parliament.

*The Colonial Secretary* recalled that, with the Cabinet's approval, he had announced in Parliament on 11th May that the United Kingdom Government would be prepared to promote the final stages of constitutional advance in the Gold Coast after the people had been given the opportunity in a general election to express their views on the proposed constitution and a motion calling for independence had been passed by a reasonable majority in the new legislature. Both of these requirements had now been fulfilled and, although the Opposition Parties in the Gold Coast mustering less than one-third of the seats in the legislature, had refrained from voting on the motion for self-government, this was not a sufficient reason for modifying the policy to which the United Kingdom Government were committed. Every effort had been made to meet the wishes of the Opposition Parties by introducing the greatest possible measure of regional devolution into the new constitutional arrangements, but it would not have been practicable to have gone further and devised a federal form of constitution for the Gold Coast. Given the safeguards provided by the arrangements for regional devolution, the right course for the dissident Parties was to form themselves into an effective Parliamentary Opposition and to attempt to make the constitution work. He had emphasised this to a group of Opposition leaders from the Gold Coast now in London.

There were two further points. First, as regards corruption in public life, the Prime Minister (Dr. Nkrumah) had announced that the report of the recent Commission of Enquiry into irregularities in the finances of the Cocoa Purchasing Company would be published in full and that steps would be taken to bring the finances of such bodies under closer Parliamentary control. Secondly, as regards Togoland, the inhabitants proposed to appeal to the United Nations against the termination of trustee status for their territory. But the Trusteeship Council had, by a virtually unanimous decision, already decided to approve the termination of the trusteeship and there was little doubt that their recommendation would be endorsed by the General Assembly.

He therefore proposed to issue in the following week a public statement on the advance of the Gold Coast to full self-government with effect from 6th March, 1956, [sic] and to introduce the necessary legislation in the forthcoming session. The risk must be accepted that this announcement might lead to disturbances in the Gold Coast; but there was a certainty of much more serious disorder if the Government failed to fulfil their undertakings.

In discussion the following points were made:—

(a) *The Minister of Housing*<sup>2</sup> said that the introduction of this unitary constitution would have the effect of placing the tribal inhabitants of the Central and Northern Territories of the Gold Coast under the control of the more advanced and educated merchant groups in the coastal areas. Moreover, it was proposed to withdraw from the Northern Territories without their consent the protectorate status which they now enjoyed. This was not a satisfactory discharge of our responsibilities. He strongly urged that, even at this late stage, further consideration should be given to the possibility of adopting a federal system.

*The Colonial Secretary* said that he was satisfied that, both on economic and

<sup>2</sup> Mr D Sandys, minister of housing, 1954–1957.

financial grounds, the Gold Coast, with five million inhabitants, was too small to be divided into the five separate units which a federal system would entail. Nor was there any practicable alternative but to abrogate the protectorate treaties when, under any system of self-government, we should be unable to fulfil our obligations under them. The Chiefs concerned had seen that this was inevitable, and the provisions in the constitution for devolution of authority contemplated a House of Chiefs in the Northern Territory.

*The Commonwealth Secretary* endorsed the views expressed by the Colonial Secretary on these points.

Discussion showed that it was the general view of the Cabinet that, having regard to the undertakings already given, there was now no alternative but to proceed with the introduction of the unitary constitution proposed for the Gold Coast.

(b) It would, however, be necessary to examine the implications which the withdrawal of protectorate status from the Northern Territories in the Gold Coast would have for our policy in Northern Rhodesia and Nyasaland. The Governments of Northern Rhodesia and Nyasaland had been assured that we could not withdraw protectorate status from the native populations in their territories which enjoyed it. It would now be necessary to satisfy these Governments that a policy in regard to protectorates was being followed which was not inconsistent as between one colonial territory and another.

(c) *The Chancellor of the Exchequer*<sup>3</sup> said that it should be made clear to the Gold Coast Government that the proposed advance to self-government status would not carry with it a claim to any funds of the Colonial Development and Welfare Corporation.<sup>4</sup> Moreover, Gold Coast balances now held in London amounted to nearly £100 millions. In view of the strains which sterling must be expected to suffer in the period immediately ahead,<sup>5</sup> it might be desirable to defer the date on which full self-government would come into effect in case this might involve the risk of these balances being withdrawn for investment elsewhere.

On this, however, it was pointed out that the Gold Coast authorities were already free to withdraw their balances from London, should they so wish, and it was agreed that the next stage of constitutional advance could not be deferred on that account.

The Cabinet:—

(1) Approved the proposals in paragraph 18 of C.P. (56) 204.

(2) Invited the Commonwealth Secretary and the Colonial Secretary, in consultation, to give five further consideration to the implications for Commonwealth policy of the point recorded in paragraph (b) above.

<sup>3</sup> Mr Macmillan.

<sup>4</sup> ie, the Colonial Development Corporation.

<sup>5</sup> This is presumably a reference to the Suez crisis.

**281** CO 822/338, no 4

3 Dec 1951

[Closer association in East Africa]: minute by P Rogers to A B Cohen outlining the case for closer association between Kenya, Uganda and Tanganyika

1. As you know I have been thinking over for some time the general issue of our long-term political policy in East Africa. It seems to me that the time is ripe for a

general review and I have one specific measure to propose, which cannot however be judged except in the light of such review.

2. In this minute I refer only to the three mainland East African territories of Kenya, Tanganyika and Uganda. I exclude Zanzibar, partly because of its distinct political and juridical position. It may be that at some stage Zanzibar will join whatever East African federation may develop, but I do not think that it would be politically appropriate at present to urge that it should come more closely into the East African fold, nor do I think that there would be any political, economic or social advantage either to Zanzibar or to the mainland territories in its doing so.

3. As a background to the review in this minute I attach a memorandum prepared by Mr. Kitcatt and Mr. Newsam reviewing briefly the history of closer union in East Africa.<sup>1</sup> I also attach a memorandum drafted in the Development after consultation with other Departments of the Office concerned, on the issue of economic and financial co-operation between the mainland territories. That issue is one which has received a good deal of recent consideration in East Africa, as the attached file shows and our memorandum stands by itself as a review in this sphere. It makes certain proposals in respect of economic co-operation which require consideration in their own right and at the end of this minute I suggest what the next step should be in this respect. I submit the memorandum under cover of this minute, however, since in my view the determination of the economic problems raised in the paper depends to some extent on what our political aims may be, just as in turn the consideration of those aims must be affected by the economic background and issues. I propose therefore that the two should be considered together, for the time being at any rate.

4. As the first memorandum shows, the general aim of closer union in East Africa is one which has been pursued by His Majesty's Government over the last two or three decades, but with considerable diffidence in view of the obvious difficulties. Those difficulties have sprung primarily from the attitudes and suspicions of the various communities in East Africa. In particular, Africans, and also Asians, in Uganda and Tanganyika have feared that closer union was being pressed in the interests of European domination—a fear which a few extreme and ill-advised European leaders have unfortunately fostered by their public statements. There has also been the complication of Tanganyika's mandated and subsequently trusteeship status—an issue to which I refer in more detail below. For the most part I think it is fair to say that those in governmental circles at any rate who consider that closer union should be the aim have been content to pursue it slowly, not only because there are many obstacles to its early achievement, but also because they have felt that we need not hurry, that time is on our side and that natural political and economic forces will of themselves gradually produce the right atmosphere and conditions in which some form of federation can be achieved.

5. My own view is that this is not the case. It is true that there has been some improvement in the general political atmosphere in East Africa on the subject of closer union, as a result of the relatively successful working of the High Commission in its present form. To that extent conditions are at present favourable for reconsidering the next steps forward. On the other hand there are in each of the territories concerned factors which in my judgment are at present working against rather than towards closer union and I am concerned lest our prospects of attaining

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<sup>1</sup> Annexes not printed.

closer union may suffer, if we allow the present tendencies to continue unchecked.

6. To take first the economic background, it is of course true that there are many business interests which cross territorial boundaries and though there are competing industries in the separate territories, e.g. the sisal industries of Tanganyika and Kenya, these need not at the present stage be regarded as serious economic obstacles to closer union. The main factor is in my view the fact that the financial policies of the three Governments are taking different courses, because they are, under present conditions, almost inevitably bound to be determined by the immediate financial needs of the separate Colonial Governments. As is mentioned in the attached economic memorandum these are leading at present, and may lead increasingly in the future, to divergencies in levels and methods of taxation. If they persist, it is likely that they will, in combination with the economic developments proceeding largely separately in each territory, produce economic interests in the territories concerned which, without imputing to them any evil impression, will be bound to have a vested interest in the maintenance of those separate systems. In short, I do not mean to imply that complete uniformity in taxation is in any way necessary or even desirable, but uniformity in certain fields of taxation, especially customs duties and I think income tax, is important. Secondly, and ultimately of considerably greater importance than the purely fiscal field, the present tendency to develop the economies of the three territories largely on a territorial basis is likely to produce a serious divergence of economic interests, as well as a potentially wasteful method of economic development. The financial obstacles to federation spring almost entirely from the very existence of independent governments with their own financial systems and needs. They have no common financial tie through the existence of the East Africa High Commission, since at present this has no source of revenue of its own, but is financed by voted contributions from the territorial governments. I refer later in this memorandum to the desirability of the High Commission having its own source of revenue and if it were to have this through the allocation to it of customs and excise duties that would achieve of itself uniformity in an important field of fiscal policy. In addition to the fiscal field it is urgently necessary, as we attempt to show in the separate economic memorandum, to devise machinery by which the High Commission can more effectively deal with those fields of economic development which can best be handled on an East African as opposed to a territorial basis.

7. There are also political factors which are not by any means necessarily tending in the direction of closer union.

8. In Kenya, there is at present a paucity of real political leadership among the Europeans. Only a few of the elected members are really worth their salt and there is no real leadership to the country as a whole. This is the group that might be expected to be the most far sighted and to aim at closer union in the interests of East Africa as a whole, but while some of them pay lip service to that aim, far too many of them concentrate on squabbling about the finances of the High Commission and what Kenya alone gets out of it while others make statements about South African intervention in East Africa which has the worst possible political effect among Africans and Asians. Most important of all perhaps is the feeling (in my view extremely short-sighted in its implications) that the European settlers could not expect to have in the High Commission the degree of responsibility and influence which they hope for, or indeed at present exercise, in the Kenya Government i.e. they regard the present lines of development in the High Commission as a potential threat

to their own political predominance. I attempt to show later in this memorandum that in the long run the development of closer union is, besides its other advantages, the best and indeed perhaps the only way in which there is a prospect of European settlers in East Africa having security for themselves and their descendants.

9. Tanganyika is a very backward territory relative to the other two. It is at present in the middle of an economic boom which is having a relatively greater effect than that in Kenya and Uganda. Having had a taste of progress, such thinking as there is on the subject is concentrated very largely on Tanganyika affairs and on the question of a new constitution.

10. The recent dispute which has just taken place in the Tanganyika Legislative Council over the proposed increase in customs duties as an illustration of the extent to which unofficial opinion in Tanganyika concentrates on purely territorial affairs. Admittedly the matter may have been mishandled by the Tanganyika Government (that is my purely personal view) and part of the difficulty is that the Tanganyika unofficials feel that they are being led by the nose by Kenya in this matter, but even so it is an illustration of a widespread tendency. It is only a relatively small section among the Europeans who look outside the territory and unfortunately they do so solely in order to get backing from the Kenya Europeans for what they regard as their own immediate political interests within Tanganyika. The trusteeship status of the territory is also a complication.

11. I should record here that the present Trusteeship Agreement specifically entitles the Administering Authority to "constitute Tanganyika into a customs, fiscal or administrative union or federation with adjacent territories under his sovereignty or control, and to establish common services between such territories and Tanganyika where such measures are not inconsistent with the basic objectives of the International Trusteeship System and with the terms of this Agreement". There has been a considerable amount of suspicion in the Trusteeship Council and the U.N.O. about the present East Africa High Commission nevertheless and so far we have taken the line publicly that this Commission constitutes only an administrative union, such as is specifically mentioned in the Trusteeship Agreement and not a "political union". With all respect to those who formulated this, I do not know what the difference is. If the former meant to refer to an administration which runs certain common services, but as no "political" organ or centre, that might have justified our drawing such a distinction before the establishment of the East Africa Central Legislative Assembly, but the latter seems to me to remove any such justification. I imagine that the reason for this distinction is rooted in the history of the drawing up of the present Trusteeship Agreement. Legally, I believe myself that the present terms of the Trusteeship Agreement fully entitle us to envisage a political future for the East African territories which would bring Tanganyika into some form of federation, provided always it is consistent with the promotion of the interests of the inhabitants of Tanganyika as a whole. But I doubt if politically as opposed to legally we could justify a complete federation which would subordinate the Government and Legislative of Tanganyika to a federal authority without prior consultation with the Trusteeship Council. Nevertheless, as I see it the present Trusteeship Agreement and the political atmosphere do enable us to go considerably further than at present in the development of regional institutions in East Africa and in my view Tanganyika's trusteeship status is no bar to our pursuing the aim of closer union within the limits suggested in this paper. That could indeed be done



without prior consultation with the Trusteeship Council.

12. However that may be, the more Tanganyika develops on different lines from Kenya or vice versa, as both are tending to do at present, the more difficult it will be to bring the two together into any form of closer union.

13. Considerable political difficulty in achieving closer union is likely to come from Uganda. At present it is in some ways politically the most isolated and backward of the three, but there is a ferment among the Africans, stemming primarily from their rapid economic development in the last decade, which is likely to require considerable constitutional changes in the next few years. Those changes are bound to include the considerably closer association of Africans in governmental activity, including that at the centre. Uganda has in any case always regarded itself, and been generally regarded in East Africa and here as an almost exclusively African territory. It is essential that room should be found for Uganda in any closer union or federation, if of course it is to come in at all, in a form which makes full provision for its natural and political differences from the other territories and for its primary African interests. In saying this I am not ignoring the possible effect of industrial developments at Jinja and Tororo which may well result in a considerable increase in the European population. They are also however likely to result in an even greater degree of fermentation among Africans and so stimulate the developments I have mentioned. Those constitutional developments will have to take place in Uganda to meet its internal needs. If we do not accompany these by changes in the constitution of the High Commission which would associate Africans in general and the unofficial representatives of Uganda in particular more closely with its working, then I believe that we may well reach a stage within the next decade when it will be extremely difficult if not impossible to persuade political opinions in Uganda to consider the association of the territory with an East African federation.

14. In short, each territory is at the moment developing constitutional forms related exclusively to its own internal needs. Constitutional change appropriate to those needs is of course inevitable, but my fear is that unless we keep constitutional advance at the centre (i.e. closer union) and in the territories in step, we shall be faced with complete unwillingness on the part of territorial Councils to surrender any of their powers to an East African political body, even if that body has as great a degree of control of the governmental machine as the Councils of any individual territory. It is precisely that which has I think been one of the major difficulties in our pursuit to [sic] West Indian federation, although there are of course many other difficulties and different circumstances there.

15. Furthermore, these divergent political and financial tendencies are not countered by any unifying East African sentiment. That certainly does not exist among Africans or Asians, in spite of such a phenomenon as the constitution for East Africa drafted by a West Indian lawyer and a few of the African extremists, for that was really directed to the expulsion of the Europeans, rather than to any other end. I doubt even if such a sentiment is either widespread or deep among Europeans, though lip service is paid often enough to the aim and there are a few who feel strongly about it.

16. At this stage it may be as well to consider afresh whether in fact it is right for us to pursue the aim of closer union in East Africa, for it is scarcely self-evident that that is the right aim. I have however no hesitation in submitting the view that some form of federation is in the long run essential. It is not merely that the three



individual territories are scarcely large enough to stand by themselves in the modern world as ultimate self-governing entities. That may be so, but other territories of less population and potentially smaller economic resources do in fact exist. However, it is clear enough that a combined East Africa would be in a very much better position to stand by its own as a future member of the Commonwealth and from that point of view alone I believe that closer union should be fostered.

17. Even more important, I submit, are the internal reasons. I apologize for reiterating that our prime difficulty in East Africa in the political sphere comes from its multi-racial composition. Unless the three main races can, to use a common but expressive phrase "live and let live" there is no hope for East Africa. At present fears and suspicions determine the political attitude of the politically conscious in all three races. To give them the security in which there can be firmly established the common willingness to live and let live, we need both room and time.

18. Room is necessary because there is in Kenya and also in one or two parts of Tanganyika acute competing pressure on the land from Africans and Europeans. In Kenya, in particular, certain of the African reserves, notably those of the Wakamba and Kikuyu peoples and in Nyanza Province, are already inadequate for their present numbers. It is urgently necessary to find both alternative means of livelihood and additional areas of land for the people concerned. For both political and economic reasons there is no answer to be found through the easy way of meeting the African cry for the "return" of the White Highlands. Apart from the fact that it would be manifestly unjust to do so it would only provide a very temporary palliative. There are, however, large areas of land in other parts of Tanganyika which can be made available for human occupation, given the necessary resources and knowledge to clear them of tsetse and to develop the right farming techniques. Sir Philip Mitchell is on the point of addressing to the Secretary of State a long and comprehensive despatch on the whole problem of land and related matters in East Africa and the issue will be pursued separately in relation to that. For the purpose of this minute it is sufficient to remark that while it is of course possible to make additional areas available for occupation and to transfer people between territories, without any form of federation, that would be administratively more complicated and politically more difficult. Further, the knowledge that land was available for occupation within their own political unit might well be of political importance in meeting African demands from parts of Kenya. In short, I doubt very much whether we can find within the next generation the answer to Kenya's problems solely in Kenya. The Colony is I believe the political key to East Africa and for the sake of Kenya and of the area as a whole, I believe it to be necessary to plan in terms of closer association of the three territories.

19. For Uganda too, it is I believe important for the territory's own sake that it should come into a closer East African union. The prime reason is perhaps economic in that all its communications come through Kenya and it is dependent on the port of Mombasa (the analogy of the Rhodesians and the port of Beira strengthen this view I believe rather than otherwise!) Further there are economic ties with parts of Tanganyika across and round the lake. Also if Uganda's industrial development is as successful as we hope, it will need markets in East Africa generally. There is also I believe the more general political argument that Uganda will require the assistance of European capital and skills to develop (though not through European land settlement) and that it will ultimately stand more chance of attracting them if it is

part of an East African federation. Finally it is likely one day to have its own problem of excess population and it might be easier to meet that within the bounds of a federation.

20. Tanganyika's own interest in the development of an East African federation is in some ways less easy to define, though I think it is just as real. It is I think almost entirely, though not exclusively, economic. At present Tanganyika is a relatively sparsely populated territory (except for a very few over-populated areas). Its economic development is hindered by its very size, which among other things makes communications difficult and expensive, in that roads and railways have to traverse large almost unpopulated areas to reach the main centre of production. Its governmental services are very much behind those of Kenya and Uganda. If the territory is to be developed economically and as rapidly as I think is necessary, it requires in my view closer settlement and a larger labour force than is at present available (there is at present a marked labour shortage among most of the main industries of Tanganyika). I believe that the expansion and development of Tanganyika in this way (in which incidentally European settlement has I believe a definite part to play) can best be achieved if Tanganyika comes within the scope of a regional federation.

21. Finally there is the general political argument in favour of federation which stems partly from the Kenya position referred to in paragraph 18, but which is of real importance in relation both to Uganda and Tanganyika. This is that whether we like it or not political and racial feeling in Uganda and in Tanganyika is inevitably affected by the state of affairs in Kenya. Unless we can devise a means of meeting the Kenya problem racial tension in Kenya is bound to cause difficulties in the other two territories.

22. In addition to room we need time, time in which to bring on the African economically and socially and to demonstrate that he is not going to be thrust under perpetual White domination on the South African model, and further that he is going to be allowed and indeed encouraged to advance politically, socially and economically, and time to demonstrate in turn to the European that his social and economic existence is not going to be completely swamped by the overwhelming numbers of the African. Among other things this means, in my view, that official control must continue for some time in all three territories and that the Secretary of State must retain the power to intervene in practice when he feels it to be necessary. In Kenya this means that there is little scope at this stage for the transfer of further constitutional powers to the unofficial side of the Legislature and only limited scope for an advance in the holding of executive office by unofficials in the Government machine. This is not however to say that there may not well be scope for the greater association in one form or another of unofficials of all races with the process of Government. In Uganda and in Tanganyika where the form of Government is still much more official than in Kenya, there is clearly scope for constitutional advance in the actual degree of effective power handed over to the unofficial side and further to go in the association of unofficials of all races with the process of government, including in both territories a place for persons drawn from the ranks of the unofficials in the executive machine, e.g. as Members or the equivalent. Quite apart, however, from any limitations there may be on [the] process of constitutional advance in individual territories through factors peculiar to that territory itself, and to the need for the maintenance of official control in the last resort in the region as a

whole, I feel strongly that if the constitutional advance which is bound to take place separately in the individual territories is not accompanied by advance in the direction of closer union, we shall at the end of the next 5 or 10 years find that we have gravely prejudiced if not lost what prospect we may have of success in achieving closer union. In short, I believe that territorial constitutional advance should be paralleled by the development of regional constitutional advance, partly in the extent of the field covered by the regional body, but still more in the association of the unofficial side with the process of regional government. I do not of course mean that each particular step in each particular territory must be accompanied by an exactly equivalent advance in the region, but that broadly speaking we should not allow advance in regional organisation to fall behind territorial constitutional advance. I have already mentioned my view that Kenya is to some extent the political key to East Africa, in that if we fail to find a political and racial answer to its problems their bitterness in Kenya will spread to Uganda and Tanganyika and poison relations there with unfortunate effects on all that we are doing within the bounds of those two territories. I have tried to show that the answer to Kenya's problems cannot be found solely within Kenya's present boundaries. Apart from the reasons I have mentioned there is the important political argument as I see it that for many years to come a special place will clearly have to be found for Europeans in government in Kenya. I do not see, however, how in the interests either of the other inhabitants of Kenya alone or of East Africa as a whole it would ever be possible to give them control at the centre of a sovereign territory. The bringing of Kenya in some form under an East African federation might well, however, allow the other races of East Africa greater say in the control at the centre while allowing Europeans both greater security, and greater freedom of local government (using that in its non-technical sense) within at any rate part if not the whole of Kenya. In so far as East Africa's problem is the problem of balancing racial interests and of resolving racial conflicts I believe that our only hope of solution lies in pursuing the aim of federation and balancing territorial constitutional advance with constitutional advance in respect of the region as a whole. This is quite apart from and in addition to the extremely important economic interests which make closer union desirable.

23. I hope therefore it will be accepted by Ministers that we should continue to have as our ultimate aim in East Africa the establishment of some form of closer union of the mainland territories. If that is accepted, the question then arises what if any steps it is practicable to take now towards that end. I have mentioned briefly in this minute the divergent tendencies which I believe exist in East Africa today and the danger which they represent to any ultimate closer union. I have also mentioned the lack of any real and strong unified sentiment. On the other hand the general political atmosphere in East African today is probably more favourable to closer union than it has ever been and certainly than it was when the Central Legislative Assembly was set up. Admittedly this improvement in the atmosphere has been damaged by the recent controversy in the Tanganyika Legislative Council on customs duties to which I have referred earlier in this minute. It is too soon to judge the effect of that debate, but I hope that it may prove to be a purely temporary set back. Apart from that I think the improvement in the atmosphere is clearly shown in the first historical memorandum on closer union. There are still of course widespread though at present largely dormant suspicions and we cannot go too fast lest we hinder our task by arousing them afresh (as was done through Sir A

Vincent's<sup>2</sup> foolish motion.) Judging by the reception given to the Motion to extend the life of the Central Legislative Assembly, we could probably add a few more services to those brought within the scope of the High Commission without much difficulty. That might be some small administrative convenience, but I doubt if it would have much effect in countering the divergent tendencies to which I have referred. The most important step in my view would be to provide the High Commission with its own source of revenue, e.g. by handing over to it customs and excise receipts with some rebate to the territorial governments, as was originally envisaged when the first proposals for the present constitution were made in Colonial 1947. That would in one move simplify very greatly the problem of maintaining uniformity in certain fiscal matters, and avoid the administratively cumbersome and politically disturbing effect of each territorial legislature having to vote annually its contribution to High Commission expenditure.

Secondly, it is important that the High Commission should create suitable machinery for co-ordinating economic planning and handling of the problem of regional development to E.A. as a whole, within the bounds set out at greater length in the economic memorandum. Both measures are I think essential to the line of policy proposed in this paper and it is moreover important if we are not to be left behind by developments in individual territories that such measures should be taken within the course of the next few years.

24. I am however doubtful whether the time is yet ripe for us to take two such considerable steps forward immediately especially in view of the recent Tanganyika debate on customs duties. Nor do I think that there is any way out to be found by appointing a Commission to examine the problem of closer union and see whether it can recommend any immediate steps forward. I believe that such a Commission would find only a very restricted scope at present, while I believe that its appointment might result in arousing suspicions which are now dormant or disappearing. In general I am firmly of the opinion that the successive steps forward in East Africa in constitutional matters, whether territorially or at the centre, must be worked out by agreement between the main communities and not imposed from the United Kingdom. To try and impose measures which give a greater degree of self-government would in my view be a contradiction in terms and I think that it is essential to retain official control until the local communities, or the main body of opinion in each of them, can be got to agree on solutions which they have had a considerable hand in working out.

25. There is one further measure which I believe to be of importance in the next stage of development of closer union and which should in my view certainly accompany, if not precede, the two measures referred to in paragraph 24. I have here in mind the appointment of an independent and permanent Chairman of the East Africa High Commission who might be styled either High Commissioner or merely Chairman, according to whichever title is in the opinion of the Governors least likely to create political difficulty. I believe that such an appointment would have a considerable effect in facilitating the co-ordination of political and economic policy in the region. I refer later to the question of timing in connection with such an appointment, but it may be helpful to say something on what functions I believe he should exercise.

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<sup>2</sup> Sir A Vincent, unofficial member, East African Central Legislative Assembly from 1947.

The functions and powers of the High Commissioner or Chairman—whatever might be his title,—would call for some consideration in detail. My view is that he should not have any new constitutional powers, nor an official position, except those which he would have as permanent Chairman of the E.A.H.C. If he were to do no more than has been done by the previous Chairmen who have also been Governors of Kenya, there would not of course be anything like a full-time job and it is doubtful if the creation of the post would be worth while. I believe, however, that the mere appointment of a permanent and separate Chairman of the Commission would have considerable advantage over the present arrangements by which the Governor of Kenya is *ex-officio* Chairman of the High Commission. This stimulates suspicions in Uganda and Tanganyika that the High Commission is merely a device for imposing Kenya's will on the rest. That particular difficulty could no doubt be got round by providing that each territorial Governor should hold the Chairmanship in turn for a certain period, but that would be administratively inconvenient and would in any case mean that the Chairman would always be someone whose main interest would be bound to be the concern of his own particular territory, or at any rate someone who would have specific obligations to that territory, rather than someone who was able to look at matters solely on an East African basis.

26. I believe therefore that the appointment of a permanent and independent Chairman would of itself greatly strengthen the position of the High Commission in relation to the territorial Governments. Further, I believe that such a Chairman would be able to play a much greater part than is physically possible for a Chairman who is also a territorial Governor, or for the Administrative Secretary who is only *primus inter pares* of the Principal Executive Officers of the High Commission, to bring the present Departments of the High Commission, notably the Railways and Harbours Administration, into a closer relationship with other East African organisations. I have here particularly in mind the fact that, in my view, the E.A.R. and H. has, partly through force of Sir R Robins'<sup>1</sup> personal position, sometime tended to act in matters of policy very much as a completely independent organisation serving its own ends. Still more important, I would hope that an independent Chairman would be able to mediate on the spot in disagreements between territorial Governors even outside strictly High Commission affairs, and produce a combined East African approach. It is extremely difficult from London to produce general East African agreement on important issues of policy except by slow and tedious means and even where the High Commission has an official position in relation to such matters, the present organisation by which each governor comes to the High Commission primarily in his capacity as territorial Governor, again makes agreement difficult, even if we postulate in every case the greatest readiness to adopt a broad view. There are however numerous instances quite outside the strict functioning of the High Commission where in my view an independent Chairman could play a useful part in getting agreement between Governments to a general East African policy. The recent difficulties over salaries is only one issue among many where I have felt that it would be useful to have someone in high authority who could convene an East African meeting to discuss such affairs, without his position being prejudiced by the fact that he was to some extent *parti pris*. If the appointment were successful in achieving these objects I have no doubt that whoever was appointed would find that he had a

<sup>3</sup> Sir R Robins, commissioner for transport, EAR & H, 1948–1954.



full-time job on his hands and that he would be able in numerous, though perhaps not spectacular ways to keep territorial developments more in line and so smooth the way to the next stage in the development of closer union.

27. I should add to this that as long as Sir P. Mitchell is Governor of Kenya he is, by his vast experience of East Africa and his personal position, irreplaceable as Chairman, but he is due to retire in May,<sup>4</sup> 1952, and however able his successor may be it cannot be anyone with anything approaching Sir Philip's general East African experience. Clearly no appointment of a High Commissioner could be made at any event until after Sir Philip's retirement.

28. I believe that it would be essential that the appointment of such a High Commissioner should at any rate accompany the two measures referred to in paragraph 24 *viz.* the provision of its own source of revenue for the High Commissioner through say customs and excise duties and the creation of better machinery for the co-ordination of economic planning and development. Without it I doubt whether opinion in Uganda and Tanganyika would be willing that the High Commission should assume these extra functions. Further such an enhancement of the position of the High Commission would I think of itself call for an independent Chairman.

29. It is, however, for consideration whether or not such an appointment should precede the measures in question and should be made in the near future. The following would I think be the main lines of criticism which would be likely to be directed at such an appointment in the course of the next year or so:—

(a) That the appointment was unnecessary and that the holder would not have enough to do. I have tried to set out in preceding paragraph[s] what he would do and my own belief is that he would in fact find a very useful job to be done. In particular, I believe that he would facilitate considerably the paving of the way for the other two measures which I have suggested are desirable.

(b) There might be considerable criticism on the score that this was taking a step in the direction of closer union without the express consent of the peoples concerned, or the backing of a Commission. On the more important question of the appointment of a separate High Commissioner (if the issue could be confined to that) I doubt whether such opposition would be expressed strongly. At any rate opinion in Uganda and Tanganyika would be likely to welcome a change which would cease to identify the Chairmanship with the Governorship of Kenya. African and Indian opinion in Kenya would not I think be likely to object strongly, if at all. The Kenya Europeans might object on the score that this would represent a diminution of Kenya influence, but they would I think be divided in their views, in that any step which furthered closer union would make some appeal to them. There would in any case moreover be consultation with the people of the area to the extent that the Legislative Councils would have to vote provision for the (relatively small) expenditure concerned apart from the sounding of opinion which would no doubt have to precede the appointment. This political difficulty would I think turn very largely on whether or not it would be necessary to accompany the appointment of a High Commissioner, with a definite statement of policy on the furtherance of closer union. If a firm and detailed statement on that aspect had to

<sup>4</sup> Rogers deleted May in the original and inserted in manuscript 'now July'.



accompany the appointment then my own view would be that it would be politically inexpedient just at this moment. If on the other hand the appointment could be made without such a statement, then I believe that it is in principle desirable. As mentioned below I believe that there should be consultation with Governors on how far local opinion should be got to agree in advance to such an appointment without calling for a statement of policy.

(c) A major difficulty just at present might well be of finding for such an appointment and for the Governorship of Kenya two outstanding men. It may be that my suggestion would fall to the ground for that reason alone, but it might nevertheless be considered further before we come to that conclusion.

30. As a first step I suggest that we should consult Governments on the general issue involved in this paper. I suggest that a memorandum should be prepared which would propose a definite directive to the three Governors to work for the furtherance of closer union in accordance with the policy outlined and to prepare the way for the three measures I have proposed within the next four year period for which the present Legislative Assembly has been extended. That letter should include the attached memorandum on the economic aspect. It should seek Governors' views on the issues of policy concerned and on the practicability of the specific measures envisaged. It should also ask for the views on the practicability of the early appointment of a High Commissioner. This consultation should I think take the form of an s/o letter from the Secretary of State as a preliminary to the issue of a formal directive, by agreement with Governors, on the policy to be followed. The letter should I think be copied to the British Resident, Zanzibar for information.

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3 Dec 1951

[Closer association in East Africa]: minute by A B Cohen<sup>1</sup> supporting the case for closer association

Mr. Rogers' view of the present and future relations of the East African territories is a valuable and timely study.<sup>2</sup> Since he first submitted his paper to me we have discussed the subject at length and he has been good enough to make a number of amendments to the paper to meet points which I put to him. I am in general agreement with the analysis of the position in paragraphs 1-24. I do not entirely agree with Mr. Rogers in his proposal for immediate action, although the difference between us is largely, although not entirely, one of timing.

(1) I think that our objective in East Africa must be closer political union in some form, probably federation, for the economic and political reasons given by Mr. Rogers. In particular I think that it is more likely to be possible in the long run to achieve a proper balance between the races on an East African than purely on a Kenya basis. This, I admit, is largely a matter of opinion and is not very easy to support with concrete argument, but it seems to me that the best chance of arriving ultimately at a constitutional basis satisfactory to Africans as well as Europeans is likely to be through the inter-action of a federal chamber for East Africa and territorial chambers for the three territories.

<sup>1</sup> Cohen had recently been appointed gov of Uganda but was not yet *en poste*.

<sup>2</sup> See 281.

(2) I do not regard political federation in the full sense, i.e. with a federal chamber and Government superior to the territorial chambers and Governments, as anything approaching an immediate possibility. The public support for such a constitution does not exist in East Africa at the present time and is not likely to be built up quickly.

(3) We must not allow the ultimate objective of federation to interfere with the process of constitutional advance in the three territories. Such interference would be particularly dangerous in Uganda, where if we are to have peace and harmony in the long term we must find means in the short term of keeping one step ahead of African aspirations. This is not difficult at present, but may become more difficult in the future if we do not take the right course.

(4) I am inclined to think that Mr. Rogers overstates the dangers of the territories drifting apart politically and economically. I believe that if the official sides of the three Governments are clearly told from here that some form of closer association is regarded as the ultimate aim, and if the present inter-territorial structure is properly worked and suitably modified and developed, any tendency there may be now to drift apart can without too great difficulty be checked. But I agree with Mr. Rogers that we must seek to accompany such political advance as is necessary in the territories with advance at the centre in the direction of ultimate closer union.

(5) The present constitution of the High Commission and Central Assembly is defective in that:

- (i) the High Commission has no revenue of its own (except in relation to the self-contained services of the railway and post office), but relies on grants from the territorial Legislatures;
- (ii) the machinery for economic co-ordination is not sufficiently strong.

I am in full agreement with Mr. Rogers that the next step in development ought to be to give the High Commission its own revenue and to devise adequate machinery for economic co-ordination. I also agree entirely that the proper time to take that step would be towards the end of the next four-year period for the Assembly beginning on the 1st January, 1952. This is, so to speak, the second experimental four-year period. I do not believe that we can afford to have a third such period without some development of the organisation.

(6) I am not in favour of the appointment of an independent Chairman of the High Commission at the present time. My reasons for this are as follows:—

- (a) Mr. Rogers' suggestion is that this independent Chairman apart from being the head of the High Commission services would be useful as a general co-ordinator of matters of common concern in East Africa which do not strictly fall within the purview of the High Commissioner. I think that there is a danger of confusion of functions here. Either you can have a Chairman of the High Commission who would have no other functions and who would be no more than *primus inter pares* with the other Governors, or you could have a Governor General with authority over the three Governors. Only if you have a Governor General ought he to deal with matters outside the purview of the High Commission. I am quite sure that there would be little support in East Africa at the present time for the appointment of a Governor General and much objection to it; nor is this what Mr. Rogers suggests.

(b) If the independent Chairman of the High Commission was to have no other functions except those strictly within the scope of the inter-territorial organisation, his appointment would not in my opinion be justified on practical grounds, except possibly as a definite step towards the development of the High Commission. In other words if this step were to be taken it would have to be explained publicly as being a move in the direction of closer association. I think that it would be a mistake to make such a move so soon after the life of the Assembly has been extended without an extension of functions; I do not believe that East African opinion would be prepared for it.

(7) I agree that the High Commission and Central Assembly organisation, although it has been successful politically, has not worked as well as it might perhaps have done from the practical administrative point of view. The reasons for this are in my view as follows:—

(a) First and foremost the lack of revenue of its own and its constant dependence on decisions of the three Governments and votes of the three Standing Finance Committees.

(b) The parochial attitude of leading unofficals in all three territories; some of the leading Europeans in Kenya have been most notable in this respect, although there are others in Kenya as well as in the other territories who have worked hard for the success of the organisation.

(c) The parochial attitude of a number of senior officials in all three territories due partly to the attitude of the three Governors and partly, I believe, to the lack of a definite statement from here as to the next step and the means of arriving at it. One letter on this subject has been sent in the last year from here, but not perhaps in definite enough terms. One of the three Governors, my own predecessor, although his attitude has been perfectly correct in this matter, has been anything but enthusiastic about the inter-territorial organisation and there is a good deal of opposition to it among official circles in Uganda. This is also to be found in Dar-es-Salaam; Sir E Twining is himself in favour of closer association but has not pursued a continuous policy of carrying his senior officials with him, nor has he always had the right kind of co-operation from Nairobi. Sir P. Mitchell has had all the right ideas but has sometimes pursued them tactlessly and has also not entirely succeeded in breaking down the parochial attitude of certain senior officials in Kenya. Mr. Scott<sup>3</sup> indeed told me privately that in economic matters he found the Kenya Government more difficult to deal with than either of the other two. I do not want in the least to imply by this that great efforts have not been made in all the East African territories to make a success of the inter-territorial organisation; I only mean that these efforts have not been as uniform as they might have been.

(8) In the above circumstances I think that the following course of action is the right one:—

(a) After Sir P. Mitchell's successor has been appointed and taken up office the Colonial Office should address the three Governors semi-officially with an

<sup>3</sup> R Scott (Kt Bach 1953), administrator of the East African High Commission, 1950–1954; gov of Mauritius, 1954–1959.

emphatic statement to the effect that it is the policy of H.M. Government to make the East African inter-territorial organisation a success and that all officers concerned should be informed accordingly.

(b) The letter should go on to say that in the view of the Colonial Office it will be desirable before the end of the four-year period beginning next year to secure public agreement in East Africa for modifications of the present inter-territorial organisation on the lines discussed above (i.e. giving the High Commission a revenue of its own and establishing adequate machinery for economic co-ordination). The High Commission should be asked to consider this proposition and to let the Colonial Office know in due course whether they agree with it and if so to submit concrete proposals to give effect to it.

(c) The letter should further state that the Colonial Office believes that the long-term objective in East Africa must be closer association in some more advanced form, presumably by federation; but should agree that this should not be regarded as an objective to be aimed at during the present four-year period.

(d) If the Governors agree on (b) and proposals to give effect to this are agreed in principle by the Colonial Office, a very careful process of public preparation for these modifications will be needed in East Africa. It is most important that this should be done gradually over a period and done thoroughly.

(e) On the question of the appointment of an independent Chairman of the High Commission to accompany the modifications suggested in (b) (i.e. not now, but about the end of the four-year period), the Governors might be asked for their views. At present I am very undecided about this. I can see that there might be some political advantage from the point of view of Uganda and Tanganyika in not having the Governor of Kenya as permanent Chairman. On the other hand I believe that it is European opinion in Kenya rather than African and Indian opinion in the other two territories which is likely to prove over the next few years the stumbling block to making the inter-territorial organisation more effective. In any case the separation of the offices of Chairman of the High Commission and Governor of Kenya would, I believe, lead to considerable political difficulty in Kenya. Moreover if the offices were separated, both men would have to be men of high standing and calibre and, even allowing for all the goodwill in the world, I am not sure that the arrangement would work well. However, I certainly would not rule it out.

(9) What I am suggesting in a word is that we should take no action until the new Governor of Kenya is in office and that the Colonial Office should then ask the three Governors to consider at leisure the next step to be taken before the end of the four-year period to make the inter-territorial organisation more efficient. Such a step would only involve modifications of the present system and would not involve proceeding to a federation in the ordinarily understood sense. We should be perfectly within our rights under the Trusteeship Agreement for Tanganyika in making this modification and I do not think that prior consultation with the Trusteeship Council would be necessary.

(10) Given the right kind of lead from here I think that we can reasonably look to the gradual building up of a less parochial attitude in official circles in the three territories and the gradual development of an East African feeling among unofficials, including Africans and Indians in Tanganyika and Uganda. I think that we should be

better advised to promote this building up over the next two or three years by unobtrusive means before we take any positive step, even by the appointment of an independent Chairman of the High Commission, in the direction of closer association.

## 283 CO 822/838, no 7

12 Dec 1951

### [Closer association in East Africa]: note of CO departmental meeting

*Sir Thomas Lloyd* said that he agreed with the summary of the position set out in the first 10 paragraphs of Mr. Rogers' minute<sup>1</sup> at (4) on this file. He also agreed that a letter should be sent to the three East African Governments on the lines proposed in paragraph 8(a) of Mr. Cohen's minute<sup>2</sup> at (6). He was not however convinced of the proposition put forward in paragraph 8(c) of Mr. Cohen's minute. He considered that it should be possible to continue as at present with perhaps the High Commission slightly strengthened. He was however open to conviction on this point.

2. *Mr. Rogers* said that one of the reasons why he was convinced that the future of East Africa required some form of closer association was that he did not believe that the problems of Kenya could be solved in Kenya itself and he considered that a successful solution of the problems in Kenya was the key to the future of the East African territories.

3. *Mr. Cohen* said that he considered there were two main arguments for the proposition expressed in paragraph 8(c) of his minute. The first was that it would be easier to get Europeans in Kenya to agree to more African and Asian participation in a general East African government than it would be to get them to agree to [sic] in the Kenya Government itself. The second argument was a corollary to this in that he believed that the Africans and Asians would ease their pressure to obtain a greater say in the Government of Kenya if they could get a greater say in a general East African organisation. He had discussed this with Mr. Scott the Administrator of the East African High Commission who agreed with this view. He himself agreed that we might modify the very definite expression of policy as at present phrased in paragraph 8(c) of his minute into an expression of opinion as to the desirable ultimate goal. He considered that in any case it would not be possible to take any early steps towards a considerable degree of closer association. He thought however that consideration should be given to this question during the second four years of the life of the East African Central Assembly.

4. *Mr. Gorell Barnes* said that he agreed entirely with the views expressed in Mr. Cohen's minute at (6). He did so because he felt that if no further advance was made in closer association it would not be possible to maintain the present position and the territories would slip back into greater separatism. He thought there was a clear choice between the three territories continuing as completely separate entities and a greater degree of federation at least until there was a single budget for the central authority. There was a real economic pull in opposite directions owing to the conflicting interests in various fields of the three territories and this could only be resolved by the production of a central budget.

5. *Sir Thomas Lloyd* said that he agreed with the terms of the letter proposed in

<sup>1</sup> See 281.

<sup>2</sup> See 282.

paragraph 8(a)–(c) subject to (c) being toned down into the expression of opinion of the way we wanted things to go.

6. The meeting then discussed what further action should be taken and the timetable of it.

*It was agreed:—*

(a) It would be necessary to await the appointment of the new Governor of Kenya, who would hold a key position, before taking the next step. When the new Governor was appointed and before he left for Kenya we should have a frank talk with him explaining our general views and asking him to give thought to this subject after his arrival in Kenya. We should show him the draft of a letter on the lines proposed in paragraph 8 of Mr. Cohen's minute, modified as agreed at this meeting, and ask him to let us know in due course when he would wish to receive it.

(b) In the meanwhile Mr. Cohen would consider this question further after his arrival in Uganda. He would also consult Mr. Scott informally on this question and would let the Colonial Office know of the latter's views.

(c) It would be necessary to consult Ministers and inform them what it was proposed to do when the time came to consult with the new Governor of Kenya.

## **284 CAB 129/52, C(52)163**

**16 May 1952**

**'East Africa: appointment of Royal Commission to study land and population problems': Cabinet memorandum by Mr Lyttelton.**

***Annex: draft terms of reference***

The rapid increase of the African population of East Africa is causing severe overcrowding in some of the African districts and some Africans are demanding that European farmers, particularly in the White Highlands of Kenya, should be dispossessed in their favour. This would not solve the agricultural problem, but something must be done to meet the real and important African difficulties. These come not only from the present shortage of fertile land but also from the need to adjust the traditional African life to modern developments.

2. As a first step the Governor of Kenya has proposed that a Royal Commission should go to East Africa to examine the problem of the land in relation to the economic, industrial and social development of the East African region as a whole and the increase in population which is taking place. The proposal is strongly supported by the Governors of Uganda and Tanganyika. I attach a copy of the terms of reference that have been suggested for such a Commission.

3. It is not too late for the East African Governments to guide the economic and social development of the area along the right lines. I share their belief that the findings of a well-selected Royal Commission would greatly assist them. They will also be of assistance to the governments of other African territories. I therefore recommend the appointment of a Royal Commission as proposed by the Governor of Kenya.

4. Appointments to the Commission will be difficult. It is essential that it should be an impartial body of high professional standing. There is certain to be pressure for



the appointment of an African member. I would gladly appoint one if I knew of anyone with the necessary standing and freedom from bias. I know of no Africans so qualified. I consider that the members should be confined to experts in fields such as agriculture, economics and sociology, with a Chairman not himself a specialist, but a man of wide experience who is not closely associated with politics. I would resist any suggestion that members should be appointed to represent local economic or racial points of view.

5. To sum up, I recommend:—

- (a) the appointment of a Royal Commission with terms of reference on the lines of the attached draft;
- (b) that its members should be appointed in accordance with the principles set out in paragraph 4.

4. If any of my colleagues wish to have further information about the background to this proposal, I should be glad to supply them with copies of the most impressive, but rather long, despatch in which Sir Philip Mitchell put it forward.

#### Annex to 284

Having regard to the rapid rate of increase of the African population of East Africa and the congestion of population on the land in certain localities, to examine the measures necessary to be taken to achieve an improved standard of living, including the introduction of capital to enable peasant farming to develop and expand production; and to frame recommendations thereon with particular reference to:—

- (1) The economic development of the land already in occupation by the introduction of better farming methods.
- (2) The adaptations or modifications in traditional tribal systems of tenure necessary for the full development of the land.
- (3) The opening for cultivation and settlement of land at present not fully utilized.
- (4) The forms of organisation and methods required to secure the maximum productivity of the land under (1), (2) and (3) above compatible with the preservation and improvement of the soil.
- (5) The development and siting of industrial activities with reference to the growth and location of the population and to agrarian and social conditions.
- (6) Wage policy and conditions of employment in industry, commerce, mining and plantation agriculture with special reference to social conditions and the growth of large urban populations.
- (7) The problems of social security which arise from the growth of permanent urban and industrial populations.

2. The Commission should examine and report on the above matters taking as a basis the general propositions embodied in Part VI of Sir Philip Mitchell's despatch to the Secretary of State of 1951.

The Members of the Commission should hold themselves free to examine, and where necessary comment upon, policy in such related fields as Education and Public Health which appear to them to have a bearing on the problems with which they are primarily concerned; in particular the extent to which existing technical

training facilities are adequate to meet the requirements of extensive industrial development. The Commission should also consider probable trends of population in East Africa and make such recommendations as they consider appropriate on this subject in relation to other problems involved.

In their deliberations the Commission should take account of existing obligations incurred by treaty, agreement or formal declaration of policy in relation to the security of land reserved for the different races and groups in various parts of the Territories concerned.

## **285** CAB 128/25, CC 54(52)5 20 May 1952 **'East Africa: land and population problems': Cabinet conclusions**

The Cabinet had before them a memorandum by the Colonial Secretary (C. (52) 163)<sup>1</sup> proposing the appointment of a Royal Commission to consider what measures should be taken to achieve a higher standard of living in East Africa having regard to the rapid increase of the African population and the consequent overcrowding in certain parts of the region.

In discussion it was suggested that the appointment of this Commission would excite public controversy on this question. Was it necessary to take the matter up at the present time? In reply it was pointed out that public interest had already been aroused, and the Government urgently needed informed advice, which they could not obtain without the searching and impartial enquiry which a Royal Commission would make.

The Cabinet agreed that the members of the proposed Commission should include at least one African.

The further suggestion was made that, when the Chairman of the Commission had been selected, the Colonial Secretary might consider with him whether the draft terms of reference annexed to C.(52) 163 could not be shortened and simplified.

The Cabinet:—

(1) Approved in principle the proposal in C.(52) 163 for the appointment of a Royal Commission on land and population problems in East Africa.

(2) Invited the Colonial Secretary to submit for the Prime Minister's approval his suggestions for the composition of the proposed Commission.<sup>2</sup>

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<sup>1</sup> See 284.

<sup>2</sup> The commission, under the chairmanship of Sir H Dow (gov of Sind, 1941–1946; gov of Bihar, 1946–1947; consul-general in Jerusalem, 1948–1951) reported back in 1955 (*East Africa Royal Commission 1953–1955: Report*, Cmd 9475). Its report opened the way for the sale of land in the Kenyan White Highlands to approved African purchasers as from 1959.

## **286** CAB 129/55, C(52)332 13 Oct 1952 **'Situation in Kenya': Cabinet memorandum by Mr Lyttelton on the declaration of a state of emergency. Annexes: 1 & 2**

[Shortly before Baring's arrival in Kenya and the subsequent declaration of a state of emergency anticipated in this memo, Peter Smithers (Con MP for Winchester Division of Hampshire and parliamentary private secretary to Hopkinson, minister of state at the CO)

visited the seven East and Central African territories. From Entebbe he wrote a note to Hopkinson on the political situation in Kenya and its repercussions elsewhere. Against what he described as 'the general political background in Africa (Malan, Gold Coast, opposition to [Central African] Federation, etc', Smithers commented on the 'rapid advance of nationalism' in East and Central Africa, what he viewed as the basic similarity of the situations arising in each territory (although local manifestations were said to differ considerably), and the speed with which what had hitherto been purely local political problems were becoming 'a single problem on racial lines'. If the local situation in Kenya resulted in serious trouble, 'through either the African or European getting out of hand', Smithers believed that this would have a disastrous effect on the Central African Federation 'and would certainly hasten the growth of a single East and Central African political conflict'. He argued that a more liberal policy towards Africans and Asians was needed; that the unofficial Europeans (he expressed himself 'agreeably surprised by the liberality and far-sightedness of the political leadership of the unofficials as represented by Blundell, Havelock and the younger men') were prepared to concede a more liberal policy in return for something approaching self-government; that self-government should therefore be granted; and that if it were not granted it would in any case be taken by force. Smithers urged immediate action on the basis that time and the course of events were not on Britain's side and that a 'defensive attitude' would be quite wrong in the circumstances (CO 822/338, no 14A, note by Smithers, 9 Sept 1952). While recognising that the note raised 'some fairly fundamental issues about policy in Africa', CO officials and ministers were not impressed by Smithers's views. Lloyd minuted that a transfer of power to a government still substantially controlled by Europeans would arouse the opposition of even the most moderate African opinion (*ibid*, 30 Sept). Gorell Barnes discounted the prospect of a 'Mombassa tea party', disputed the view that reform was urgently required and argued that there was every prospect of a 'gradual and genuine improvement in race relations' (*ibid*, minute 25 Sept). Hopkinson himself believed that Smithers's note represented 'not so much his views as those of enlightened settlers in Kenya (and Tanganyika)' who 'may want to move too fast' (*ibid*, minute, 1 Oct). The most pointed criticism, however, came from Lyttelton. In an undated manuscript minute the S of S commented: 'I do not, frankly, believe in the picture of an African nationalism spreading by contagion across the frontiers. Nationalism is a slow growing plant, when there has never been as yet a nation nor can I find a trace of evidence to support the view put forward. The general policy which Mr Smithers floats as a *balon d'essai* with his tongue obviously in his cheek, is not seductive. Mau Mau I believe to be more hooliganism than a deep political convulsion' (*ibid*).]

I attach copies of two telegrams which I have just received from the Governor. He proposes to declare a state of Emergency and detain those who are regarded as the real leaders of Mau Mau. I propose to approve the action which he recommends, but before doing so I should like to have the concurrence of my colleagues.

The Governor expects that the arrests will lead to some violence and I think it important to give him the military support which he and the General Officer Commanding think necessary. I accordingly seek approval for the despatch of a British battalion from the Middle East to Nairobi.

**Annex 1 to 286: Inward telegram no 616 from Sir E Baring to Mr Lyttelton, 10 Oct 1952**

Following information gained during a short tour of the most troubled areas of Kikuyuland, both reserves and farms, and recent sharp increase of tempo of crime, I have regretfully come to the following conclusions:—

1. Quite apart from their political views, most Kenya African Union leaders, including Kenyatta, are planners of the Mau Mau movement, an organised conspiracy exists and Mau Mau crimes committed are either the result of direct instigation by Kenya African Union leaders at Nairobi or arising indirectly from the initiative of

local Africans and inflamed against loyal Africans and Europeans by speeches and messages from these leaders.

2. The main reasons for holding this view are:—

(i) there has been a regular pattern of events at most places in the trouble areas (e.g. the Fort Hall and Nyeri reserves and Timau and Thompson's Falls farms). First, speeches by Kenyatta and other Kenya African union leaders, next a shuttle service of emissaries from Nairobi and local men returning there for instructions; then widespread Mau Mau oath taking; finally murder, assault, boycott. All this has happened in areas which, before the speeches mentioned, were quite quiet (e.g. Thompson's Falls farms) or were areas of mild oath taking ceremonies (e.g. Fort Hall attendances at those ceremonies arose from an average of about twenty to several thousands after the speeches).

(ii) when he chooses, Kenyatta has induced Kikuyu to obey him. He practically stopped the drinking of European beer by Africans in Nairobi. Yet his denunciation of Mau Mau crimes has been ineffective and has often, I am told by Kikuyus, been accompanied by sayings and gestures making clear to his audience that he did not mean what he said.

(iii) Kikuyu chiefs and headmen, African administrative officers, Kikuyu teachers, both European and Kikuyu missionaries of the three demoniations predominant (i.e. Catholic, Church of Scotland and American Independent Mission) in Kikuyuland, as well as European Government officers and farmers, unanimously and with emphasis told me that:—

(a) the Kenya African Union leaders, and particularly Kenyatta, were at the back of the Mau Mau movement and violent crime and

(b) without their removal, no other measures would succeed in checking the increasing rate of deterioration of the position.

(iv) Kenyatta has allowed his name to be inserted blasphemously in hymns and prayers as part of strongly anti-Christian movement which has gone a long way in some areas to empty the mission schools in favour of the Kikuyu Independent schools and churches in favour of the Mau Mau religion.

3. I conclude, therefore, that we must remove Kenyatta and several of his henchmen during the next few weeks. If we do not:—

(i) the chiefs, headmen, Government servants and missionaries among the Kikuyu who still support us will cease their support and may well be killed;

(ii) the trouble will spread to other tribes who are more war-like than the Kikuyu and who provide men for Kenya Police. Already attempts are being made to infiltrate into Nyanza Province and Wakamba area.

(iii) there will be reprisals by Europeans. Attacks have been first on loyal Africans, headmen and informers, twenty-six of them have been murdered, next on European property, and finally on leading Africans and on Europeans. During the last few days the killing of Chief Waruhiu (perhaps one of the three leading Africans in Kenya) and two murderous attacks on Europeans have produced a temper bound to lead to reprisals and then almost to civil war, unless leaders of the Mau Mau movement are removed during the next few weeks.

4. If we do remove them, I believe indoctrination of tribes other than the Kikuyu

will cease and, even among the Kikuyu, there are:—

- (a) sufficient centres of resistance and
- (b) so many followers of Mau Mau who have joined from fear alone, that position can be regained.

5. I am informed by all my advisers that the arrest of Kenyatta may well be followed by much violence. Greatest danger at the moment is that this may lead to European reprisals. Following Timau outrage, attacks on Europeans and Waruhiu murder, situation has so much worsened since the visit of Whyatt and Davies<sup>1</sup> that, if we proceed against Kenyatta under new Special District Ordinance, the violence I anticipate would develop during the fourteen days' grace. If, alternatively, we could obtain sufficient evidence to use the deportation (Immigrant British Subjects) Ordinance the same violence would develop during the judicial enquiry at Nairobi. Our information is that this violence would start from the moment hands are laid on Kenyatta, there would be reprisals, loss of life, and it would then become necessary to declare a state of emergency.

6. The most likely way of avoiding bloodshed would be to declare an emergency and then immediately remove Kenyatta and his followers by executive action under the Emergency Regulations. I would propose to proceed under the Emergency Powers Order-in-Council 1939 rather than under the Local Emergency Powers Ordinance 1948; Rogers' secret letter of 15th June 1950 and your secret circular despatch of 18th February 1950 refer.

7. If this operation was staged for about 23rd October we would have time to build up adequate police and military forces. I believe the risk of trouble is very great and we should be too strong rather than too weak. For this reason I have asked the local military authorities to communicate with G.O.C.-in-C. Middle East Land Forces about sending to Nairobi British battalion allocated for this purpose and I trust you will agree.

8. We would be most grateful for loan of a Special Branch police officer to remain here for about a year to overhaul our security machine. This is a vital and urgent need.

9. I much regret having to recommend such strong action so soon. I have very much in mind need for a positive as well as a negative policy. Members of the Government have already agreed to work towards abolishing the rules by which Africans in senior posts draw (? omission) fifths of the European pay and arrangements are being made for promotion of certain Africans from grade C to grade B. More money is being allocated to African housing and education. With one farmers' meeting I have frankly discussed a minimum agricultural wage. Letter follows.

Annex 2 to 286: Inward telegram no 620 from Sir E Baring to Sir T Lloyd, 13 Oct 1952

Your telegram No. 651.

I am most grateful for your telegram and realise that decision of this importance

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<sup>1</sup> J Whyatt, attorney-general and member for law and order, Kenya: E R StA Davies, chief native commissioner and member for African affairs, Kenya.

requires most careful consideration. Unfortunately the situation here continues to deteriorate, and since my telegram No. 616 was sent there has been another serious attack on two elderly Europeans in the Kiambu area, where farms and the Kikuyu Reserve are intermingled.

2. Emergency Regulations will give power to detain where the Governor is satisfied that it is necessary to exercise control over any person for the purpose of maintaining public order. In addition, they will confer power to prohibit the carrying of weapons of offence such as "pangas" in disturbed areas, and the power to maintain food supplies and essential services if, as my Advisers consider almost certain, such supplies and services are disrupted by general strike or disturbed by conditions following upon the detention of Kenyatta and his henchmen.

3. I entirely appreciate the political desirability of being ready on or about 23rd October. Planning is almost complete, and, provided suitable arrangements concerning British battalion are made, we think we can keep to approximately this date. I believe that Fenner Brockway<sup>2</sup> may be the guest of Chief Koinange at his home in Kiambu. You should know that the Criminal Investigation Department are strongly of the opinion that ex-Chief Koinange and his two sons are implicated in the murder of Waruhui [Waruhiu]. Investigations are still proceeding.

4. In my view, and in that of my Advisors, presence of a British battalion before (repeat before) Kenyatta and his main followers are detained under the Emergency Regulations may well be the decisive factor in preventing outbursts of violence by Kikuyu, followed probably by reprisals by Europeans with resulting bloodshed. G.O.C. and I both believe the situation might then become so serious that it would be necessary to call on the Middle East for more than one battalion. Moreover, apart from preventive effect, conditions in Kenya, with its scattered European population, will make necessary so great a dispersal of military and police forces that without British battalion a very weak reserve (of only two companies) would be left. For these reasons and especially for the psychological and preventive effect, I would be most grateful for help in obtaining battalion.

5. Timing presents a difficulty. On our present information from M.E.L.F., eight full days will be required from receipt of order until concentration at Nairobi, since aircraft are only available to lift half a battalion in one operation. For fly-in to be completed by 23rd or 24th, it would therefore be necessary for Her Majesty's Government's decision to be communicated to me and to M.E.L.F. on the 14th or 15th. If this is not possible, I am afraid we will have to postpone detentions to Monday 27th October since, if detentions take place during the week-end when the town Kikuyu are not at work, trouble is far more likely.

6. I will certainly bear in mind your point concerning Executive Council meetings.

7. Presume you have by now received my letter of 9th October amplifying my telegram No. 616.

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<sup>2</sup> Mr A F Brockway, Labour MP for Eton and Slough, 1950–1964.



**287** CAB 128/25, CC 85(52)1

14 Oct 1952

**'Kenya': Cabinet conclusions on the declaration of a state of emergency**

The Cabinet had before them a memorandum by the Colonial Secretary (C. (52) 332) covering telegrams from the Governor of Kenya proposing further measures for checking the activities of the Mau Mau.<sup>1</sup>

*The Colonial Secretary* said that the Governor was satisfied that the crimes committed by members of the Mau Mau were instigated, directly or indirectly, by Kenyatta and other leaders of the Kenya African Union. This view was shared by most Europeans and many responsible Africans in Kenya. The Governor therefore proposed to declare a state of emergency and to arrest Kenyatta and some of his principal followers under emergency powers. There was a risk that this action might provoke outbursts of violence, and a show of military force would help to reduce that risk. The Governor therefore asked that a British battalion should be sent to Kenya from Egypt by air, immediately before the state of emergency was declared.

The Colonial Secretary said that the action proposed by the Governor was drastic, but he feared that if it were not taken the situation would deteriorate still further.

In discussion there was general support for the view that the Governor should be authorised to put his plan into operation. *The Minister of Defence*<sup>2</sup> confirmed that a British battalion could arrive from Egypt by the desired date. He undertook to consider a further suggestion, made by the Prime Minister, that this show of military force might be supplemented by the dropping of a number of parachute troops to carry out exercises near the areas where disorders might occur.

The Cabinet:—

(1) Approved the plan outlined in the telegrams annexed to C. (52) 332, and invited the Colonial Secretary to authorise the Governor of Kenya to proceed accordingly.

(2) Approved the despatch of a British battalion from the Middle East to Nairobi; and took note that the Minister of Defence would consider whether, in addition, arrangements could be made for British parachute troops to carry out exercises in Kenya.<sup>3</sup>

<sup>1</sup> See 286.

<sup>2</sup> Lord Alexander.

<sup>3</sup> Word of these secret plans leaked to Kenyatta and his associates, probably by way of Kikuyu clerks at Government House and/or African members of the Kenya Police (R B Edgerton, *Mau Mau: an African crucible*, New York, 1989, p 67). However, neither Kenyatta nor anyone else attempted to hide. In the pre-dawn hours of 21 Oct Kenyatta and 186 others were arrested, immediately following the declaration of emergency.

**288** CO 822/338, no 19

20 Nov 1952

[Closer association in East Africa]: letter from Mr Lyttelton to Sir E Baring (Kenya), Sir E Twining (Tanganyika) and Sir A Cohen (Uganda)<sup>1</sup>

One of the questions which I should like the East African High Commission to be considering at leisure over the next few months is how the present relationship between the three territories can most suitably be developed, and I am writing to you and your two colleagues on the Commission in the hope that it will be helpful if I explain briefly my present view on that question.

2. Anything like the appointment of a Commission, Royal, Parliamentary or even local, to consider constitutional development in East Africa as a whole is, I consider, to be avoided. For this reason I am asking you and your colleagues to discuss the lines of future development. When a course of action has been agreed between us it could then be used as a basis of public consultation.

3. Some closer association between the three East African territories would, I am confident, serve the interests of all the inhabitants of those territories just as the scheme now under discussion for federation in Central Africa should eventually prove to be in the interests of all the peoples of the two Rhodesias and Nyasaland. There are obvious political obstacles to any rapid advance towards closer association in East Africa, but that does not in any way weaken the established policy of strengthening the High Commission and promoting its further success. Existing arrangements for the High Commission and the Federal Assembly were recently extended up to the end of 1955: if within the next year we can agree among ourselves upon the outline of the scheme which we should like to be adopted from the beginning of 1956, that gives us two years in which to consult with leading members of the public of all races in the three territories, to test and educate public opinion and, we hope, to obtain general acceptance of the scheme.

4. It may be possible to make some progress in the further development of the East African High Commission before the end of 1955, without making any constitutional changes, which must clearly wait until that time. The possibility of such progress during the next three years, and the form and direction which it should take, are the matters upon which I should welcome the considered and, I hope, joint opinion of yourself and the other Governors. The matters which, as I have said, must wait for the end of the period include not only constitutional questions, notably the status of the Central Assembly, which at present is impermanent, but also any major alteration in the working of the High Commission which has important political implications. For measures such as these I believe it to be essential that public opinion should be thoroughly prepared and general acceptance secured before the measures are introduced, and the obvious time for that is at the end of the present 4-year period in the life of the Central Assembly.

5. There are, as I see it, a number of ways in which some progress towards closer association in East Africa might be made at the end of that period. It would be a considerable step forward if the High Commission could be given its own source of

<sup>1</sup> Cohen played a major part in the drafting of this letter, whose provenance lay in Cohen's minute of 3 Dec 1951, see 282.

revenue to finance services for which it is responsible, and we could then regard the Commission as in a fair way to being firmly established. It would be necessary to consider the source from which the High Commission revenue should come. It seems to me that customs would be a particularly suitable source since they are collected inter-territorially and there is great advantage in uniformity in customs rates between the three territories. The whole of customs revenue would not, of course, be assigned to the High Commission, since this would very considerably exceed the present rate of their current expenditure (other than expenditure on the self-balancing services); but if it could be agreed that the receipts should be partly apportioned between the three territories while the rates were settled by the Commission it would, I hope, avoid much of the difficulty which we have had in recent years over territorial variations.

6. Secondly I should like the Governors to advise me whether, even before the end of the present 4-year period, the High Commission could be given more effective power under the constitution to secure the closest possible co-ordination of policy in the economic field between the three territories, or alternatively whether outside the constitution it could establish more effective machinery for this purpose. Would it be possible to transfer such functions as the licensing of industries or banking companies, bankruptcy and other such legislation to the High Commission and the Central Assembly, and is there any means by which the closer co-ordination of policy could be established in such matters as agricultural marketing and the general planning of industrial development? Again, whilst it would clearly be out of the question at this stage to think in terms of a single budget for the three territories, there does seem to be need for better co-ordination of the fiscal policies of the three territorial Governments (rates of income tax, company tax, export duties, etc.) I should like to know whether you think that any new co-ordinating machinery should be set up; and, if so, whether it should be confined to the Financial Secretaries of the three territories or whether it would be possible in some way to associate Unofficial Members with it.

7. A separate issue on which I should also welcome an expression of view is whether or not at the end of the present stage—i.e. early in 1956—we should contemplate the appointment of a Chairman who would give his whole time to the work of the High Commission. Such an appointment would be a clear indication of the intention of Her Majesty's Government to promote a greater measure of closer association and could therefore probably be made only if, towards the end of the 4-year period, the whole idea of closer association were more popular than it is at present. But it is a possibility of which we should not lose sight.

8. Perhaps I should add that it does not seem to me that present troubles in Kenya or the appointment of the Royal Commission on Land and Population, need in any way affect our consideration of this problem except in so far as they lay an additional burden on the persons concerned in East Africa. In the long run I believe that both Kenya and the other territories have much to gain from closer association and that it would greatly help in facilitating the execution of some of the long-term measures which may be adopted in the light of the Royal Commission's report. The Commission will no doubt have much to say that is of indirect interest in relation to the problem of closer union, but I am sure that we need not hold up our consideration of it for their report.

9. I am addressing a similar letter to [the other two Governors]. I do not wish to

hurry you and I particularly hope that you will consult together about the matter, examine it in detail with your closest advisers and let me have your joint views in an agreed statement on behalf of all three territories. Of course, if any of you wished to add anything from your own point of view there would be no difficulty about that. I am also sending a copy of this letter to Rankine;<sup>2</sup> so far Zanzibar has been largely outside the scope of the High Commission, and it might well be right that it should so remain, but he should have the opportunity of advising on future policy in this respect. Perhaps you would arrange direct with Rankine how far, if at all, he should join in your discussions from time to time.

11. [sic] In conclusion, I want to make it quite clear I hold firmly the view that we should all do everything within our power to make a success of the High Commission and the whole inter-territorial organisation in its present form. That is, to my mind, of the utmost importance, and I should be grateful if you would miss no suitable opportunity of making it clear to Government Officers that this is the firm policy of Her Majesty's Government.<sup>3</sup>

<sup>2</sup> J Rankine (KCMG 1954), chief secretary, Kenya, 1947–1951; British resident, Zanzibar, 1952–1954; gov of Western Region, Nigeria, 1954–1960.

<sup>3</sup> As a first step in the consideration of Lyttelton's letter, the principal executive officers of the East African High Commission prepared a discussion paper dated 10 Jan 1953 for submission to the three governors.

Political difficulties soon emerged. Firstly, on 9 Feb Sir R Scott, administrator of the EAHC, told a CO departmental meeting that 'the growth of favourable public opinion about the High Commission had received a setback from the emergency in Kenya'. Baring had reliable information 'that the Kenya settlers intended to use the High Commission as a bargaining counter to gain concessions in Kenya, as they had tried to do at the time of the establishment of the High Commission' (record of CO discussion on the future of the EAHC, CO 822/338, no 30, 9 Feb 1953).

Secondly, at a meeting of the three governors and the British resident, Zanzibar, on 18 Feb, Twining pointed out the particular difficulties that arose from Tanganyika's status as a UN trust territory. The UN would be bound to be critical of moves towards closer association on the grounds that such moves could impede Tanganyika's progress towards self-government (record of governors' meeting held at Entebbe on 18 Feb 1953, copy at CO 822/338, no E/32). On this second issue see 289 & 291.

## 289 CO 822/338

17 Mar 1953

[Closer association in East Africa]: minute by W G Wilson<sup>1</sup> on the implications of Tanganyika's status as a UN trust territory

... I hope I may be allowed to say that if we intend to extend the influence and authority of the East Africa High Commission and work for the reality of East African closer union, we ignore the U.N. aspect at our peril. The present power of international anti-colonialism is such that the whole weight of international opinion, including that of the International Court of Justice, could be arraigned against our policies and in support of the inevitable African opposition to them. The time has passed when we could afford to discount U.N. interest in Tanganyika's status as a Trust Territory as a factor which need not influence the policies we adopt in the territory. This is not to say that if we consider those policies to be desirable and correct they should not be adopted, but unless they are implemented in such a way as

<sup>1</sup> W G Wilson, principal, CO, 1950–1957. At the time of writing this minute Wilson was a member of the CO's International Relations Dept.

to be defensible in the U.N. we may find that U.N. debate can so foster and encourage local opposition to them as to make the task of implementing them exceedingly difficult if not impossible. These considerations apply perhaps more forcibly to questions affecting the participation of Tanganyika in the East African Inter-Territorial Organisation than to any other aspect of the administration of the territory.

## 290 CO 822/341, no 4

9 July 1953

[East African federation]: letter from Sir A Cohen (Uganda) to Sir T Lloyd on Ugandan hostility towards the idea of federation [Extract]

[Political difficulties over closer association arose too in Uganda. One significant catalyst was the following remark by Lyttelton in the course of an after-dinner speech to the East African Dinner Club in London on 30 June 1953: 'That Federation both politically and economically will be of immense benefit to the three Central African territories is, I believe, an established and unshakeable fact. Nor should we exclude from our minds the evolution, as time goes on, of still larger measures of unification, and possibly still larger measures of federation of the whole East African territories.' This part of the speech was prominently reported in the East African press.]

Cartland wrote to David<sup>1</sup> on the 4th July asking for the text of the statement made by the Secretary of State to the East African Dinner Club about the possibility of East African Federation in the future, which was reported in the "East African Standard" of the 2nd July.

2. As I read the reports of the speech which I have seen in the "Standard" and "East Africa and Rhodesia" I imagine that the Secretary of State was referring simply to the long-term future and not to any immediate possibility and although, having mentioned Central African federation, the Secretary of State is reported as having referred to the possibility of "still larger measures of unification and, possibly, still larger measures of federation of the whole East African territories", I have assumed that he was referring here only to East African federation and not to the possibility of an East-Central African link-up as envisaged by the Capricorn African Society. But the "East African Standard", which has devoted a great deal of space to the speech in the last week, has put quite a different interpretation on it and, under the headline "Great New Dominion Foreseen: Union of Central and East Africa", has hailed the statement as indicating the belief in London that the British Government is "planning a federation of Central and East Africa as a great new British Dominion". It also states that "the first step towards the Government's aim will be, it is understood, to step up moves towards federation in the three East African Territories".

3. I am told that the "East African Standard" reporter in Kampala went round canvassing the opinions of all the vernacular press editors on the statement. The leaders of the Uganda African Congress are reported in the "Standard" as having stated that they and Africans generally would oppose unconditionally and wholeheartedly any attempt to foist on them a federation which included Uganda.

<sup>1</sup> G B Cartland, administrative secretary, Uganda, 1949-1953; secretary for social services and local government, 1952-1955; minister for social services, 1955-1958. E B David, officiating secretary for defence and internal security, Malaya, 1951-1953; seconded to CO 1951-1955; colonial secretary, Hong Kong, 1955-1958.

4. Much more serious, I have now received a letter from the three Ministers, of which I enclose a copy,<sup>2</sup> expressing in grave terms their opposition to political fusion in East Africa. The Ministers have taken the unusual step of addressing me direct on the matter, through the Resident, without awaiting the return of the Kabaka<sup>3</sup> later in the week; this shows how seriously they feel. We are expecting a very strong line to be taken in the vernacular press and I am afraid we are in for serious embarrassment owing to the manner in which the "Standard" has interpreted the Secretary of State's remarks. You will appreciate that African opinion does not find it easy to distinguish between an actual official statement and the interpretation put upon it by unofficial sources.

5. I think I am bound to set out briefly the consequences which I am afraid will follow from the situation on this matter. I think that these will be:—

(1) Coming at a time when federation is being imposed in Central Africa and when there is strong criticism of this action among Africans in Uganda, the mention of East African federation, following as it did a reference to Central African federation according to the press reports here, is certain to give added strength to the belief current among many more politically-minded and even moderate Africans that as soon as Central African federation is an accomplished fact East African federation will follow. This has been publicly stated by Musazi<sup>4</sup> and privately stated by others more moderate, and they will now be able to say the same thing with greater strength.

(2) The interpretation by the "East African Standard" that a six-territory federation is being planned by H.M. Government is certain greatly to increase the fears and suspicions felt here because, strongly opposed as the Africans are here to East African federation, they are still more strongly against any link with Central Africa, to which they would be utterly opposed through their fear of South Africa and South African influences in Central Africa. This view would be entirely shared by Asian and, I believe, a large majority of European opinion, which would indeed, I am convinced, oppose three-territory federation unless African opinion favoured it. You may care to refer to my telegram No. 618 of the 8th December, in which I described the probable African reaction here to the imposition of Central African federation and to the link-up in the minds of Africans here between the two kinds of federation. In paragraph 2 of that telegram I said that the Secretary for African Affairs and I were both agreed that when it is seen that whatever is done in Central Africa in fact creates no threat to African interests in Uganda, there should be no long-term adverse effects on our political situation. The interpretation placed by the "East African Standard" on what has been said will, I am afraid, make people feel that there is a threat to African interests in Uganda and in these circumstances I would be much less sanguine about the long-term adverse effects.

(3) The suspicion which I am afraid is now likely to become widespread about the intentions of H.M. Government in this matter is bound, unless we can find means of allaying it, to prejudice any steps which we may wish to take to improve the machinery of the East Africa High Commission. As you know, we have been

<sup>2</sup> Not printed.

<sup>3</sup> Hereditary ruler of Buganda province, see 293. The three ministers were African ministers in the Buganda government.

<sup>4</sup> Ignatius Musazi, founder and president-general of Uganda National Congress.



engaged in discussion of this subject in accordance with the Secretary of State's letter of the 20th November, 1952,<sup>5</sup> and I think that, thanks largely to Scott's efforts, we have been making some progress at working out a common line as between the three Governors for submission to the Secretary of State. I am afraid that the fears which are likely now to be generated as to the ultimate objective will greatly impede any attempts to persuade local opinion to accept moderate and necessary reforms in connection with the High Commission and Assembly.

(4) I am very much afraid that the situation which has developed may give the Uganda African Congress the platform which it has been seeking to gain support among the public here. It has largely failed on economic issues such as cotton and coffee because of the reforms which have been made. It is trying on land but will not, I believe, succeed on that because it has got no real grievance. It has been trying on Central African federation, but so long as that issue was confined to Central Africa I do not think that it would have been likely to make very much progress on that, unless of course there had been open violence in Central Africa. I am afraid that unless we can forestall the moves which it is now likely to make we may see it gaining materially in strength.

(5) We have got to bear in mind also that this is an issue in which moderate opinion, well represented by the Ministers, will be of the same opinion as the more politically minded. It is this which I am particularly anxious to avoid. . . .

9. I hope very much that it may be possible for the Secretary of State to authorise me to inform the Kabaka and Ministers in reply to their letter that they have read far too much into what he has said and have evidently been misled by interpretations placed on the speech in newspapers; that in his remarks on East Africa he was referring to East Africa alone and not to any link between East and Central Africa; that any constitutional link between East and Central Africa is not regarded by H.M.G. as practical politics under existing conditions; that as regards East Africa itself he said no more than that a closer link in the future between the three territories should not be excluded from our minds; that he does not regard federation in East Africa as a practical possibility in the near future and realises that there is no general public support for it at present in the East African territories, including Uganda; and that it would be useless to predict what may happen in the more distant future and the Secretary of State feels that much will depend on the development of public opinion among all three races.

10. I should like to be able to add that the Secretary of State assures the Kabaka and Ministers that they need have no fears in the matter. I hope that in asking for this statement you will not think that I am asking for too much; unless something of this sort can be said I am afraid that fear and suspicion will increase among Africans here and will remain as a damaging factor in our political situation. It is important also, I feel, that I should be able to give an early answer to the representations made by the Ministers. . . .

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<sup>5</sup> See 288.

**291** CO 822/338, no 35

21 July 1953

[Closer association in East Africa]: letter from W L Gorell Barnes to Sir E Baring (Kenya) and Sir A Cohen (Uganda) on the implications of Tanganyika's status as a UN trust territory [Extract]

I fear that when tendering our advice to the Secretary of State about the development of future relationships between the East African mainland territories, which led to his addressing to you his letter of 20th November, 1952<sup>1</sup> on the subject, we did not sufficiently take into account the special difficulties in formulating future policy which must result from the trusteeship status of Tanganyika. This omission was brought to notice by Lamb's<sup>2</sup> minute of 17th January last which is annexed to the record of the High Commission's discussion on 18th February, 1953.<sup>3</sup>

2. We note from paragraph 3 of the record that, as a result of Lamb's minute and Twining's explanatory statement at the meeting, the High Commission realise the delicacy of the position, but we none the less think that it may be helpful to you to have our views on this difficult question of tactics.

3. I enclose a note<sup>4</sup> of the legal and political aspects of the problem *vis-à-vis* the United Nations, which is in fact an expansion of Lamb's minute referred to above. We have discussed it with Lamb and he agrees with it.

It will be seen from this note that, unless we proceed with due caution, we may have to accept an appeal to the International Court and may be confronted with an adverse opinion or judgement. No one can say now what the attitude of H.M.G. would be to such an opinion or judgment but, generally speaking, it would be impracticable, or at least a matter of very considerable difficulty, for the U.K. to disregard an opinion or judgment of the Court given on an issue of this kind.

4. This does not, of course, mean that we must abandon the idea of including Tanganyika in the future development of closer association. It does mean, however, that each step that way must be carefully considered in its application to Tanganyika and that one of the two conditions mentioned in the following sentence ought to be satisfied before we attempt to include Tanganyika in any measure which might be challenged as a breach, either of the terms of the Trusteeship Agreement or of the supplementary understandings explicitly stated or implicitly accepted in the United Nations Assembly.

Either we must first secure the concurrence of the majority of the European and Asian communities and of that section of the African population, however small it may be, which is capable of forming and expressing any coherent opinion on the question in issue, or we must be able to adduce convincing arguments that the proposed measure is in the interests of Tanganyika and its inhabitants as an individual territory, and will in no way prejudice the free decision of the inhabitants on the territory's future status. . . .<sup>5</sup>

<sup>1</sup> See 288.

<sup>2</sup> Sir J Lamb, office of the administrator, EAHC.

<sup>3</sup> See 288, note 3.

<sup>4</sup> Not printed.

<sup>5</sup> At a meeting of the three governors in Sept, Cohen stated that in Uganda 'it would at present be politically impossible to introduce any proposals for the development of the High Commission', since they would certainly be interpreted as a move towards federation. Baring and Twining reported that in their territories too 'the time was not yet ripe for a further move'. At Cohen's suggestion, the governors agreed 'that further consideration of the proposals must be deferred' (record of discussion of 15th meeting of EAHC on 1 and 2 Sept 1953; copy at CO 822/338, no 43).

**292** CO 822/599, no 74

29 Oct 1953

**[Kenya]: letter from Governor Sir E Baring to Mr Lyttelton on constitutional development****[Extract]**

I must apologise for not having answered earlier your letter of the 14th August about constitutional matters. I think I would myself put our position as follows. The Europeans of Kenya have made the country: they also make most of the trouble. If the population ratio was that of Southern Rhodesia, a purely white government would have been in power long ago. If the Europeans were as outnumbered and were as few as they are in Tanganyika, ordinary Colonial government could and should have continued. But Kenya falls between the two stools. The size of the African, and also the Asian, population makes self-government with a purely European cabinet and parliament on Southern Rhodesian lines quite impossible. The existence now of a non-official majority in Legislative Council and the effect of the present disturbances make a continuation of the present system unchanged next to impossible.

2. Kenya is, and will remain, an exceptionally explosive country. The reason is plain. To Africans land grievances are the most bitter of all. The European population, with comparatively small farmers as the strongest political element, is the type resented most of all by Africans. These farmers give a far greater appearance of permanency than does a planter with plenty of capital which in the future he might move elsewhere. The African feeling of grievance is, therefore, whether justified or not, sharper than it will ever be either in Uganda or in Tanganyika taken as a whole. But the European population of Kenya, which gives rise to these fierce feelings of grievance, is sufficiently small in size and sufficiently isolated to make its expulsion appear a possibility; and in this Kenya is distinguished sharply from South Africa and from both the Rhodesias.

3. In these circumstances of unique difficulty, increase of trust and improvement in relations between different peoples of Kenya is a crying need of the country and not a remote ideal. To my mind, neither the better relations nor the greater trust will come with things as they are now. In Kenya politics as they are now a number of racial pressure groups fight one another or fight an irremovable government; and many of their members behave with utter irresponsibility secure in the knowledge that they will never have to take office. In short, the opposition mentality is developed to a very high degree among those unofficials who take an active part in the political life of Kenya. This is particularly the case among many Europeans—Cooke and Grogan<sup>1</sup> are outstanding examples—and this opposition mentality explains their inability to rally whole-heartedly to the government in the present crisis and to play their part in presenting a united front to Mau Mau, or for that matter to take a constructive and progressive part in affairs even in peacetime.

4. To my mind the situation will only improve as the individuals improve. The individuals must develop a capacity to form balanced judgments and to take responsibility. The only way to do this is to give them a greater share in the executive acts of government.

5. It is conceivable that the real explanation of the oddities of Kenya Europeans lies in life at a high altitude under a tropical sun; and in this case white settlement is

<sup>1</sup> SV Cooke, member of Legislative Council for the Coast; S Grogan, influential settler leader, businessman and politician.

doomed. But much more probably it lies simply in the bad effect on people of British origin of being debarred from taking part in the responsibility of government. If this is so, Kenyans, with a change in the constitution, could become just as responsible and as competent as are Southern Rhodesians; and by and large Southern Rhodesians have made a success of their country since they attained responsible government in 1923. I mention Southern Rhodesia since I have been there and since it is the country which strongly influences many Kenya Europeans.

6. In Kenya conditions the way to improve relations thus lies in a sharing of responsibility. If men of different races take executive positions in government they will be compelled to work together, to hack out decisions together and to resist criticism together. In this way an improvement may come—without shared responsibility it will not. The conclusion is therefore, I think, that the chance of real improvement lies in changes in the executive branch of government rather than in the legislative machine or electoral system. To my mind Europeans must be members of that government jointly with first Asians and later Africans. I am very glad that you share this view.

7. Kenya has not yet, I think, reached a stage in which government can be anything but a Colonial or "Municipal" government with powers delegated to it by Her Majesty's Government in the United Kingdom by Orders in Council. But it has reached a stage when this government might become:—

*first*, one consisting mainly of non-officials and to a lesser extent of civil servants, instead of as at present one consisting mainly of civil servants and to a lesser extent of men who were once elected members;

*secondly*, as you say, these new non-officials who become Members of the government should keep their elected seats, because if they do not do so they will inevitably lose their position with voters owing to the prevalence of the opposition mentality in the country, and are, further-more, difficult to move when 'time-expired' if, as now, they are nominated Members;

*thirdly*, some of the new non-official Members must be Europeans and others non-Europeans; and at the moment the non-Europeans cannot but be Asians.

8. But to arrange all this is not easy. The non-Europeans must persuade their people to accept an increase in the number of European non-officials in the government. The European leaders must overcome the fierce opposition of many Europeans to the grant of a genuine portfolio to a non-European involving, as it must, executive authority over some Europeans. . . .

9. It follows then that, apart from what is desirable, we must very carefully consider what is possible. At one time I would have said it was quite impossible to go ahead with constitutional changes during the Emergency, but now there are reasons for a change of view. The first is that a long conversation with Patel has shown that he is willing to go ahead on the lines I am about to suggest; and I think, after talking with Pirbhai, that he also has the same view, though he is more cautious in expressing it.<sup>2</sup> Secondly, though I do not subscribe to the view that it is impossible to defeat Mau Mau without more European non-officials in the government, I do think that their presence would greatly help in reconstruction measures. It will help because they will assist in getting these measures approved by Legislative Council. They will also co-operate in getting practical assistance for Africans from skilled

<sup>2</sup> A B Patel and E Pirbhai, political leaders of the Hindu and Muslim communities in Kenya.

Europeans, for example from the Coffee Board in the development of African coffee. Thirdly, and on general grounds, the sooner non-official Members learn the art of running their own country the better.

10. I am inclined, therefore, to believe that we might move forward on the following lines. Add three European non-officials to the Members of government. . . . Add also one Asian with responsibility for housing and social welfare . . . and one Muslim without portfolio. Add an Arab to Executive Council—I think this is now necessary—and create two African Under-Secretaries. Something like this arrangement would, I think, eventually be accepted by both Blundell<sup>3</sup> and Patel.

11. One of the most difficult problems is the position of the Muslims. It is essential that we should not alienate them, since I believe that they might come in a body into a moderate party of all races. I have little doubt that the acceptance of this arrangement would split both the Europeans and the Hindus, and I think that there would emerge a party of moderate Europeans, moderate Hindus, Indian Muslims and Arabs. I trust that a number of Africans would also join this party, but this is very incalculable. I do not believe that we will ever create an African moderate party as a separate entity; but I do believe that African moderates might join a moderate party of all races.

12. Blundell will say that if there are two Asians he should have one more European also without portfolio. My guess—and at the moment it is no more than a guess—is that he could do without this. But all the same he will have a very hard fight since so many Europeans will feel that the grant of executive responsibility to an Asian is the thin end of the wedge and the start of a process which will eventually lead to their being shouldered out of power by the more numerous non-Europeans. For this reason I think that Blundell is right when he tells me, as he does, that he could not persuade his people to accept a reconstitution of the government on these lines and an experiment in the Common Roll as well. I entirely share your view that the racial composition of Legislative Council should be left alone for the moment. I also share your view that a Common Roll will not work now. I am not attracted by Vasey's<sup>4</sup> suggestion. There is already far too much personal intrigue in this country and you are quite right in thinking that the adoption of this suggestion would greatly increase it. I am not in my own mind sure that an experiment in Mombasa on the lines mentioned later in the letter would be a very good idea. I think that the multiple-member constituency is a bit too complicated, and I also cannot see how, for very many years to come, we will be able to develop a system based on a Common Roll in this country. The economic and cultural levels of the three races are, and for a long time will remain, too different. But whether this view of the future is right or wrong I have formed the conclusion that in present circumstances the adoption of anything of this nature is not practical politics. At any rate we must envisage it falling by the way during future discussions. If, however, these discussions went in an unexpected direction and an unexpected manner, as they might, then the proposal could be brought forward again.

<sup>3</sup> M Blundell (KBE 1962), member of Kenya legislative council, 1948–1962; leader of European members, 1952–1954.

<sup>4</sup> E A Vasey, financial secretary and member for finance and development, Kenya. In conversation with Sir T Lloyd, Vasey had suggested that the existing members of the Legislative Council, or possibly the existing unofficial members, might join together to elect another ten members (CO 822/598, no 71, letter from Lyttelton to Baring, 14 Aug 1953).



13. Thus, to summarise, and in reply to the first paragraph of your letter, I feel that the result we should aim at in the forthcoming constitutional discussions—I should prefer to avoid a formal conference if possible—should be constitutional advance in the form of enabling the unofficial members of Legislative Council, both European and Asian (and African when they are ready) to take a bigger part in the executive acts and functions of government. This might be done by the grant of three portfolios to Europeans and one to the Asians and one Muslim being made a Member without portfolio; by adding an Arab to Executive Council; and by making two promising Africans Assistant Secretaries.

14. I do not think we should at present alter the racial composition of Legislative Council or the legislative set-up, or increase the number of constituencies, or try the novel device of mixed constituencies, or alter the franchise or go for a Common Roll. I have felt for some time the need for more team work, official/non-official and inter-racial, in conducting the business of government; and more training in that. I am certain this form of advance should precede any substantial changes in the composition of the Legislature or any further increase in the Non-Official majority or any alteration in the franchise. If we do not proceed that way, we shall have a repetition of what has happened on the West Coast (and British Guiana)—people being put into office who know nothing about it and who, therefore, can see no other occupation but to polish their own racial or sectional marble.

15. Similarly, I feel we shall only get into deep water by attempting any electoral or vote novelties. With the impossibility of a Common Roll we should give a wide berth to talk of votes and rolls. . . .

## 293 CAB 129/64, C(53)234

18 Nov 1953

### 'Uganda Protectorate: the province of Buganda': Cabinet memorandum by Mr Lyttelton

Buganda is one of the four provinces of the Protectorate of Uganda and economically as well as geographically it is the keystone of the whole country. Its African inhabitants—the Baganda—numbering about one million, are the richest and most advanced tribe in the Protectorate and have been intensely nationalist. Their hereditary Ruler is called the Kabaka. He is assisted in his local government of the Province by a Council (the Lukiko) and three Ministers—the Prime Minister, Treasurer and Chief Justice.

2. The relations of Her Majesty's Government with the Kabaka are governed by an Agreement made in 1900. The relevant articles of this Agreement are:—

(a) Article 3 which provides that Buganda "shall rank as a Province of equal rank with any other provinces into which the Protectorate shall be divided".

(b) Article 6 which reads in part as follows:—

"So long as the Kabaka : . . . shall co-operate loyally with Her Majesty's Government in the organisation and administration of the said Kingdom of Uganda, Her Majesty's Government agrees to recognise the Kabaka of Uganda" as Ruler of the Province.

(c) Article 20 which reads in part "Should the Kabaka, Chief or people of Uganda pursue at any time a policy which is distinctly disloyal to the British Protectorate,



Her Majesty's Government will no longer consider themselves bound by the terms of this Agreement".

3. Recently the Kabaka addressed a letter to me in which he made three requests:—

- (i) An assurance that there would never be a Federation of East African territories.
- (ii) Transfer of Buganda affairs to the Foreign Office (they were handed over to the Colonial Office in 1902 after the pacification of the country).
- (iii) "Independence" for Buganda.

On my authority he was given a reply by the Governor at an interview to the following effect:—

- (i) A detailed assurance that no plan of East African federation is at present contemplated and that for the distant future all organs of local opinion will be fully taken into account.
- (ii) A transfer of Buganda affairs to the Foreign Office would be constitutionally inappropriate.
- (iii) The request for independence was refused on the grounds that it would be neither in the interests of the Buganda themselves nor of the inhabitants of the rest of the Protectorate. The accepted policy of Her Majesty's Government is to promote the self-government of Uganda as a unitary state. (This policy was endorsed by the Kabaka himself as recently as March this year when in connection with certain reforms which confer considerable local autonomy on the Provincial government in such spheres as education, health and agriculture he publicly affirmed Article 3 of the Agreement on the future of Buganda as a component part of the Protectorate.)

4. The Kabaka has expressed himself satisfied with (i), agreed to drop (ii) for the time being but refused to accept the reply on (iii). Similar requests have been put forward by the Lukiko and made public. They have been and are still the subject of considerable Press comment in the territory and public discussion in which the issue of independence for Buganda is much confused with that of self-government for Uganda. The Kabaka has expressed his intention, if the above reply is given to the Lukiko on point (iii), of opposing this decision of Her Majesty's Government publicly in the Lukiko. Despite the best efforts of the Governor and his advisers at long interviews he has remained obdurate in this determination.

5. In the Governor's view, if the Kabaka were permitted to voice this public opposition to Her Majesty's Government's policy it would almost certainly precipitate riots and bloodshed which might require sizeable forces to subdue. In 1945 and in 1949 riots broke out among the Baganda more suddenly than anyone expected or anticipated. These were organised against the Kabaka's authority. If he himself were to instigate the trouble the results might be much more serious.

6. The Attorney-General<sup>1</sup> has advised that the declared intention of the Kabaka amounts to a clear breach of the 1900 Agreement.

The Governor has recommended the following course of action. He would summon the Kabaka and inform him of my re-affirmation of my reply on point (iii).

<sup>1</sup> Sir L Heald, attorney-general, 1951–1954.

He would ask him whether he is prepared to accept it and loyally abide by it; if the Kabaka says no he would inform him that this refusal must be referred back to me. Not more than four days later he would summon the Kabaka again and hand him a note with my authority withdrawing recognition from him. Immediately afterwards the Kabaka would be served with a notice of deportation from Uganda and escorted to an aeroplane, previous arrangements having been made for his journey to the United Kingdom. Thereafter the Lukiko, when the time was judged ripe, would be invited in accordance with custom to elect a successor. The Governor would expect that, when this *coup d'état* became known trouble would break out among the Baganda which might need limited military action in support of the Police but on nothing like the scale on which it might be needed if the Kabaka were permitted to embark on an open trial of strength with Her Majesty's Government.

7. General Erskine<sup>2</sup> has agreed to make available one battalion of the King's African Rifles which is now moving into Uganda ostensibly as a routine transfer. He has also agreed to have a reserve battalion standing by at three days' notice but if this or any further reinforcements were called upon he might have to ask additional assistance from the United Kingdom.

8. There are three reasons why firm and prompt action is desirable:—

(i) The Kabaka is already suborning the other three minor Rulers whose districts comprise the Western Province to follow his example of non-cooperation with the Protectorate Government. If the Kabaka is handled firmly it is expected they will promptly back down.

(ii) Elections to a new Lukiko take place at the end of this month. On the recommendation of the new Lukiko the Kabaka will choose new Ministers. The present ones are believed not to be in favour of his defiance of Her Majesty's Government in this matter and it is hoped to retain their loyalty even in the face of his deportation.

(iii) The longer confused public discussion of the issue is allowed to continue the greater the local tension which may develop.

9. I do not consider, however, that this extreme action should be taken without a personal attempt by myself to bring the Kabaka to his senses. I therefore propose to summon the Kabaka to London early next week for discussions "on grave matters affecting his treaty relationship with Her Majesty's Government". At the interview I shall require the Kabaka in accordance with his treaty obligations to give certain assurances regarding his acceptance of my decision and of his future co-operation with the Protectorate Government. If after a suitable interval for reflection he refuses to comply, he will be notified of Her Majesty's Government's withdrawal of recognition under the Treaty, informed that he will not be permitted to reside in Uganda and assured of the appropriate financial settlement to enable him to live elsewhere.

10. If the Kabaka refuses to come to this country to see me, then I propose to authorise the Governor to put into operation the plan described in paragraph 6 above.

11. A timetable of the pertinent dates and a map of Uganda are attached.<sup>3</sup>

12. I invite my colleagues:—

<sup>2</sup> General Sir G Erskine, general officer commanding Kenya's security forces, 1953–1955.

<sup>3</sup> Not printed.

- (a) to endorse the action which I propose;
- (b) to note the possibility of the need for further reinforcements from Kenya which might lead to a request for their replacement.

## 294 CAB 128/26/2, CC 68(53)7

19 Nov 1953

### 'Uganda Protectorate': Cabinet conclusions

The Cabinet had before them a memorandum by the Colonial Secretary (C. (53) 324)<sup>1</sup> on the present political situation in the Buganda Province of the Uganda Protectorate.

*The Colonial Secretary* said that the hereditary ruler of Buganda—the Kabaka—was a weakling who had lost face with his subjects by his recent conduct. In an attempt to restore his authority he had adopted an extreme nationalist line and was persisting in a demand for “independence” for Buganda. In doing so he was violating an Agreement of 1900 governing the relations of Her Majesty’s Government with the Kabaka. Under Article 6 of this Agreement the United Kingdom Government undertook to recognise the Kabaka as ruler of Buganda “so long as the Kabaka . . . shall co-operate loyally with the United Kingdom Government in the organisation and administration of the said Kingdom of Uganda.” The Kabaka had further indicated that it was his intention publicly to oppose the attitude of Her Majesty’s Government on the issue of “independence” for Buganda in the Lukiko, the Provincial Council. In the Governor’s view such public statements by the Kabaka would almost certainly precipitate riots and bloodshed on such a scale that they could not be suppressed without the use of substantial forces.

The Colonial Secretary said that, in these circumstances, he proposed to summon the Kabaka to London for discussions “on grave matters affecting his Treaty relationship with Her Majesty’s Government,” giving him an undertaking that he would thereafter be allowed to return to Uganda. At this interview he would require the Kabaka to give certain assurances about his acceptance of the Government’s decision and his future co-operation with the Protectorate Government. It was to be hoped that such assurances would be forthcoming but, if they were not, the Kabaka would be warned that he must be prepared to take the consequences on his return to Uganda. If, on his return, he persisted in his intransigent attitude, recognition would be withdrawn from him and he would immediately be deported from Uganda. If the Kabaka refused the invitation to come to London for discussions, the Governor would summon him and inform him that Her Majesty’s Government adhered to their decision on the issue of “independence.” The Kabaka would be asked whether he was prepared to accept it and loyally abide by it. If he refused to do so he would be informed that his refusal must be reported to the Secretary of State. Not more than four days later the Governor would summon the Kabaka again and hand him a note withdrawing recognition from him. Immediately afterwards he would be deported. Thereafter the Lukiko, when the time was judged right, would be invited in accordance with custom to elect a successor.

It was desirable that the issue should be brought to a head before the end of November as it was believed that the Kabaka’s three present Ministers would not

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<sup>1</sup> See 293.

support his defiance of Her Majesty's Government and they were liable to be replaced by new Ministers early in December. The Governor of Uganda was entirely in agreement with the proposal to take stern measures against the Kabaka. Deposition and deportation of the Kabaka was almost certain to lead to some disturbances in the Province, but it seemed likely that they could be suppressed by the battalion of the King's African Rifles which was already moving into Uganda for the purpose from Kenya. If, however, action against the Kabaka were delayed until he had publicly defied Her Majesty's Government, the situation might require the transfer from Kenya to Uganda of a second battalion of the King's African Rifles, which would be kept at three days' notice to move thither, and possibly of still further reinforcements.

In reply to questions, the Colonial Secretary made the following further points:—

(a) There was no scope for discussing with the Kabaka possible extension of the present degree of self-government in the Buganda Province. The Kabaka had made it abundantly clear that he would be satisfied with nothing short of complete "independence."

(b) it would not be valid to contend that Her Majesty's Government would not be justified in deposing and deporting the Kabaka so long as he did not go beyond declaring that his aim was to secure complete "independence" for Buganda. Public defiance by the Kabaka of a decision by Her Majesty's Government duly communicated to him involved a clear breach of the Agreement of 1900. *The Attorney-General* confirmed this view.

The Cabinet:—

Authorised the Colonial Secretary to proceed in this matter as proposed in C. (53) 324.<sup>2</sup>

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<sup>2</sup> The Kabaka was duly deposed and deported. In 1955 he was permitted to return to Uganda following comprehensive revision of the 1900 agreement, by which Buganda was given more representatives and a larger role in Uganda's central government.

## 295 CO 822/892, no 8

12 Jan 1954

[Uganda]: letter from Governor Sir A Cohen to Sir T Lloyd on policy goals for Uganda

[Extract]

[Following the deportation of the Kabaka in Nov 1953, Lyttelton made a statement in the House of Commons in which he said that he regarded the future of Uganda primarily as an African state with proper safeguards for minorities (*H of C Debs*, vol 521, col 1268, 2 Dec 1953). However, in view of reactions to the deportation, the CO suggested that it would be prudent to clarify this statement. The telegraphic correspondence which Cohen mentions in the second para of this letter is a reference to the proposed contents of the new statement. The first CO draft suggested that while Africans would be enabled to play an increasing part in public life, 'those of all races whose home is Uganda will be equally equipped to play their part . . . when race will no longer be a matter of political importance' (CO 822/603, no 9B, outward tel no 4, Lyttelton to Cohen, 1 Jan 1954). Cohen objected, arguing that the draft seemed to be 'a description, not of a primarily African State, but of a multi-racial State like Kenya or Northern Rhodesia . . . the fear that this country might have a multi-racial rather than a primarily African future is one of the causes of Buganda suspicions' (CO 822/892, no 2, inward tel no 6, Cohen to Lyttelton, 4 Jan 1954). Lyttelton's response, which prompted the comments in this extract from Cohen's letter, argued: 'The dilemma, as I see it, is that the primary purpose of the

statement is to allay current racial fears but since our conception of a future Uganda in which Her Majesty's Government would be prepared to surrender her responsibilities can only be a state of affairs in which those fears no longer exist, it cannot be expressed in terms of a situation in which one race is assured of the right or authority to dominate the others' (*ibid*, no 7, outward tel, no 16, Lyttelton to Cohen, 7 Jan 1954).]

The Secretary of State duly passed through here on Saturday and stayed for about an hour and a quarter, during which he had a bath and breakfast. We did not have more than about twenty minutes to half an hour for talk and not much ground could be covered. I also had a short talk beforehand with Gorell Barnes.

The Secretary of State suggested that I should make a visit to London shortly after his own return. I asked him whether this was for discussions with himself and the Colonial Office; he said "yes" but he might perhaps want me to meet the Commonwealth Parliamentary Association. He did not say exactly what he wanted to discuss, but I presume it would have some connection with the statement which has been the subject of telegraphic correspondence ending with his telegram No. 16 of the 7th January. I said that I would of course be ready to come. I had the High Commission meeting in Nairobi about the 10th February and thought that the most convenient time would be immediately after that. Gorell Barnes seemed to think that this was about right. . . .

I should like to make one or two points on paragraphs 4 and 5 of the Secretary of State's telegram No. 16. There was only time to discuss this very briefly with Gorell Barnes and not at all with the Secretary of State, and I did not have the chance to make these points except purely summarily. The argument in these two paragraphs rests as I understand it on the proposition that H.M.G. would only surrender her responsibilities to a self-governing state here if in the words of paragraph 5 all racial fears no longer existed and if in fact in the words of paragraph 4 we had succeeded in educating public opinion to agree that all the inhabitants of the Protectorate should have equal rights irrespective of race. Surely this is not the way in which things would work out in practice, and surely all our experience in other colonial territories, and for example in India, shows that in fact self-government comes when the political pressure for it is so strong that it would be unwise to resist it. I do not mean to say by that that we are working against self-government. But the pace is determined far more by public pressure than by our own opinions of the stage when self-government should be granted.

What I envisage would happen would be that some time in the future a constitution rather like the 1951 Gold Coast constitution would be introduced here. Local Ministers would have the major say in policy, but the constitutional arrangements would still be controlled by H.M.G. These would of course provide full safeguards for minorities and in this respect the position would of course differ from the Gold Coast. At a later stage full self-government would be achieved and we should insist that in the constitution establishing that full self-government, which would be a constitution granted by us, there should again be full and proper safeguards for minorities which would be written into the constitution in such a way that they would be extremely difficult to alter.<sup>1</sup> This is a problem which has arisen in other

<sup>1</sup> In his letter of reply to Cohen, Lloyd described the idea of minority safeguards in the constitution as 'the crux of the whole problem for . . . once the African majority was in full control of the Government there would be nothing whatever to prevent them from altering the constitution in whatever way they pleased'

parts of the world and, although these things obviously cannot be made completely watertight, yet I should have thought that experience shows that a great deal can be done. But it does not seem to me possible to suppose that we can defer the stage of full self-government until we are satisfied that public opinion is educated to the stage of agreeing that all inhabitants should have equal rights. We can do our best in this respect, but it is not the criterion which in my view will finally determine the date of self-government.

The points which I made to Gorell Barnes were:—

(1) The Secretary of State's statement<sup>2</sup> about this country being developed as a primarily African state with safeguards for minorities has had wide currency here and has been very well received. I myself have made use of it in two speeches and I and my officers have made wide use of it in discussions. Any appearance of retracting from it or qualifying it in any way would be very harmful indeed not only with Africans but also with others. I have been pleased to see that there has been absolutely no criticism of this statement by anybody and Europeans appear to accept it as right. It was interesting to see that General Buckley—hardly a starry-eyed idealist—fully accepted it in his recent letter to the "Times".

(2) For the reason given in (1) no statement by the Secretary of State which did not specifically state that when self-government came Africans would be in dominant position or the government would be mainly in their hands would be helpful; indeed any statement excluding this would be the reverse of helpful.

(3) As I have said in my telegram No. 6 of the 3rd January the draft contained in the Secretary of State's telegram No. 4 of the 2nd January had a good deal of phraseology which has been used in connection with multi-racial states like Northern Rhodesia and Kenya and which should be entirely kept out of any statement made about Uganda; otherwise we are bound to arouse serious suspicions where we are attempting to allay them.

I did not have time to say this to Gorell Barnes, but personally I think it would be a pity if a statement by the Secretary of State were so timed as to have little or no effect on our difficulties about the Kabaka. We want if at all possible to time any statement so that we shall get something out of it. I still adhere to the view, which I was very glad the Secretary of State accepted in his telegram No. 16, that if possible a joint statement would be preferable to an announcement simply by H.M.G. Whether such a joint statement is going to be possible of course remains to be seen. . . .<sup>3</sup>

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(CO 822-892, no 9, Lloyd to Cohen, 19 Jan 1954). Cohen responded: 'All we can do is to say what we intend up to the stage when we no longer retain power. We can do nothing after that.' Evidently placing more faith in constitutional safeguards than the CO (he cited Ceylon as his example), Cohen continued: 'We cannot in fact regulate political development in relation to the attitude of Africans towards minority races. I have never heard of such a thing being possible in any country and I cannot believe that it will be possible here' (*ibid*, no 17, Cohen to E B David, letter, 4 Feb 1954).

<sup>2</sup> ie, the statement of 2 Dec 1953.

<sup>3</sup> The outcome of these exchanges between Cohen and the CO was that Lyttelton made another statement on Uganda in the House of Commons on 23 Feb 1954. The statement dismissed as 'groundless' fears that Uganda's economic development would bring in large numbers of permanent immigrants and declared: 'When self-government is achieved the government of the country will be mainly in the hands of Africans . . . Her Majesty's government will wish to be satisfied that the rights of minority communities in Uganda are properly safeguarded in the constitution, but this will not detract from the primarily African character of the country' (*H of C Debs*, vol 524, cols 212-213). The statement also announced the government's



intention to appoint an 'independent expert' to examine the constitutional position of Buganda, a step which led ultimately to the Kabaka's return in 1955.

Commenting on the issues involved before the statement was made, Gorell Barnes observed in a minute to Lyttelton: 'Finally, there is another problem of a rather different kind with which we are faced in Uganda, as in so many other parts of Africa. This is the problem of the relationship between Native Rulers . . . and the increasingly democratic organs of local government which we are creating. If this is so, it is very difficult to see how we can avoid coming into conflict with the Rulers unless they, like the Native Rulers in West Africa, are prepared to submit to voluntary euthanasia. This is perhaps the hardest problem of all, even if in public we have to skate over it, and I think we must have a frank discussion of it with Sir A Cohen' (CO 822/892, no 21, minute by Gorell Barnes, 12 Feb 1954).

## 296 CO 822/929, no 26

15 Oct 1955

'The franchise in East and Central Africa': draft of memorandum by  
W L Gorell Barnes, intended for submission by Mr Lennox-Boyd to  
Cabinet Colonial Policy Committee

[Extract]

[In 1954 the 'Lyttelton constitution' had been approved for Kenya. It included a provision for the election of a small number of African representatives to the Legislative Council on a qualified franchise. W F Coutts (administrator, St Vincent, 1949-1955; minister for education, labour and lands, Kenya, 1955-1958) was commissioned to prepare a report advising on the best way to implement this provision. His draft report was received at the CO in August 1955. On 15 Oct Gorell Barnes minuted to Lloyd: 'As I told you yesterday, I feel very strongly that if the Coutts proposals are to go to the Cabinet Committee [on Colonial Policy], they should go against the background of the general line of our thought about developments in the franchise in East and Central Africa. Indeed I think there is much to be said at this stage for the Secretary of State getting the general blessing of his colleagues for that general line of thought. I have accordingly prepared and submit opposite a draft of a paper for the Committee' (minute by Gorell Barnes to Lloyd, CO 822/929, 15 Oct 1955).]

During the next two years decisions of great importance will have to be taken about the methods of electing unofficial members of the legislatures in East and Central Africa.

2. The present position in the East and Central African territories (except Zanzibar, which presents special problems of its own) is briefly as follows:— . . .

3. In all these territories there is a strong African demand for the end of the system of nomination of African members; and, as the number of detribalised Africans increases, the existing systems of indirect election by which names for nomination by the Governor are drawn up become less and less satisfactory owing to the great ease with which they lend themselves to intimidation and corruption. This system of choosing African members cannot therefore last much longer. Indeed, my predecessor understood, at the time of the establishment of the "Lyttelton" constitution in Kenya, that the Governor's nomination should cease there and that there should be an enquiry into the best method of electing African members before next year's elections; and in the course of the recent negotiations with the Baganda I gave an undertaking that not later than 1961, and by 1957 if agreement on a suitable system could be reached by then, the Buganda members of the Protectorate Legislature would be chosen by a system of direct election.

4. At the same time ever greater doubt is being felt in this country and by some responsible people in Africa about the desirability of building on the existing

arrangements in such a way as to perpetuate a system of communal representation after the practice of nomination has been abandoned, and thereby to encourage racialism in politics.

5. The problem presents itself in a slightly different form in the different areas of East and Central Africa owing to their different histories and the different racial compositions of their populations. Basically, however, it is the same in all these territories. It is the problem of how to introduce an element of democracy into these countries as they approach nearer towards self-government without prejudicing their whole future development by placing power in the hands of the demagogues who are most adept at handling the uneducated masses. It is not only a question of preventing the relatively small numbers of Europeans and Asians from being swamped by the African masses. It is also, and even more, a problem of preventing backward tribes from being exploited by the more advanced, the illiterate peasant by the townsman, the real intelligentsia from being swamped by the half-educated demagogue.

6. It is clear to me that, if these dangers are to be avoided, it will not be possible for many years to come to allow African members to be elected by universal adult suffrage. Unfortunately the Africans have for many years now been taught to regard universal adult suffrage as an essential ingredient of democracy, and in Kenya and in Central Africa they have seen this system adopted for the election of European members. Its adoption in the Gold Coast and in Eastern Nigeria has naturally encouraged a general assumption that movement towards it will be rapid in the rest of the area. Recent events in the Southern Sudan and the knowledge of discontents in parts of the Gold Coast have, however, given pause to thinking men of all races; and it is my belief that a change is now taking place in the climate of opinion both here and to a lesser extent in Africa which provides an opportunity for more hopeful and constructive experiments to be launched in East and Central Africa. The general line of these experiments would be to make arrangements which would enable the advanced & experienced elements in the population to play their part in democratic processes, whilst leaving the interests of backward tribes or individuals to continue for a time to be looked after by official or nominated members.

7. In Central Africa Lord Malvern<sup>1</sup> has given notice that he will wish to discuss with the Secretary of State for Commonwealth Relations and myself the questions of citizenship and the future of the franchise in the Federation of Central Africa, and whatever proposals may emerge from these discussions will have an effect on future arrangements for choosing unofficial members of the Territorial Legislatures in Northern Rhodesia and Nyasaland. This is a matter on which Lord Home and I may wish to consult our colleagues when we know more of Lord Malvern's ideas and when I have been able to discuss them with the Governors of Northern Rhodesia and Nyasaland.

8. In Tanganyika the Governor is at present working out, in consultation with my Department and with Professor Mackenzie,<sup>2</sup> a constitutional expert in this country, a scheme under which an experiment would be launched, probably in 1957, for the election in a limited number of three-member constituencies in urban areas of one

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<sup>1</sup> See 180, note 5.

<sup>2</sup> W J M Mackenzie, professor of government, University of Manchester, 1949–1966; special commissioner for constitutional developments, Tanganyika, 1952.

member from each of the three main racial groups, who would be elected on a common roll. To be included on the roll a person, besides having the necessary residential qualification, would have either to have a certain amount of property or to have attained a certain standard of education, or to be the holder of a certain given number of offices. The effect of this system would be firstly that there would be a "qualitative" electorate and secondly that candidates of each race would have to appeal to a proportion at any rate of electors of other races.

9. The position in Uganda is made somewhat difficult both by the undertaking given by my predecessor that Uganda would be developed as primarily an African state,<sup>3</sup> though with appropriate safeguards for minorities, and by the undertaking referred to above about the timing of the introduction of direct elections for the Buganda members of the Central Legislature. I shall need to hold consultations with the Governor before I can inform my colleagues how I propose that we should proceed in that territory.

10. The immediate reason for this submission is that I have to take an immediate decision regarding the next step in Kenya. In accordance with the undertaking given by Lord Chandos<sup>4</sup> (see paragraph 3 above), an enquiry into the best method of selecting African members of Legislative Council has been carried out by Mr. W.F. Coutts, a former member of the Administrative Service in Kenya, whose last post was Administrator of one of the West Indian islands. In his report, which is at present under consideration by the Kenyan Government, Mr. Coutts has recommended a "points" system. Under this system an applicant for inclusion on the electoral roll can score one point for each of ten different specified qualifications which he holds. He qualifies for inclusion on the roll if he holds three or more of these qualifications and is given one additional vote for each point scored over and above the first three. This is an elaboration of the more normal system of property and/or educational qualifications, and has been put forward by Mr. Coutts mainly for two reasons—firstly because he thinks that it will serve better than any other to ensure a fair balance between tribal leaders and other experienced men who have given good service of a similar kind on the one hand, and the *évolué* on the other; and secondly because he feels that it will be a flexible instrument for subsequent adaptation as a basis for a common roll on which some at any rate of the members of all races could, when it becomes politically possible, be elected, with or without the reservation of seats by racial groups. Whilst there are some points of detail in this scheme which I need to discuss further with the Governor of Kenya, I am in general much attracted by it; but, before giving it my general approval, I have thought it right to bring it to the notice of my colleagues since its very novelty is likely to make it a subject of discussion certainly, and very possibly of controversy, in this country.

11. Subject to the views of my colleagues, I ask them to agree that I should:—

(a) continue in general to steer developments in this field so far as possible away from early introduction of universal suffrage and from separate electoral rolls in the direction of systems of "qualitative" democracy and, wherever politically possible, the introduction of common electoral rolls, where necessary securing the protection of minorities by a system of reserved seats; and

(b) subject, to the upshot of my consultations with the Governor of Kenya, give

<sup>3</sup> See 295.

<sup>4</sup> Formerly Mr Lyttelton.

my backing to the introduction of points system in Kenya, in the first place as a method for choosing African members and possibly thereafter as a method for choosing some members of all races on a common roll, possibly with seats reserved by communities.<sup>5</sup>

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<sup>5</sup> Lennox-Boyd approved this draft on 22 Oct, commenting that the Coutts plan offered 'a wonderful opportunity for European leadership' (minute on file, CO 822/929, 22 Oct 1955). The Cabinet Colonial Policy Committee accepted the paper at a meeting on 10 Nov, although it did so, as Lloyd later minuted, 'with the qualification that the question whether development towards a common roll should be encouraged or discouraged would have to be decided on its merits in each case' (CAB 134/1201, CA 5(55)2). The Coutts plan was itself considerably modified prior to its application in 1957 when eight Africans were elected to the Kenya Legislative Council.

## 297 CAB 129/80, CP(56)89

23 Mar 1956

### 'The Somaliland Protectorate': Cabinet memorandum by Mr Lennox-Boyd

Recent events have made it necessary to reconsider our policy in the Somaliland Protectorate, and I have therefore prepared this memorandum in consultation with the Foreign Secretary.

2. Somalis in the Protectorate have been bitterly disappointed and their confidence in British rule badly shaken by the Anglo-Ethiopian Agreement of November 1954 which provided for the withdrawal of British Military Administration from those areas of Ethiopia (known as the Haud<sup>1</sup> and Reserved Area) which border the Somaliland Protectorate and are vitally necessary to the grazing economy of the Protectorate tribes. Political activity in the Protectorate has increased greatly as the result both of the Haud Agreement, and of the approaching grant of independence to the neighbouring Trust Territory of Somaliland in 1960, (which it is now thought might happen earlier). Somali leaders are now seeking a statement defining our policy on:—

- (a) the grant of independence to the Protectorate;
- (b) the closer association of the Protectorate with Somalia.

3. One consideration affecting the problem is that the Somali tribes in effect form a single ethnic "nation" which, by historical accident, has been divided between the Somaliland Protectorate (British), French Somaliland, Somalia under Italian Trusteeship, the Ethiopian Ogaden and 'Reserved Areas' and parts of the Northern Province of Kenya.

4. In deciding on future policy in the Somaliland Protectorate the following factors must be taken into account:—

- (i) The Protectorate is a poor country and, unless oil is discovered, is likely to be a financial liability for any administering Power.

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<sup>1</sup> The Haud was an area of Ethiopian territory long used by pastoral Somalis for seasonal grazing. An Anglo-Ethiopian agreement of Nov 1954 had confirmed British recognition of Ethiopian sovereignty over the area in exchange for Ethiopian recognition of the Somalis' grazing rights. See further part I of this volume, 88, 89.

(ii) Recent events in the Middle East and, in particular, the entry of Russia on the scene and the subversive activities of the Egyptians, the Saudi Arabians and the Yemenis, have sharpened the strategic necessity to deny the Protectorate to any potential enemy. The Chiefs of Staff consider it essential for Her Majesty's Government to retain certain minimum strategic rights which should be embodied in a formal treaty, as an essential pre-requisite of granting self-government to the Protectorate.

(iii) Inter-tribal feuds caused by the shortage of water and grazing lands are traditional and inter-tribal fighting frequently occurs in the Protectorate. It is not likely that the pressure on grazing lands can be eased, for the country suffers severely from over-grazing and the scope for settled agriculture is limited.

(iv) There is no single Somali authority in the Protectorate and any purely Somali body capable of governing the country would have to be built up by political processes. This will take some time as the political development of the Protectorate is rudimentary.

(v) Somalia under Italian trusteeship is by a resolution of the United Nations due to become independent in 1960, and all the indications are that independence will be granted whether Somalia is ready for it or not. As the first independent Somali state, Somalia will be the focus of Somali aspirations and there is certain to be very strong pressure for closer association, if not union, between Somalia and the Somaliland Protectorate.

(vi) Although tribal rivalries exist both in the Protectorate and Somalia there is a broad division between the two groups of tribes known as the Isaak and the Darod. The Darod tribes inhabit Somalia and spread into the Protectorate. They tend to look to the Somalia Youth League which has its headquarters in Mogadishu for political leadership. The remaining Somalis of the Protectorate are mainly Isask. They tend to support the moderate Somali National League which has its headquarters in Hargeisa, and to identify themselves with the British connection. Within the last year both Societies have lent support to the National United Front, a new society with the aim of uniting all Somalis in the Protectorate to secure the return of the Haud and Reserved Area.

(vii) While desiring union and independence, Somalis of the Protectorate recognise that some friendly Power will be needed to guide and sponsor an independent Somali State and despite their recent disappointments they would probably still prefer to see the United Kingdom in that role rather than any other country provided that they were convinced that the United Kingdom was sympathetically disposed towards their aspirations to independence, to eventual union with Somalia, and to the return of the grazing lands in the Haud and Reserved Area.

(viii) The grant of independence to Somalia in 1960 will encourage Somalis in Kenya to think in terms of union with Somalia, and this tendency will be strengthened by any statement by Her Majesty's Government sympathising with a union between the Protectorate and Somalia. Furthermore, if Somalis outside Kenya are freed entirely from European control, the pressure of their traditional southward and westward drive into Kenya is bound to increase.

5. Against this background various policies open to Her Majesty's Government may be considered but first it is necessary to reject two possibilities that immediately occur:—

(I) *That the project of a Greater Somalia comprising all Somali territories, as originally put forward by Mr. Bevin in 1946, should be revived.*<sup>2</sup>

This is not now considered to be practical politics.

(II) *That the Protectorate should be granted independence in 1960 and allowed to unite with Somalia.*

Granting premature independence to allow the Protectorate to throw in its lot with an independent Somalia which in its early years is likely to be in a highly unstable state has nothing to commend it so long as Somali thinking in the Protectorate remains along present lines. In fact, our obligations to Protectorate Somalis dictate that we should protect and guide them until the situation in Somalia after the grant of independence has become clear.

6. Should we then try to carry on as at present, continuing—in accordance with our general Colonial policy—to promote the economic, social and political development of the Protectorate at a reasonable pace, acknowledging our eventual aim of self-government but realising and admitting that it is likely to take a very long time to achieve? If it were practicable, there would be much to be said for that course; for the facts of economics and geography rule out any prospect of genuine self-government on a reasonable standard of living within the foreseeable future, whilst it is never possible, once political control of a territory has been abandoned, to be certain of retaining sufficient influence to secure our strategic needs in it. In fact, however, it seems extremely doubtful whether this course is practicable. Our withdrawal from the Haud and the approaching independence of Somalia have not as yet caused the Somalis of the Protectorate either to demand immediate independence or to turn against the Protectorate authorities. These events have, however, caused the Somalis to start asking when we think they will be ready for independence; what we think about union or federation of the Protectorate with Somalia; and what we propose to do to hasten their development so that independence shall not be unnecessarily delayed and they can be put in a position to negotiate with the Somalis of Somalia, and the Ethiopian Government, on equal terms. If we make no reference to their demands and aspirations, our Somalis may quickly become estranged and it is likely that before long we shall find ourselves having to hold the Protectorate by force—by no means an impossible operation but one not likely to be either inexpensive or palatable to the British people.

7. Until the future of Somalia becomes clearer, it is not possible to judge whether some form of closer association between the Protectorate and Somalia will be in our interests and those of our Somalis. Even if such closer association takes place—and still more if it does not—it is difficult to envisage any form of self-government for the Somalis other than one which, whilst securing our strategic requirements on the one hand, provides at the same time for financial assistance and for some form of assistance, if not control, in the fields of foreign policy and defence. Because of the inter-tribal rivalries and the absence of any ruling house, even that degree of self-government will not be possible until some reasonably stable form of indigenous central Government has been developed.

8. While, therefore, I support the principle of closer association between the Protectorate and Somalia, I do not think that we can at present undertake any

<sup>2</sup> See BDEEP series A, R Hyam, ed, *The Labour government and the end of empire 1945–1951*, part III, 288, 289, 292, 293.



definite commitment on a date for independence. But, if friendly relations are to be maintained with the Somalis of the Protectorate, it is my view that we must accelerate the pace of the development, particularly for education and economic development, and make it clear that our purpose in doing so is to increase the speed of their approach to self-government and to place them in as favourable a position as possible to deal with the problems with which they and we will be faced in the future, particularly in relation to closer association with Somalia.

9. I accordingly ask my colleagues to agree that I should make, or authorise the Governor to make, a statement along the following lines:—

(a) Her Majesty's Government's aim is to press ahead with economic, social and political progress in the Protectorate. In particular, Her Majesty's Government have decided that steps must be taken to accelerate the development of education and of economic resources, having regard always to the physical capacity of the territory.

(b) The object of this development is to prepare the Somalis of the Protectorate for self-government. But it is too early to say when they will be ready for self-government and Her Majesty's Government is not laying down a definite time-table.

(c) The possibility of closer association with Somalia is clearly a matter which will have to be considered and which will need to be discussed between us and the Somalis of the Protectorate at the appropriate time. I regard the views of the Somalis themselves as a factor of decisive importance and, if the conditions prove favourable, we would support a well-conceived plan for closer association. (It is, however, obvious that it will not be possible to reach a firm commitment until the state of affairs in Somalia at the relevant time becomes clear.)

(d) The Protectorate's territorial integrity is guaranteed for as long as the territory remains under Her Majesty's Government's protection. (This statement is necessary in order to allay Somali suspicions arising from our withdrawal from the Ogaden, and the Haud and the Reserved Area.)

10. Before such a statement could be made it would be necessary to consult the French Government and to inform the Italian and Ethiopian Governments.

11. In addition to deciding what our attitude is to be towards the future of Somalia, we must give urgent and detailed consideration to our long-term policy with regard to those areas known as the Haud and the Reserved Area, without which the Somali stock population, and hence the British Somalis themselves, cannot survive. So long as these areas remain under Ethiopian rule and Somali opinion remains opposed to Ethiopia, they are bound to remain a source of grave trouble. If some method could be found of inducing Ethiopia to relinquish the Haud, our problems in the Horn of Africa would be made immeasurably easier. (The possibility of arranging cession is considered in a separate memorandum being circulated by the Foreign Secretary and myself (C.P.(56) 84.)<sup>3</sup>

12. I therefore invite my colleagues to agree that:—

(a) our policy in the Somaliland Protectorate should be on the lines summarised in paragraph 9 (which are flexible enough to fit into any conclusion that Her

<sup>3</sup> CP(56)84, entitled 'The Horn of Africa', is reproduced in part I of this volume, 88.

Majesty's Government is likely to reach in regard to Somalia and the Haud); and (b) an announcement of policy on those lines should be made as soon as necessary processes of consultation with foreign Governments have been completed.<sup>4</sup>

<sup>4</sup> Cabinet discussed this memo by Lennox-Boyd on the Somaliland protectorate and the joint memo by Lennox-Boyd and Mr Selwyn Lloyd (the foreign secretary) on the Horn of Africa (see note 3 above) at its meeting on 29 Mar 1956. The conclusions on the joint memo on the Horn of Africa are reproduced in part I of this volume, 89.

At the same meeting, in discussion of this memo on the Somaliland protectorate, Lennox-Boyd referred to the proposed statement to the Somali leaders indicated in para 9 and explained that Sir T Pike (the governor of the protectorate) would not be drawn into discussion of the date by which British Somaliland might achieve self-government. It would be made clear in the statement that the UK government were not at present prepared to lay down any definite timetable of constitutional development. Lennox-Boyd also confirmed that there should be no occasion for any public announcement in the UK about the future course of constitutional development in the protectorate. In further discussion the point was made that the nature and basis of constitutional development 'would turn to some extent on the strategic value of the Protectorate to the British position in this part of the world'.

Cabinet agreed that Pike should be authorised to make the statement indicated in paragraph 9 of CP(56)89; that Selwyn Lloyd should consult the French government and inform the governments of Italy and Ethiopia before the statement was made; and that Sir W Monckton (the minister of defence) should arrange for the COS to submit an appreciation of the strategic value of British Somaliland to the British position in this area (CAB 128/30/1 CM 26(56)1).

The appreciation by the COS is reproduced in part I of this volume, 90. For subsequent documentation on the Horn of Africa, see *ibid*, 94, 97, 98.

## 298 CO 822/912, no 26

12 Nov 1956

[Tanganyika]: letter from Governor Sir E Twining to W L Gorell  
Barnes reviewing the political situation and proposing a policy for  
African political advance

We were grateful for the full account of the Secretary of State's talk with Julius Nyerere,<sup>1</sup> and needless to say most grateful for the firm and realistic way in which he was handled. I am afraid this is going to be an unusually profuse epistle, because, as I indicated in recent telegram, we have been giving fresh thought to future constitutional steps, and before I come to that I must give you a review of the political situation as we now see it.

2. I will deal first with T.A.N.U. As you no doubt appreciated, Nyerere was not accurate in all his statements. It is not true that there are 100,000 paying members of T.A.N.U. There may be 100,000 names on the books of persons who have paid an initial subscription, but there are certainly nothing like that number of regular payers. Equally wishfully misleading was the assertion that the Asian community had pronounced their adherence to the principle of universal adult suffrage. The so-called Asian Association has done so, but this is a small body of two or three hundred politically-minded Hindus with a sprinkling of Muslims who are regarded by their own kind as renegades. The true position is that the great majority of Asians in the territory, and particularly the Ismailis, are not yet interested in the question of elections or even much interested in local politics. I will come back to them later.

<sup>1</sup> J K Nyerere, president of TANU, 1954–1977; prime minister of Tanganyika, 1961–1962; president, 1962–1964; president of United Republic of Tanzania, 1964–1985.

3. People who know Nyerere say that when he went to the United Kingdom he was glad to get away from the mess for which he must be held responsible and which he has neither the administrative nor the financial ability to sort out. As an organisation T.A.N.U. is in a disgraceful mess. In Nyerere's absence, authority appears to rest with Stephen Mhando, successor to Oscar Kambona, as Organising or General Secretary. Mhando is both disliked and distrusted, and more so after their annual convention held recently at which he failed to produce any accounts and for which he is not expected to produce any minutes. Many of the up-country branches which had started to send money to the Central Committee have stopped doing so, and the latter's finances are now in a parlous state, with expenses exceeding income and a lot of money owing, mainly to Asians which, of course, they may not be asked to pay. Incidentally, Mhando has gone to the Socialist (and anti-Colonial) Conference in Bombay. If he is paying his way, including a £150 deposit against the potential liability of his repatriation from T.A.N.U. funds, that will just about have exhausted the balance. But very likely it is costing T.A.N.U. nothing. It may be that, with Nyerere evidently in no hurry to come back and face the situation, T.A.N.U. will disintegrate during the next two or three months, to be replaced by splinter parties which are unlikely to be as formidable as T.A.N.U. however much more of a nuisance they may be.

4. Nyerere and Mhando have both publicly outlined a new policy acknowledging racial parity, but on a 2-1-1 basis. This presumably originates from John Hatch<sup>2</sup> and the Labour Party. It is, of course, a radical change from pure black nationalism and certainly will not be acceptable to the extremists. On the other hand it has already had a strong appeal to certain non-Africans, including a few Europeans, who have shown an inclination to try to join forces with Nyerere on this issue.

5. Side by side with this disorganisation of political nationalism is a new and lively organisation of the Trade Union movement which is to some extent being directed by David Newman, the I.C.F.T.U. representative in Nairobi. However much the two movements may or may not have in common, they are competitive for prestige and funds, so that at this stage an advance by one can only be at the expense of the other. An incidental effect of this may be to drive T.A.N.U. still further into the clutches of the Asians, who cannot in their circumstances in Tanganyika have much love for the Trade Union movement.

6. While the "Asian" (equals Hindu) Association qualifies for mention as a political party, it is no stronger than it ever has been and it has no individual policy of its own. All it seeks to do is to keep in and curry favour with T.A.N.U. by paying what might well be termed protection money to Nyerere and his henchmen and, with or without the inspiration of the Government of India through the office of the Indian Commissioner in Nairobi, encouraging radicalism.

7. U.T.P. still struggles to establish itself and many of its 1200 members are African and there are more Africans than Europeans and Asians together. But it has only limited support and is not very well run or led. But getting it going has served the useful purpose of giving the Europeans a chance of demonstrating whether they do possess their much vaunted political know-how and leadership, or whether they are bankrupt in these commodities. I am sorry to say that their bankruptcy is

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<sup>2</sup> Baron Hatch of Lusby (life peer, cr 1978); secretary, Commonwealth Dept, UK Labour Party, 1954-1961.

becoming transparent to almost everyone. One can say for them that they, or some of them, meant well, but that is all.

8. That disposes of, and I hope has cleared your mind about, our rather insubstantial and perhaps rather futile political parties. Now I want to take both a wider and a more penetrating look at the situation in an attempt to assess the real political factors which, however much they do or do not influence the present, are likely to govern the future.

9. Let us take first the Non-Africans. We have hitherto hung on to the traditional idea of European leadership, because it was expedient to do so. There were not any other leaders and it enabled us to keep in with Kenya. I am myself inclined to think that it is remarkable that this policy of expediency has worked as well as it has. The truth is that there are practically no European "inhabitants" of the territory, but only a few hundred farmers with a stake in the land and they are either [sic] *émigrés* from the *ancien régime*s in the United Kingdom and India who like the sun, plenty of servants and low income tax rates. A few of them are here to make money and still fewer do so. With rare exceptions they would all clear out if they could sell their farms without loss, which they mostly cannot do so owing to the remoteness of the farming areas, the uncertainty of the climate and, in the Southern Highlands particularly, the general poverty of the soil. Where the conditions are otherwise the tendency is for big money to come in and buy up the available freehold estates for profitable development. But this brings few if any new "inhabitants" and when Bayldon,<sup>3</sup> leader of U.T.P and of the Unofficial Members of the Legislature, advocates (in the Council) bringing thousands of settlers into the country, his want of sense is not only political. It is true that when we do advertise farms there is generally no dearth of applicants such as B.B.C. violinists, bar tenders and hairdressers, but an almost complete dearth of suitable applicants. There is also the fact that our farmers are a heterogeneous cosmopolitan lot. In the Northern Province there are no less than 27 nationalities. Many of them are not British so that, though they can vote, they cannot stand for Legislative Council.

10. Looking ahead we may expect to see a continuing erosion of European farmers, with their estates being acquired by Asians, Africans or plantation companies. This will reduce such European interest as there is in Tanganyika to that based on commerce and investment, although the personal influence of individual Europeans, generally a good influence, is an important factor. There is still a quite considerable flow of capital into the territory, particularly for tea, mining and secondary industries, and of course there remains the substantial sisal interest so far as it is European. But in terms of quantity and quality of European manpower, it amounts to very little. There are not many resident directors. The concerns are run by managers or even branch-managers subordinate to head offices in Nairobi.

11. I am sorry to have to say it, but we must now face the fact that European leadership in Tanganyika is on its way out, and that in any future constitution-making the representation of European interests is going to be one of our headaches.

12. Next let us look at the Asians. The Muslims, led by the Ismailis and the Bohoras, remain the majority. In very many ways they are excellent citizens deserving well of the country and this government, to both of which they are loyal.

<sup>3</sup> Ivor Bayldon, farmer and co-founder of UTP; leader of unofficial members of Legislative Council from 1955.

But they do not combine well and their natural forte is for a materialist progressiveness rather than for politics. They do regard, or they have so far regarded, themselves as Tanganyikans and it is going to be both interesting and important to see how they face up to the new situation. At present, for fear of the future and of upsetting African opinion, they are not supporting U.T.P. as much as it was thought they would. However, the Aga Khan has dropped a hint to the Ismaili community that they should support any respectable party that pursues a non-racial policy and they are holding a territorial convention in December which may leave that community, which is much the largest and most important, with a common sense of political purpose and direction.

13. The Hindus, so fortunately in the minority, are disloyal to the British connection and in political matters take their cue from New Delhi. They are thus in the curious position of being ever ready to give a warm handshake to any political agitator while continuing unabashed to cheat the African by and large to any extent possible.

14. Now I will try to give an account of African opinion so far as I can assess it. First and foremost no African can, any more than you would expect him to, resist the emotional appeal of black nationalism: but it is as well to keep in mind that it is only his emotions that are thereby aroused and once they are put to rest his reasoning is dictated by purely and very local considerations affecting the well-being of himself and his family. Thus, except where there is land shortage, he has in the past welcomed, and even today does welcome, European agricultural enterprise because it provides him with money and social amenities otherwise unobtainable. By the same reasoning he welcomes the Asian trader, but whereas his relationship with his European employer generally matures on a basis of friendly understanding and mutual respect, it is not so where the Asian trader is concerned, rather the reverse. It is probably true to say that his attitude towards non-Africans generally is becoming more critical and that he will from now on become less and less willing to concede property in land or political rights to those merely to make money.

15. there is one other human type to be considered and that is the imported Civil Servant, nowadays almost entirely British. With all respect to others, they are still the most important type in Tanganyika, and I had been rather disturbed during the last few months by various reports emanating from Bayldon, Hitchcock, the Karimjees, Nazerali<sup>4</sup> and Brian Willis (the Secretary of U.T.P.) and the like to the effect that the Administration has lost its grip and its leadership, that the Administration is markedly pro-African, in sympathy with the aims of T.A.N.U., anti-U.T.P. and not loyally pursuing Government's policy. During the recent Royal Visit, Douglas Williams, the "Daily Telegraph" representative, had a talk with me about the political situation and reiterated this and said that he had heard that the Service had lost confidence in Tanganyika and was adopting a defeatist attitude. I have discussed it with Provincial Commissioners and with District Commissioners in some Provinces, and I have analysed the position as far as I can.

16. It is true that to a small extent there is a big question of doubt about the future, and the careerists show anxiety. It has always been traditional that the Administration should be the protectors of the African and their sympathies

<sup>4</sup> Sir Eldred Hitchcock, chairman, Tanganyika Sisal Growers Association; A Y A Karimjee, Bohra leader and mayor of Dar es Salaam; V M Nazerali, president of Ismailia Council.



generally lie with the African and not the Europeans. There was a period when the Government Swahili newspapers did appear to favour T.A.N.U. by publishing reports on their activities and not putting anything in about U.T.P. There is a fear among the more conservative members of the Service that should there be a change of Government in the United Kingdom there will be sweeping revolutionary changes here which they would find intolerable. Moreover, there is rather a blockage in the Administration at certain levels and the Provincial Commissioners of the neighbouring territories are on average six or seven years younger than ours, and it is true that there have been quite a number of resignations in the last year or two, but all for personal reasons. I am quite satisfied that there is no serious loss of confidence, disloyalty to Government or sense of defeatism among the Administration and, in fact, the Administration in the Northern and Lake Provinces is of the highest standards of anywhere I have known in the Colonies. But I have traced this feeling back, not to the Administration, but to the Unofficials, particularly in the sisal industry and among certain farmers who openly express their lack of confidence in their future and either want to clear out, or invest such money as they have elsewhere. I have told Bayldon and Hitchcock to clean up their own stables first. It was no doubt from this source that Douglas Williams took up his views.

17. It is in the context of all that I have written so far that the Franchise Committee has now completed its work and has reached unanimity. It has been found necessary, as we rather expected, to meet such public opinion as exists on the matter by diluting the qualifications, the most important changes being a reduction of the age from 25 to 21 which makes things easier administratively; reduction of the educational qualification from Standard XII to Standard VIII, which was necessary because so few people have Standard XII; a reduction of income from £200 to £150 per annum, and making special provision for tribal elders. The net result of this, which I think will be acceptable to us and I hope the Secretary of State, will be that more Africans will qualify for votes than Europeans or Asians put together. But, of course, with having to vote for one of each race there is a safeguard. T.A.N.U. has publicly proclaimed that they propose to having nothing whatever to do with the elections and as no one else, except the Asian Association, is interested I very much doubt whether many votes will be cast. The most difficult thing is going to be to choose the constituencies in which elections should be held in 1958. The areas such as the Northern Province and the Southern Highlands which, in the past, demanded elections, are now very much against them.

18. That, I am glad to say, concludes the background and I can now come down to brass tacks of what to do about it, accepting that the objective is to bring Tanganyika to self-government within the Commonwealth.

19. It will already be obvious to you that with European leadership virtually defunct, and Asian leadership no more acceptable to the Africans than it would be to us, the transition to African leadership had best be made as soon as practicable. Let us examine the difficulties, taking first the quality of the African leadership immediately available. The most influential African is, of course, Julius Nyerere and the question is whether or not he is available. I do not know, but I think he might be. That he should have disentangled himself, even temporarily, from his disreputable associates and Hindu creditors is a step in the right direction. That his more respectable mentors at home should have saddled him with the relatively moderate and politically expedient but facile idea of 2:1:1 parity is at first sight a technical



hitch, but less so because of the readiness of some Europeans and Asians here to respond to it. But I think we might turn even that to good account if, bearing in mind that while I cannot prevent negotiation between the leaders of the three races, I may be able to influence it, we let it be known off the record that we are ready for the ways and means of doing 2:1:1 or something like it to be explored when we have taken the hurdle of our first elections and during the life of the next Legislative Council. If that, coupled with the liberalised franchise (which if they want to they can very well claim as their victory), brings Nyerere into the fold, well and good: but that is as far as we could responsibly go and so it would be his choice whether to come in or stay out in the cold. If he stayed out and, with whatever following he might then have, boycotted the first elections, there would still be some good if [there were] less sophisticated Africans through whom we could work and make the leaders for the time being, if not for longer. The people I have in mind will not necessarily be either U.T.P. or ardent T.A.N.U., but they could be the leaders of a renovated U.T.P. which acknowledged African leadership.

20. Bound up with the production of African leadership is the question of whether the time has come to begin to move towards responsible Government, as the half-way house on the road to self-government. There would undoubtedly be advantages to be gained if we could have unofficial "Ministers" who were not solely the Governor's nominees and were chosen from among and in consultation with the Unofficial Members of Legislative Council. It could take some of the strain of collecting and assessing unofficial opinion off the shoulders of the Governor and the Chief Secretary, and it could also facilitate Legislative Council business both in and outside the Council. The main difficulty is that neither on the Government nor the Representative sides [sic] is there anyone really up to running a full time Membership and they themselves would not find it at all easy to decide who to put forward. Also, such people who might do are not *persona grata* with the Civil Service with whom they would have to work which, while perhaps being a pity, is an important factor. It would probably mean, too, that we would have to dispense with three existing Members as they would be unlikely to be agreeable to being changed to the status of Under-Secretaries. As the Membership system at the moment is working particularly well, that would be a pity. I think it would be a great mistake to introduce the Ministerial system until we can satisfy ourselves that it will be a success.

21. Grattan-Bellew<sup>5</sup> has a new idea which I think could be a useful intermediate step in the right direction. It is to turn Executive Council into a purely policy-making body, in fact a Cabinet, and to set up a Privy Council to which the Members of Executive Council would be appointed together with the Chief Justice, the Judges and certain eminent people. The Privy Council would work in committees who would make rules and regulations in accordance with the laws passed by Legislative Council, and it could have a Judicial Committee to deal with death sentences and other committees to undertake certain relatively unimportant executive tasks which at present take up too much of the time of Executive Council. I think there may be

<sup>5</sup> A J Grattan-Bellew, attorney-general and member for legal affairs, Tanganyika, 1952-1956; chief secretary, 1956-1959. The degree of astonishment which Twining's letter caused in the CO may be guessed from the marginal comment written beside the phrase 'Grattan-Bellew has a new idea'; 'He is not the only one!!'.

some good practical advantages in this idea, and a paper is being prepared on it so that we can examine it in detail.

22. The important thing in all these constitutional matters is to keep moving and let it be seen that we are so doing. What I have in mind to do next, if the Secretary of State approves, is as follows. I have already pointed out to the Europeans that the 2:1:1 proposition faces them with the risk of either having to agree to it without regard to how it could be made to work in practice, or of being held up to public ridicule as die-hard dunderheads with an obsession about the present parity, and I have counselled avoidance of formal negotiation on it. I think, however, that there will have to be informal consultations between the leaders of the three races in March or April, and that much will then depend on whether we have solved the question of the finance with which to carry out a forward looking integrated policy. Thereafter, and we should keep in mind that in the meantime the electoral bill should have been published, I should in my address opening the 1957/58 session of Legislative Council announce that after the new Legislative Council has been constituted in 1958 I propose to appoint a committee of that Council to study the next constitutional steps. I propose that I should go on to say that the particular points for study will include an appraisal of how the qualitative franchise worked, to suggest in which constituencies elections should be held in future, to examine the whole question of the introduction of Ministerial responsibility, and to ascertain if there is any really material demand for a change in parity. It is convenient to include here another constitutional point which I think will have to be taken in the same speech and on which I shall need the Secretary of State's advance approval. I think I must announce then, if I do not have to do so sooner, in which constituencies elections will be held in 1958. The criterion which I think should guide us here is that elections should not be held in those constituencies where the electoral roll will return an exaggeratedly overwhelming majority of one race. This rules out Dar-es-Salaam as a too predominantly Asian constituency and the Central, Western, Lake and Southern Provinces as too predominantly African. We are then left with the Eastern, Tanga, Northern and Southern Highland Provinces where I think we must take the plunge notwithstanding that in all four there is now a resistance to rather than a demand for elections on the part of the Europeans. There will, of course, be an awful outcry from the Hindu Asians and T.A.N.U. about the exclusion of Dar-es-Salaam, and it may be, but I do not think so, a cause of resentment to the more moderate urbanised African. It should not be difficult to persuade the latter that we are, in fact, protecting them from an Asian majority, and our ostensible reason for retail to outside critics will be that too large a part of the electoral roll is made up of a floating population with an insufficiently close interest in the town's affairs.

23. I should also make clear to you that until we have actually held the 1958 elections and seen what happens we should be a bit wary in our forward thinking. It is not to be taken for granted that they will be, as elections, very impressive. Whatever the attitude of the uni-racial nationalists may be, it may not be easy to persuade a good proportion of the electorate to go to the polls. There is also the matter of the plural vote which they have got to accept and understand. Insofar as they fail to do so, or are unable to make up their minds about it, there will be a lot of spoilt votes.

24. Now I think I have more or less exhausted myself on the purely constitutional aspects, and it would be nice if I could stop this letter here, but there are other

matters which, though they are more of an administrative nature, are far from unimportant in the context of constitutional development and which I wish to include here so that I may have my whole thinking on the subject at this time set down in one document.

25. For one thing I feel we have not yet solved the problem of putting across to the population our policies and of ensuring that all officers of Government are aware of and understand our policies. I am, therefore, going round each Provincial Headquarters and giving pep talks to all Provincial and District Commissioners and am doing the same with conferences of Senior Agricultural, Educational and Medical Officers in Dar-es-Salaam. I propose in February to do the same again with gatherings of Chiefs and representative members of District Councils, starting in the Lake Province with the Sukuma Federal Council. We are also preparing a short statement of policy which every District Commissioner will have to certify that he has read out and explained to every baraza<sup>6</sup> throughout the territory and we will provide District Commissioners with a number of extra talking points. The short statement will be concerned to make it plain that while we allow free speech that must not be taken to mean that we approve of everything that is said from the political platform and that on the contrary we disapprove strongly of a lot of the rubbish that is talked and which conflicts with our policies. It will go on to re-assert that we are committed to development of Tanganyika for all of its inhabitants and will shortly indicate the individual policies by means of which we are doing this. This, together with the pepping up of our broadcasting and Swahili newspapers, should make our position abundantly clear to everybody in the territory, and since the Africans have a respect for authority, I think it will probably have a tonic effect. This will be particularly so if at the same time we can get the people with us in the formulation of plans for agricultural, educational and other things which are dear to them. In this context there has recently been an important development. While the debate in Legislative Council on the African Education Plan concerned itself scarcely at all with the merits or demerits of the Plan as such and concentrated on an emotional insistence that the Plan be executed immediately and *in toto* regardless of the current financial situation and the consequent curtailment of other Government services, it has transpired that the penny did drop with the African Members. All ten of them have signed a petition proposing that a serious and concerted effort should be made by the African population to increase agricultural productivity, to expand the economy, to obtain the revenue with which to pay for Social Services. This is not just an idle gesture and there is no doubt that a great deal can and must be done on these lines if we are to go forward. I shall discuss it further with the African Members of Legislative Council in December, and I hope very much that, with African goodwill at District Council level, and with the information already accumulated by the Agricultural Department, and with some financial aid from H.M. Government, we shall be able to set in motion a from-the-bottom-upwards Swynnerton Plan for Tanganyika.

26. For another thing, I think it is time that we took a new look at the three East African territories, or the four if you include Zanzibar, in the light of their separate constitutional progressions. The fact is that each is pursuing its own political course without consultation and, indeed, sometimes without informing each other of what

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<sup>6</sup> Baraza: place of public audience, council, African court of justice.

they are doing or going to do. I feel we are drifting apart more and more and the curious thing is that it appears to be less and less the case that what happens in one territory is of powerful influence in another. Governments and those who participate in politics and public affairs may take note of what is happening in other territories, but if so, they sigh, shrug their shoulders, express regret that we are not pulling in the same direction, and leave it at that. This may be a good or bad state of affairs, although I have always been under the impression that H.M. Government has tended to look upon the future of East Africa as a whole and to make decisions on policy in that context. But however that may be, I feel that the time has, or may shortly be opportune for there to be a meeting, not a much publicised formal meeting in London, but an informal meeting in East Africa, of the three Governors and the British-Resident, Zanzibar, with a Minister, to review our various political programmes and to see whether the results of pursuing them are likely to lead to any effect on East Africa as a whole. It may be that we should then come to the conclusion that we have no longer to accept, as we have so readily done sometimes in the past, that we must do this or cannot do that because of the imagined political effect it might have in one or other of the territories.

27. Yet another thing, we might do well to give more thought now to the foundations and the structure of those cultural and strategic links with the United Kingdom and the Commonwealth on which will to an important extent depend the maintenance of the British link when we pass out of the phase of control into the phase of influence. The sort of thing I have in mind is the work of the British Council, which is already making a most valuable contribution to the promotion in Tanganyika of British values and ways of thinking, but one which is quite inadequate when you come to consider that it cannot be more than a generation or so before control gives way to influence. Again, there has been a suggestion that the British Office of Information should set up a branch in Dar-es-Salaam, and it is a suggestion which in this context I must warmly welcome. There is also the proposal to start here a British School of Archaeology which I hope will come off. I myself would like to see H.M. Government making a more serious effort to encourage these and other types of activity which, as it were, planted and cultivated the British connection. If we could afford it, I would like to have a Ministry of Culture in Tanganyika with the task of providing the people with opportunities for developing the social arts and graces which will interest them in and tie them to western traditions. On the strategic side, I do not think that H.M. Government can afford to neglect either the situation of Tanganyika as a vast territory which, together with the Congo, has provided a broad belt of political stability right across Africa from the Atlantic to the Indian Ocean. Neither do I think that H.M. Government can afford to neglect Tanganyika's potential as a source of strategic raw materials, and I am particularly glad that the United Kingdom Atomic Energy Authority is now directing a closer attention to the East African field and that the present indications are that they will set up an office and laboratory in Tanganyika at Dodoma. This, taken in time, could turn out to have been a very important step indeed. An equally important development would be if the Inter-departmental Committee now sitting in London could decide to develop the Ngaka coalfields to help meet the fuel requirements of the United Kingdom.

28. Now I think I really have come to the end of this letter. I am sorry that it has been not only profuse, but diffuse, but I could not otherwise give you a full picture of the present situation as I and my advisers now see it. I have tried to show first that

the political position of the Africans is emerging and is of more importance than in the past. It is all important for us to keep their goodwill and to create a situation which will make them naturally wish to remain within the Commonwealth. Nyerere's personal position is more important than we perhaps like to admit and therefore it is very strongly in our interests that we should try to gather him into the fold, although this might mean making some concessions. I hope that it may be of some help to you in formulating your own approach to the major policy decisions which must now be reached on the nature and degree of material assistance which H.M. Government are going to give to Tanganyika over the next few years. Tilney<sup>7</sup> has gone home for his viva with Galsworthy and his people. Also, if and when the international situation permits, I suppose the Royal Commission Report will at last come up for debate in Parliament.<sup>8</sup> It seems to me, therefore, that, barring the international situation, the time has come when you will be clearing your minds about our future. But, be that as it may, all that I ask for at the moment is that as soon as you conveniently can, you should let me have your reactions to my proposals in paragraphs 20 and 21 of this letter, namely that we should go ahead with the Privy Council idea if closer examination confirms that it has practical merit from our point of view, that in addressing Legislative Council in April or May I should take the important step of announcing the intention to set up a committee to review those constitutional issues which are coming to the fore, and that we should confine the 1958 elections to the Eastern, Tanga, Northern and Southern Highland Provinces. Upon reflection of what I have written, you may consider it desirable to take even more positive action and to make a clear statement of policy which will remove the doubt that exists in people's minds about the future. This would certainly be disarming to our critics, but, of course, has dangers.

<sup>7</sup> C E Tilney, financial secretary and member for finance and economics, Tanganyika, from 1953.

<sup>8</sup> See 285, no 2; 'international situation' is a reference to the Suez crisis.

## 299 CO 822/912

29 Nov–25 Dec 1956

[Tanganyika]: minutes by W A C Mathieson,<sup>1</sup> W L Gorell Barnes, Sir J Macpherson, H T Bourdillon and Mr Lennox-Boyd on Sir E Twining's proposals for African political advancement

### *Mr. Gorell Barnes*

This important letter<sup>2</sup> from Sir E Twining at (26) says that he is feeling his way towards a decisive change in the direction of policy in Tanganyika. The contrast between this assessment and the assessment in his memorandum of May (behind (1) on EAF.297/7/01) is striking. In the latter memorandum he was contemplating an extended period of gradual development without any fundamental structural change over a period up to 1967 or 1970, provided he was sustained by a moderate programme of external financial aid. He now contemplates, even with such a programme (paragraph 22), the necessity to devise in the period 1958/1961 a

<sup>1</sup> W A C Mathieson, counsellor (colonial affairs) to UK delegation to UN, 1951–1954; assistant secretary, CO, 1955–1958. At the time these minutes were written he was head of the CO's East Africa Dept.

<sup>2</sup> See 298.



programme of constitutional change which will reflect a move towards African leadership. This would approximate the pace of change, although not the end result at that time, to the situation in Uganda.

2. The basic reason for this change of opinion seems to be the Governor's conclusion that the unofficial European element in Tanganyika has had an opportunity to display capacity for political leadership and has taken this opportunity to demonstrate that it has none. The analysis of the European community in Tanganyika in paragraphs 9 to 11 of the letter accords with my own impressions. The Asian community, which is inevitably an uneasy filling in the multi-racial sandwich, is also written off as a source of leadership. We are, therefore, left to turn to the 8 million Africans of the Trust Territory. In minutes on EAF.46/7/01, ending (on this topic) with Sir John Macpherson's minute of 17th September, my suggestion that we might publicly concede the destiny of Tanganyika as an African country was turned down for reasons which I respect.<sup>3</sup> The Governor's new appraisal reopens this question. . . .

W.A.C.M.  
29.11.56

*Sir J. Macpherson*

Please see the long letter from Sir E Twining at (26) and the preceding minutes.

2. This is indeed a volte face; and it is rather curious that Sir E Twining should have given us no inkling that his views had changed so radically when agreeing that the Secretary of State should see Julius Nyerere. However, the volte face does not come to us as too much of a shock; for it always seemed to us that it was doubtful whether Sir E Twining would be able to keep to his earlier programme.

3. Mr. Mathieson and I will be discussing Sir E Twining's letter with Sir R Stapledon<sup>4</sup> next Thursday; and I propose to delay submitting Sir E Twining's letter with considered advice to Ministers until we have done so. I am, however, now sending the file to you in case there are any particular points not covered in our own minutes which you would wish us to bear in mind in our discussion with Sir R Stapledon. . . .

W.L.G.B.  
29.11.56

*Mr. Gorell Barnes*

I have to be very careful in commenting on this remarkable change of course! The Office will have noticed, I think, that since joining it I have been leaning over backwards to understand and support the policy now in force for constitutional advance in East and Central Africa—where the conditions, because of white

<sup>3</sup> In the sequence of minutes to which Mathieson refers Gorell Barnes commented: 'We have, however, to bear in mind two things—first that, whereas this development [of Tanganyika as primarily an African country] will take a very long time, it is in my experience the universal practice of Africans, once an ultimate aim or policy agreeable to them has been announced, to agitate for its achievement almost immediately. Secondly, the announcement of any such aim, whilst it might overtly find reluctant acquiescence among the other races in Tanganyika as it has in Uganda, would certainly cause something like a panic in Kenya and also be likely to nip in the bud the first signs which are just beginning to appear of the adoption of a more sensible racial policy by the Federal Party leaders in the Central African Federation' (CO 822/859, minute by Gorell Barnes, 12 Sept 1956).

<sup>4</sup> R Stapledon (KCMG 1956), economic secretary, EAHG, 1948–1954; chief secretary, Tanganyika, 1954–1956; gov of Eastern Nigeria, 1956–1960.



settlement, are so different from those in West Africa. And this notwithstanding the fact that, by comparison with West African nationals [sic], the demands of people like Julius Nyerere strike me as very reasonable in content and moderate in tone. You will recall a conversation we had soon after I took over my present duties, in the course of which we indulged in a post mortem on Colonial policy in the constitutional field over the past ten years. When you asked me if I thought our policy in East and Central Africa was wrong I said that I did not think so. I agreed with it. But I felt that we ought not to be taken by surprise if the build-up of an African nationalism made it necessary for us to travel rather faster than we had planned.

If Tanganyika (and Nyasaland) were isolated from territories like Kenya and Northern Rhodesia I would unhesitatingly have favoured or advocated the change of direction and pace now suggested by Sir E Twining (compare Sir R Armitage's policy for Nyasaland—to give the African a political horizon).

I do not want to hold up this file which will be wanted by the Department for discussion with Sir R Stapledon. In general I agree with your minute.

J.S.M.

4.12.56

*Mr. Gorell Barnes*

We had a discussion with Sir Robert Stapledon on the 6th December. We went over with him all the points in Sir E Twining's letter and much of what we said is reflected in the draft opposite. I should in addition record the following points.

2. Sir Robert said that the concept of a Privy Council had not been fully worked out in Tanganyika. He thought of it as a possible means of appearing to associate with the formulation of public policy various representative notables in the territory, as it were a step towards an upper house.

3. On the problem of placing unofficial members of Executive Council in charge of Departments, he agreed that the difficulty of displacing existing Members could be met by splitting portfolios and that the Governor might well be moved by argument on this issue.

4. On the question of omitting Dar-es-Salaam as one of the constituencies for the first electoral experiment, Sir Robert agreed that the argument regarding a floating population was unconvincing and even dangerous since it might lead to the argument that floating Europeans had no claim to the franchise in Tanganyika. The exclusion of Dar-es-Salaam had been largely his own recommendation, on which he thought the Governor had not taken a final view. His argument had been that Julius Nyerere would probably stand in Dar-es-Salaam, would owe his election and continuation in office to the Hindus on whom he would become undesirably dependant [sic]. He agreed that the arguments in favour of including Dar-es-Salaam (set out in the draft) were strong and he did not dissent from the proposal which it is suggested we should make to Sir E Twining on this point.

5. On the Governor's remarks in paragraph 26 of his letter about lack of co-ordination in East African policies, he said that this was probably not very precisely expressed. He believed that the Governor's real view was that with the change of Governor in Uganda it might be possible for the East African territories to work more closely together than they had hitherto done.<sup>5</sup>

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<sup>5</sup> Cohen was due to leave Uganda in 1957.

6. Sir Robert's interpretation of the last two sentences of the letter (which were added by Sir E Twining himself) was that if the Secretary of State felt that the time had come to make a more positive declaration of the ultimate African character of Tanganyika he, the Governor, was not impervious to such a suggestion. He felt that the Secretary of State might think that such a move would steal some of the thunder of the critics.

7. I have tried to represent the views which we arrived at at the meeting in the draft opposite to Sir E Twining. I think that Mr. Bourdillon should see at this stage.

W.A.C.M.

10.12.56

*Sir J. Macpherson (through Mr. Bourdillon)*  
*Secretary of State*

The long letter from Sir E Twining at (26) about future constitutional development in Tanganyika has been considered in the Department (minutes beginning with Mr. Rolfe's minute of the 23rd November and ending with Sir J Macpherson's minute of the 4th December) and also in discussion with Sir Robert Stapledon (Mr. Mathieson's minute of the 10th December).

2. Mr. Mathieson has brought together the results of this consideration in the draft reply submitted opposite. I have slightly amended Mr. Mathieson's draft in one or two places with the purpose either of making it a little less dogmatic or of avoiding the danger of giving offence to any senior officers in Tanganyika who may see it. But the draft seems to me to reflect closely and succinctly the upshot of the consideration which has been given to these matters.

3. Against the very greatly increased tempo proposed in Sir E Twining's letter and this draft reply it might be argued that it was stated in 1952 that the present form of parity was expected to last for a considerable time and that, if we start to speak about moving forward from it when it has only been in existence for about a year and a half, no one will ever believe what Government says. This is a serious point, which needs serious consideration. On the other hand, if a vessel does not prove strong enough to hold the wine which has to be put into it, then I fear there is no alternative to casting a new vessel. Further, under the sort of programme which Sir E Twining now envisages, it will presumably not become apparent that the present form of parity is to be abandoned until sometime in 1958 or 1959.

4. Another point to which it is right that I should draw attention is that, if Sir E Twining were to accept our own view that a small start should be made before long with introducing Unofficials into executive Government, this will certainly increase the pressure in Nyasaland for the inclusion of Africans in Executive Council there. As you know, the present position is that both Sir R Armitage and we are inclined to think that this is a development which ought to take place fairly soon now, but that the possibility is viewed with misgiving by Northern Rhodesia and would probably create consternation in Southern Rhodesian and Federal circles. This is a matter which the Secretary of State will no doubt be considering during our forthcoming visit to Central Africa.

5. On balance my view is that it is right to go forward in Tanganyika in the manner proposed in this correspondence. I am sure, in any case, that Sir E Twining would not have recommended this course if it were not necessary.

6. I am submitting this file through Mr. Bourdillon in case he should wish to comment from the United Nations point of view.

W.L.G.B.

11.12.56

I am very grateful to have seen these papers. All I can say is that from my point of view the latest turn of events is extremely satisfactory. We must not of course allow the United Nations tail to wag the Tanganyika dog, but unless we keep the Trusteeship Council reasonably sweet during the difficult years ahead it may be able to cause quite a lot of trouble which will, adversely affect orderly progress in Tanganyika. From this point of view it is important that we should be able, while resisting pressure for 'government by time-table', to give evidence of steady and systematic constitutional advance. I have been frankly doubtful whether Sir E Twining's earlier plans measured up to this requirement, but his latest ideas are much more encouraging. I agree, however, with the view expressed in previous minutes and in the draft reply that a start will have to be made with the association of unofficials with executive government. I don't think Sir E Twining's arguments against this are at all convincing.

2. Much the same consideration seems to me to apply as regards the U.S.A. I have already reported to Mr. Gorell Barnes and Mr. Mathieson on the results of my visit to Washington in October. By and large I believe that American public opinion is now very sympathetic towards our Colonial policy and that the problem ahead of us is to persuade the Americans not to alter their convictions but to come out with their convictions in public. This is a general subject on which I may have something further to say on other papers.<sup>6</sup> For obvious reasons East (and Central) Africa is the remaining area of difficulty, but even here I think the Americans are ready to be sensible and sympathetic—as in decency they ought to be, in view of their colour problem!—provided we can fortify them against their own public opinion by showing that we are going resolutely if carefully ahead.

3. I endorse everything that has been said about the importance of 'capturing' Mr. Nyerere. I think this is likely to be crucial from the U.N. point of view, and if with this object in view it proves necessary to go a little further or a little faster than is even now envisaged, I for one would regard the price as worth paying. I think it will be fatal if Mr. Nyerere is allowed to become a dissident and disruptive voice speaking with the support of the United Nations. It is a pity that he will be receiving an oral hearing in New York in the almost immediate future—before any of the 'new thought' about Tanganyika can see the light of day. That cannot be helped, and we shall just have to rely on Mr. Gidden's<sup>7</sup> great skill to ensure that the occasion passes off reasonably quietly. I do greatly hope, however, that we shall be able to time things so that Sir E. Twining's proposed announcement next spring happens before (or during) rather after the Tanganyika debate in the Trusteeship Council. I should be most grateful if E.A. Dept could keep in close touch with I.R.D. about this, since we may be able to influence to some extent the exact date on which Tanganyika comes up in the Trusteeship Council's spring session.

<sup>6</sup> In fact Bourdillon had already worked on this problem; see part I of this volume, 169, 171, 172.

<sup>7</sup> B O B Gidden, assistant secretary, CO, 1951–1954; counsellor (colonial affairs) to UK delegation to UN, 1954–1958.

4. I told Mr. Mathieson after I came back from Washington that I thought it would be very useful to take rather special steps, whenever we can, to keep the Americans informed of our constitutional plans for East Africa, even when they are still in the confidential stage. Obviously there are severe limits to the possibilities of doing this, but I think it might pay handsome dividends. I should be grateful if the point could be borne in mind in the present context. Needless to say, the most that could be done would be to give the Americans some short advance notice of the announcement of decisions after these have been firmly taken.

H.T.B.  
12.12.56

I have kept these papers a long time I am afraid but I wanted to study them very carefully. Its a very strange change of view. I hope the Governor will not take Mr. Gorell Barnes' draft as committing us to any particular line for the Governor's speech on policy.

There are aspects of it, "preponderance of African population will increasingly be reflected etc"; Dar es Salaam; and other points on which I'd like a talk on our return from C.A. Also on the statement in the Governors letter that European leadership [sic]<sup>8</sup> is on the way out.

Subject to X above<sup>9</sup> I am happy to see the Draft issue.

A.L.B.  
25.12.56

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<sup>8</sup> It may be relevant that this minute was written on Christmas Day.

<sup>9</sup> X referred to the final sentence of the first para of Lennox-Boyd's minute.

**300** CO 822/912, no 30

28 Dec 1956

[Tanganyika]: letter (reply) from W A C Mathieson to Governor Sir E Twining giving CO views on Twining's proposals for African political advance

We have been most stimulated by your secret and personal letter GH.1021 of the 12th November on future constitutional steps in Tanganyika.<sup>1</sup> We had a long talk over it with Robert Stapledon and Gorell Barnes had hoped to write to you before his departure for Central Africa. This proved impossible but he has seen the draft of this reply in which I will try to comment in sequence on the arguments as set out in your letter.

2. On T.A.N.U. we feel ourselves that Nyerere is probably capable of being a moderate and sensible chap, liable to tailor his opinions to his audience, but nevertheless worth sweeping into the fold. We shall have to take another look at this assessment after we have studied his performance in New York but meanwhile we share your view that he should, if feasible, be rescued from the possible collapse of his present chosen instrument. The Executive Secretary of T.A.N.U. seems to have had little difficulty in having *his* political propositions enthusiastically endorsed by the Asian Socialists in Bombay.

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<sup>1</sup> See 298.

3. We are not surprised at the failure of the U.T.P. We accept your diagnosis of the political capacities in the settled European unofficials and the Asian community in Tanganyika although the Secretary of State would like another chance to reflect on the evidence that European leadership is on the way out. Such acceptance leads to the conclusion that we must work for moderate African leadership, which would, we hope, be acceptable and not confidence destroying for the other communities. The question of pace is obviously of prime importance as well as the problem of selecting the right Africans for grooming.

4. I should like to turn now to the ways in which such a decision regarding direction might be reflected in constitutional evolution. The Secretary of State agrees that you should plan to make in March or April a forward-looking statement to Legislative Council although he does not wish at present to be committed to its precise content. You refer to the possibility of such a statement in paragraph 22 of your letter. We think it would be a mistake to say that one of the particular points for study by the Committee would be an appraisal of how the qualitative franchise worked. We do not want to imply that a change in the basis of the franchise is necessarily one of the next steps. Attention might rather be directed to the need for reviewing the constituencies into which the territory is divided for electoral purposes. The question, therefore, would be how the arrangement of constituencies could best match the distribution of population, and this would lead naturally to an inquiry whether the parity structure of Legislative Council could be maintained to reflect a proper answer on this question. We are not sure what precisely you have in mind in your last two sentences. If your idea were that we should proclaim that we consider the future of Tanganyika to be that of an "African State" a "primarily African State" or even a "fully democratic state", we would be very doubtful about it. We do, however, think that there might be a good deal to be said for a statement to the effect that as the territory and its people progress it is to be expected that the preponderance of its African population will come to be increasingly reflected in the composition of its political institutions, such a statement to be included in a speech in which due emphasis is also placed on the need to progress step by step if progress is to remain orderly and confidence is to be retained. The timing of such a statement in relation to our next examination by the Trusteeship Council is a question of importance which we shall have to consider. The signs are that we shall come in for fairly rigorous probing and it would be advantageous to be able to exploit any shift of emphasis in New York; but our performance there would have to come after the speech to Legislative Council.

5. I would now like to deal with the question of the Privy Council. You say that this idea is only now being worked out and we would not like to be over-hasty in questioning it. On the other hand, it seems at first sight to make little if any contribution towards the solution of the problems which you analyse. It can hardly be said to be a step in the transition to a ministerial system if it has the effect of ensuring that unofficial appointments are made to a body which has only a remote connection with policy formulation. The flavour of the judiciary is also unattractive. There may be something to be said for some sort of step towards the formation of a sort of upper house or Council of State where various notables, who might not have good chances in any election, could be given a [sic] honorific position where their experience and prestige could be deployed in support of Government. We shall naturally be very ready to look at any proposal you may wish to elaborate, but I must

say frankly that we cannot see much prospect of this device proving a real contribution to the solution of our problems.

6. We are more attracted by the idea of making a start with unofficial participation in executive government. You raised a number of objections in your paragraph 20 to taking this course. When it is taken it is quite exceptional in our experience for those chosen to be "really up to running a full-time membership" by the rigorous standards of the Colonial Service. The Service is now having to accustom itself to a dilution of quality and efficiency on the road to self-government and, once they are over the hump of decision, most of our senior officers are showing great capacity for flexibility in their approach to the problem of working with unofficial colleagues. We feel sure that those in Tanganyika will, when the need arises, prove no exception. It does not seem by any means inevitable that existing Members would have to be displaced. Many of them now hold very extensive portfolios and it has proved possible in other places to split large memberships and hive off additional Ministries where the incumbent if served by a good permanent secretary cannot do too much damage even if he is inexperienced. We wonder if you could reconsider this aspect of planning for the future. It occurs to us that, if we could move fairly soon to the introduction of unofficials with departmental responsibility on a 1:1:1 basis we might then contemplate, after the elections in 1958, a move to 2:1:1 and even perhaps sweep Nyerere into the fold by giving him e.g. education as his particular headache at that time. He might even be quietly told that this would happen if he did succeed in the elections and this might somewhat moderate his political line.

7. Another important point you raise is the question of which constituencies to select for the first electoral experiments. From this end it is very difficult to see how the exclusion of Dar-es-Salaam could be defended. It is after all the capital of the territory and the very floating nature of its population means that it could be held to be more representative than other areas of the general interest. We recognise the danger that with a predominance of Asians in the probable electorate Nyerere might be elected and remain dependant [sic] upon Asian support. This would be unhealthy if he were a free-lance operator outside Government but might well be mitigated if he were harnessed to the team. If you dislike the idea of running one of the first elections in a constituency, without a bare African majority amongst the electors, you could perhaps balance it by adding elections for the Lake Province where presumably the African majority would be striking. Of course, if we were to have elections in six constituencies out of nine it would be difficult to say why we were not having elections throughout the country. We do not feel that we have sufficient local knowledge to take a really sound view on this question, but it has occurred to us that elections in Tanga, the Northern Province, Dar-es-Salaam and West Lake might be a wiser choice. If you were to split the Lake Province and yet avoid the immediate problem of expanding the Government side to retain a majority over the representative Members you might consider eliminating "the Members to represent the general interests of the territory" on the representative side and transfer the personalities involved to additional seats on the Government back bench. You might indeed think it wise to take this opportunity to expand the Government back bench even further and give the government a majority somewhat less dependant [sic] than it is at present on everyone being fit and in their place. This might of itself provide an opportunity of bringing on to the Council some of those you had selected for



grooming as future African leaders, and build them up to the point where they can win an election if they have to face one. We are glad to note your tribute to the quality and morale of the provincial administration. I am sure that we must give them a cohesive, stable and forward looking policy to operate which will enable them to retain their own prestige and the confidence of their parishioners.

8. I have not dealt in this letter with the problem of the resources needed to sustain the policy we regard as politically wise. As a result of Tilney's visit we now have a very good understanding of the grave problems which you face in the financial field and we are discussing with the Treasury the line we can best take to help you meet them. I cannot really usefully comment on this aspect until these discussions are complete. It is clear, however, that a switch to African leadership will demand a substantial educational effort. It seems also that some sort of Swynnerton plan for Tanganyika will turn out to be a necessary element in any financial programme. As against all this the changes in the financial position since you were last in London have not made it any easier for H.M. Government to embark on new programmes of assistance which cannot be clearly shown to lead fairly speedily to conditions in which they will no longer be necessary.

9. I am not sure that I agree with your reflections in paragraph 26 of your letter on the centrifugal course of political development in East Africa as a whole. As we see it from here the various territories have been keeping in close touch over the development of franchise proposals which are based on the common objective of establishing a qualitative franchise suited to the conditions of each territory.<sup>2</sup> We also hope that the reconstitution of the Central Legislative Assembly will give more life and reality to its deliberations. We agree, however, that there is a case for an attempt to work out main lines of policy for East Africa as a whole with a view to setting a pattern for the next 5 years or so, and we are now turning our minds to the problems involved. The process could very usefully culminate in a well prepared meeting in East Africa of the three Governors and the British Resident with a Minister from the Colonial Office. We shall have to give Crawford<sup>3</sup> some time to settle down in Uganda before we could reasonably ask him to participate in such a meeting, but perhaps we might aim at a Minister being conveniently in East Africa at the time of a High Commission meeting in the later months of next year.

10. I should welcome your reaction to the points put forward in this letter. I must add a final work on its status. The Secretary of State has closely considered your letter and the draft of this comment but would, I think, like some time for reflection and discussion before becoming committed to any striking public reorientation of policy. It is a big step from the concept of Tanganyika as a classical "multi-racial" society, with an enduring core of European leadership, however small numerically, to recognition of the element of European guidance as a prop to be gradually removed rather than a bulwark to be built in. Within these limits we have his authority to write to you as I have done.

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<sup>2</sup> See 296.

<sup>3</sup> F Crawford (KCMG 1953), gov of Seychelles, 1951–1953; deputy gov of Kenya, 1953–1957, gov of Uganda, 1957–1961.

**301** CO 822/912, no 31

7 Jan 1957

[Tanganyika]: letter from W A C Mathieson to B O B Gidden (New York)<sup>1</sup> on the proposed change in Tanganyika policy

I think you will find it useful to have by you for personal reference the enclosed copies of correspondence with Sir Edward Twining which indicate the ways in which our Tanganyika policy may shift over the next year or so.<sup>2</sup> As you will see from the correspondence we are still at a very preliminary stage of consideration of these problems and there is nothing of which we could yet make public use in the United Nations. The trend of the argument however indicates that we should perhaps be a little less forthright in asserting our traditional policies when they become a matter of public controversy since the last thing we would like to happen is that the United Nations should appear to gain credit for forcing any changes which we may make. I will keep you in touch with developments.

<sup>1</sup> See 299, note 7.

<sup>2</sup> See 298, 300.

**302** CAB 129/48, C(51)11

9 Nov 1951

'Closer association in Central Africa': joint Cabinet memorandum by Lord Ismay and Mr Lyttelton. *Appendix II*

[Extract]

[The proposed federation of Southern Rhodesia, Northern Rhodesia and Nyasaland was a major item of business left over from the previous government; see BDEEP series A, R Hyam, ed, *The Labour government and the end of empire 1945-1951*, part IV, chapter 8(3).]

We recommend that His Majesty's Government should issue a statement (as in Appendix I)<sup>1</sup> strongly endorsing the proposed Federation of Southern Rhodesia, Northern Rhodesia and Nyasaland. The last Government failed to give a lead to opinion.

2. Federation will be of the greatest advantage economically, and is likely to provide the only effective means of resisting Afrikaner pressure on these territories.

3. The situation following the recent Victoria Falls Conference has reached a point at which the legislatures and public opinion in the countries concerned are awaiting a statement by His Majesty's Government.

4. In our view this should be made as soon as possible and before the Secretary of State for the Colonies goes to Malaya.

5. White public opinion in all three territories is generally in favour. On the other hand the Africans have declared their opposition. The strength of this was partly due to the lack of a lead from the last Government, which allowed the opponents of the proposals to misrepresent them.

<sup>1</sup> Appendix I is not printed. The statement, endorsing the conclusions of the Victoria Falls Conference of Sept 1951 (on which see BDEEP series A, R Hyam, ed, *The Labour government and the end of empire 1945-1951*, part IV, 444) and expressing the government's intention to proceed towards federation on the general lines of the report of the London conference of officials of Mar 1951 (see *ibid*, 435) was approved by Cabinet on 15 Nov 1951 (CAB 128/23, CC 7(51)5) and made by Lyttelton in the House of Commons on 21 Nov (*H of C Debs*, vol 494, cols 392-394).

6. African interests are fully secured by the proposal that there should be a Minister for African Affairs, ultimately responsible to the United Kingdom Government, and by the retention by existing territorial governments of subjects most closely affecting Africans.

7. The fears expressed in Northern Rhodesia and Nyasaland against complete amalgamation are met by the assurance that no amalgamation will take place without the consent of the inhabitants of the three territories.

8. There is a good chance of winning over the African opposition by His Majesty's Government giving them a firm lead, but little or no chance otherwise. The statement proposes that a conference should be held in London in mid-1952 to reach final decisions. By that time we hope African fears will have been allayed.

9. Our views are set forth more fully in Appendix II, of which paragraph 13 outlines the steps which we think should now be taken. The conclusions of the Victoria Falls Conference are reproduced in Appendix III.<sup>2</sup>

10. To sum up, we seek approval of the draft statement now proposed (Appendix I) and of the steps necessary to carry the scheme forward.

## Appendix II to 302

...  
5. In a report<sup>3</sup> of their visit left on record by Mr. Griffiths and Mr. Gordon Walker for consideration after the General Election they strongly recommended that His Majesty's Government should now declare themselves in favour of the federal scheme.

6. In reaching conclusions in this matter there are three points which we must decide:—

- (1) Is closer association necessary?
- (2) If so, what form should it take?
- (3) How should we proceed in the matter?

### *Is closer association necessary?*

7. From the economic point of view there are the strongest arguments in favour of closer association. The economics of the Central African territories are linked by a common port at Beira for all three of them; a common railway system for the two Rhodesias; the dependence of copper mining in Northern Rhodesia on coal from Southern Rhodesia; the dependence of the two Rhodesias on manpower from Nyasaland; and the Zambesi and Shire river basin with its great potentialities for the development of hydro-electric power on a Central African basis. A vast effort of economic development will be needed if food supplies are to be adequate for the growing population and living standards are to be progressively improved. This development ought to proceed on a central African basis so that the resources of the whole region may best be devoted to economic advancement. Experience over the past few years has shown that these matters cannot effectively be handled simply by co-operation between the three existing Governments; the only effective method of dealing with them is by a single federal authority answerable to a single Central African legislature.

<sup>2</sup> An extract only from Appendix II is printed here; Appendix III is not printed.

<sup>3</sup> See Hyam, *op cit*, part IV, 444.

8. From the political point of view the need for closer association is even more urgent. Immigration from the Union of South Africa into the two Rhodesias is almost double that from the United Kingdom and there is no doubt that Afrikaner immigration is being actively encouraged in certain quarters in the Union. A new party, which is in fact an Afrikaner party, has recently been formed in Southern Rhodesia. In Northern Rhodesia the position is still more serious and, unless effective action is taken, it is probable that at the next General Election in 1953 Afrikaners will obtain half the European seats on the Northern Rhodesia Legislative Council. Southern Rhodesia has already tightened up its immigration control and Northern Rhodesia is shortly to do the same. But immigration control is not sufficient by itself to resist encroachment by the Union. We are faced in Central Africa with pressure by a country far stronger economically and industrially than any of the Central African territories, led by a militant Nationalist party with expansionist aims, anxious to strengthen its influence in the north. This pressure can be countered only by an equally firm policy of resistance to it both in the political and in the economic spheres, a policy which, in our view, has little chance of succeeding unless we can establish a British *bloc* of territories in Central Africa knit together by constitutional ties. The danger to British interests at present assailing the Central African territories cannot be too strongly emphasised. Positive steps must be taken to resist it and by far the most effective step would be active support for federation by His Majesty's Government.

9. For these reasons our firm conclusion is that closer association of the three Central African territories is an urgent necessity.

*What form should closer association take?*

10. Complete amalgamation of the three territories would have the merit of simplicity and many Europeans would prefer it to federation; but most responsible people in Central Africa to-day realise that amalgamation is not practical politics. The Victoria Falls Conference unanimously agreed that any consideration now or in the future of amalgamation of the three territories should be excluded unless a majority of the inhabitants of all the territories desired it. The Southern Rhodesia Ministers and representatives of Europeans in Northern Rhodesia in subscribing to this statement knew, of course, that there was no chance of Africans agreeing to amalgamation at any time in the near future. Amalgamation would involve the absorption of Northern Rhodesia and Nyasaland in a combined territory with a self-governing constitution broadly on the lines of the present Southern Rhodesia constitution, the bringing to an end of the Protectorate status of the two northern territories and the abrogation of the present control of the United Kingdom Government and Parliament over policy in these two territories. It would be bitterly and violently opposed by African opinion in Northern Rhodesia and Nyasaland and in our view would be quite unjustifiable. The same would apply to amalgamation of the two Rhodesias or the absorption of any part of Northern Rhodesia by Southern Rhodesia.

11. On the other hand, federation on the lines recommended in the officials' report would leave the three territories with their own Governments and Legislatures dealing with the subjects most closely affecting the lives of the people; and within the territorial sphere the United Kingdom Government and Parliament would retain their existing control over policy in Northern Rhodesia and Nyasaland. We are

convinced that federation is the right solution and that the scheme put forward by the conference of officials is well adapted to the conditions of Central Africa. Certainly federation is the only form of closer association to which there is any chance of securing African agreement or acquiescence. We believe also that, given a lead by us, Europeans throughout Central Africa would accept a federal scheme.

*How should we proceed in the matter?*

12. Because of the pressure from the south we are anxious that final decisions on federation should be reached without undue delay. Nevertheless, we are sure that it would be wrong to attempt to force the proposals through now against the present African opposition in Northern Rhodesia and Nyasaland. If we did this we should provoke bitter and possibly violent opposition in the two Protectorates; moreover, we should have a considerable section of European opinion in Central Africa, particularly in Nyasaland, against us. If, on the other hand, we make a further attempt to persuade Africans and then seek to settle the matter at the 1952 London Conference—a course which the Southern Rhodesia Government and public opinion generally in Central Africa is expecting—we shall have the advantage of accepting what was agreed by the Victoria Falls Conference, including the African representatives, and of following the recommendations of our two predecessors. We may not be able to avoid controversy, but we can at least reduce it to the minimum. We are sure that a further attempt at persuasion must be made. We cannot promise that this will succeed; but if it is to have any chance of success we are strongly advised by the Governors of Northern Rhodesia and Nyasaland that it must be preceded by a definite statement by His Majesty's Government in favour of federation, which ought to be made at the earliest possible moment. Since such a statement will be primarily designed to win over Africans, it must deal fully with the safeguards for African interests and, in suitable terms, with the danger of Afrikaner pressure. It is with that in view that paragraphs 3 and 4 of the draft announcement in Appendix I have been included.

13. We accordingly recommend that the following action should be taken:—

(1) A statement in the terms of Appendix I should be made in the House of Commons before 26th November endorsing the conclusions of the Victoria Falls Conference and declaring His Majesty's Government's view that there is an urgent need for the closer association of the Central African territories; that this should take the form of federation; and that His Majesty's Government would favour a scheme on the general lines of the report of the London Conference of officials.

(2) The Governors of Northern Rhodesia and Nyasaland should be authorised to arrange further discussions on the proposals with Africans in the two territories on the basis of His Majesty's Government's statement.

(3) The discussions proposed in paragraph 5 of the final communiqué of the Victoria Falls Conference (see Appendix III) between His Majesty's Government and the three Central African Governments, or between the three Central African Governments themselves, should be undertaken with the object of elucidating points of detail in the officials' report in preparation for the London Conference.

...<sup>4</sup>

<sup>4</sup> Following informal talks in London in January 1952 with the prime minister of Southern Rhodesia and the governors of Northern Rhodesia and Nyasaland, a further conference was convened in London in April

and May 1952 and drew up a draft federal scheme which was published in June (Cmd 8573). A final conference met in London in Jan 1953 to consider the draft scheme in the light of the report of three Commissions (Fiscal, Civil Service Preparatory and Judicial) set up on the recommendations of the previous conference. The conference agreed upon a number of improvements and incorporated them in the final scheme which was published in Feb 1953 (Cmd 8754). The constitution of the Federation of Rhodesia and Nyasaland was approved by the UK parliament in July 1953 and came into effect in Sept.

### 303 CAB 129/48, C(51)21

19 Nov 1951

#### 'Bamangwato affairs': Cabinet memorandum by Lord Ismay

[The problem of the chieftainship of the Bamangwato people in Bechuanaland was another issue inherited from the previous government. Seretse Khama, hereditary heir to the chieftainship, had married a white woman in Britain. Mindful of likely South African attitudes and broader geopolitical implications, the Labour government had ruled in 1950 that Seretse must be excluded from Bechuanaland for five years, after which the position would be reviewed. Seretse's uncle Tshekedi Khama, who had acted as regent since 1926, would be unable to enter the Bamangwato reserve, save with express permission, for as long as the chieftainship was in suspense. See BDEEP series A, R Hyam, ed, *The Labour government and the end of empire 1945-1951*, part IV, 422, 424, 439, 440.]

Bamangwato affairs demand action by His Majesty's Government urgently. The Reserve is in a turmoil. The people are perplexed about the Government's intentions. Parliamentary questions are being asked. Tshekedi is returning to London.

2. A summary of the past is attached in Annex B.<sup>1</sup>

3. The question requiring immediate decision is Tshekedi's future, but my colleagues should know in broad outline the over-all solution I have in mind.

4. There is no solution which does not include factors open to justifiable criticism. We must therefore be content with finding a solution which contains the greatest number of good points and is otherwise defensible. It calls for a gradual approach and its announcement will require careful timing.

5. The comprehensive solution I have in mind is:—

(1) the effective exclusion of Tshekedi Khama from the political life of the Bamangwato allied with his return to the Reserve as a private person at the earliest moment consistent with the peace of the tribe and his own safety;

(2) reconciliation between the tribe and Rasebolai Khama, chief lieutenant of Tshekedi and third in adult succession to the chieftainship, and his promotion as a prospective nominee by the tribe for the chieftainship; and

(3) the announcement, after an appropriate interval, of the permanent exclusion of Seretse Khama from the chieftainship of the tribe as a necessary preliminary to their nomination of Rasebolai.

(1) will quiet the tribe and make possible its effective administration under the District Commissioner, who for the present will continue as Native Authority, in which capacity he exercises some of the functions of the chief. (2) will offer a rallying point, alternative to Seretse, for the traditional allegiance of the tribe. (3) will remove permanently from the Union Government a potentially powerful weapon in its campaign for incorporation of the High Commission Territories and the declaration of a Republic.

<sup>1</sup> Annexes not printed.



6. Under an exclusion order issued in accordance with the White Paper policy, Tshekedi cannot enter the Reserve save with the permission, which is granted or withheld according to the situation in the Reserve (see paragraphs 13 and 14 of Annex B). He smarts under the sense of injustice. As soon as we can we must permit him to return to look after his large personal interests. But the observers' reports confirm the existence of such strong feeling against him in the tribe that his return now could only lead to serious disorders and danger to his life. He himself, by recent provocations, has aggravated feeling against him. The tribe do not believe his renunciation of claim to the chieftainship and blame him for Seretse's exclusion. The immediate need is to quiet their fear of his return to power and to do this Government must make it evident that he will be effectively excluded from their political life. The frequency of his visits and the prospects of his ultimate residence in the Reserve will depend upon his own actions.

7. The Bamangwato was so firmly wedded to the hereditary chieftainship that the idea of a council system, put forward in the original White Paper, of itself offers no alternative. The only satisfactory solution is the promotion of a suitable person as chief instead of Seretse. With both Seretse and Tshekedi out of the running for the chieftainship, Rasebolai would be the obvious choice. He would be acceptable to Government, but his advancement towards office must be cautious, since his association with Tshekedi has made him suspect by the tribe.

8. Most of the tribe want Seretse back. To let him and his white wife return in any capacity would provoke an immediate demand in South Africa for the transfer of the Territories, a demand in which all white South Africans, including those of British descent, would be united. This was the view of General Smuts<sup>2</sup> and is confirmed by the present leader of the United Party in South Africa. (South Africans are very sensitive and emotional over racial purity; mixed marriages are prohibited and sexual relations between persons of different colour are a criminal offence.) A strong indication has been given that the present Government of South Africa would resort to economic sanctions against the Territories, which, geographically and economically, are virtually defenceless. All our relations with the Union would be seriously impaired and we would probably lose the Territories. Our interests in Southern Africa therefore demand the continued exclusion of Seretse. But if his exclusion is to be permanent it is unfair to him and to the tribe to keep alive hopes of his ultimate return. Moreover, it makes any permanent solution of the problem impossible. But to announce his permanent exclusion before the tribe has been suitably conditioned for it by the removal of their fears about Tshekedi and the promotion of a possible alternative chief, would provoke an explosion from them. Moreover, the effect on colonial opinion of substituting permanent exclusion in place of the undertaking to review the position in not less than five years would be serious and would have to be carefully considered.

9. In short, my purposes would be to restore peaceful conditions in the Reserve by determining forthwith the future of Tshekedi, doing all that is possible for him while at the same time allaying the fears of the tribe; to secure the return of Rasebolai to the Reserve and to promote his popularity with the tribe; and, at as early a date as possible, and certainly before the end of the five-year period laid down in the White Paper, to announce the permanent exclusion of Seretse and to bring about the

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<sup>2</sup> J C Smuts, prime minister of South Africa, 1939–1948; leader of the opposition, 1948–1950.

nomination by the tribe of Rasebolai as chief.

10. At this stage, I ask only for approval of the first step which is to make clear our intentions regarding Tshekedi. In Annex A, I submit the draft of a parliamentary question and reply indicating these intentions. In it we make clear that we are sympathetic over the present deprivation of his liberty of movement in the Reserve and that, provided he will co-operate in allaying the tribe's fears, we mean to work towards its restoration. I would give Tshekedi, who has asked for an interview with me, opportunity to see me before the reply is given in the House. I would accord the same courtesy to Sereste, who has also asked for an interview.

11. There is no reason why the observers' reports (Annexes C and D) should not be published. My proposals are kinder to Tshekedi than their recommendations.<sup>3</sup>

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<sup>3</sup> Cabinet approved Ismay's recommendations (CAB 128/23, CC 10(51)5, 22 Nov 1951). It was pointed out in Cabinet that if the decision to exclude Seretse permanently were announced prematurely, it 'would have an adverse effect on the plans for federation of the Central African territories'. At a subsequent meeting (CAB 128/23, CC 18(51)7, 19 Dec 1951), Cabinet reaffirmed that Seretse's exile must be permanent, but that for the time being ministers would announce 'only that they adhered to the intentions of their predecessors to review the situation within five years'. It was acknowledged that such an announcement might create difficulties with South Africa, but on the other hand it would minimise the government's parliamentary difficulties.

## 304 CAB 129/48, C(51)49

17 Dec 1951

### 'Transfer of the High Commission Territories': Cabinet memorandum by Lord Ismay. *Annex*

Dr. Malan has declared his intention to press his demand for transfer of the Territories (Basutoland, Bechuanaland and Swaziland) early next year. I do not recommend any immediate action, but my colleagues should be aware of what is impending.

2. A note setting out the facts and arguments more fully is annexed.

3. Our position is clear. We are bound by forty-year old pledges to consult the Territories' inhabitants and Parliament here. Neither will agree to transfer. So our answer must be "no".

4. Yet two of the Territories are economically and geographically at Dr. Malan's mercy. And a bad quarrel with the Union would not only prejudice their co-operation with us in defence and trade, but might lose us the Territories. The issue will therefore require the most careful handling.

5. It is not clear how or when Dr. Malan will proceed. He talks of getting his Parliament to submit a petition to The King in Council. This is the procedure specified in the South Africa Act of 1909. But today's altered constitutional position makes it an awkward approach, since it is quite clear that His Majesty could not be advised on a matter like this by South African Ministers alone: and it would have to be arranged in some way or other that United Kingdom Ministers were brought into the matter. There is danger here of the Crown being embroiled in dispute and of republicans in the Union making capital out of this.

6. The Union Parliament sits from January until May or June. When it assembles next month Dr. Malan may disclose his plans more fully. On the other hand he may

decide to test our reactions before determining his tactics. He could do so and still fall back on the petition method of approach before his Parliament rises.

7. We could try now to dissuade Dr. Malan from raising the matter at all. This would merely be a repetition of a move made by Mr. Attlee's Government which was deeply resented but resulted in brief delay on the excuse that Dr. Malan would await a more stable Government in the United Kingdom.<sup>1</sup> It is unlikely to do any good and would probably make matters worse.

8. Alternatively we could make known informally through the Union High Commissioner our difficulties and express willingness to discuss at any time the situation which results from our inability to transfer. But this would not help much. Dr. Malan must know that we would not refuse to discuss. Accordingly I do not think that we should take the initiative. If it came out that we had done so, it would be strongly criticised in this country and unsettle opinion not only in the Territories but elsewhere in the Empire.

9. I recommend therefore that we should simply watch the position and leave Dr. Malan to raise the matter in his own time and in his own way. The sort of line we might then take is indicated in paragraphs 8–10 of the Annex, but we cannot definitely decide how to deal with his approach until we see what form it takes.

#### Annex to 304

1. The South Africa Act, 1909, provided for the possible transfer of these Territories (Basutoland, Bechuanaland and Swaziland) to the Union at some future date, and for the machinery of transfer if it came about.

2. The Act does not constitute any obligation to transfer. (Very similar provision was made for the incorporation of the two Rhodesias in the Union, but this has not prevented their pursuing an entirely different path.) The constitutional safeguards provided in the Act have gone with the power of disallowance. Two pledges, given during the passage of the Bill through the United Kingdom Parliament, have been frequently reiterated since by various United Kingdom Governments and recently by the Prime Minister. These pledges are that transfer should not take place

- (i) until the inhabitants, native as well as Europeans, have been consulted, and
- (ii) until the United Kingdom Parliament has been given an opportunity of expressing its views.

This leaves the last word with the United Kingdom Parliament.

3. The Union case is that the provision in the Act amounts to a promise and that fulfilment is long overdue. Dr. Malan has said that no other sovereign state would today tolerate islands within its boundaries administered by someone else. He argues that none of the Territories could ever survive as an independent unit and that economically and geographically they are part of the Union. The Union, he claims, suffers through lack of control of what goes on inside them. This prejudices Union defence and development. As for pledges, the native inhabitants are not competent in his opinion to judge an issue like this.

4. For his own political purposes Dr. Malan is out to make the maximum capital

<sup>1</sup> cf BDEEP series A, R Hyam, ed, *The Labour government and the end of empire 1945–1951*, part IV, 426.

out of his demand and is prepared to make it an election issue in the Union. This puts his opponents on the spot. They are bound to agree that transfer is desirable. General Smuts was always a party to the demand for transfer and his successors take the same view. They have already stated that on the main issue, there is no difference between them and the Government. The United Party's only criticism is therefore of Dr. Malan's methods and timing. The wilder men in the Nationalist Party may try to use our refusal to transfer as an excuse for hastening a republic.

5. On our side the pledges are clear and categoric. The native inhabitants of the Territories are very strongly opposed to transfer and the United Kingdom Parliament equally adverse to it. Transfer against the wishes of the inhabitants would be a gross breach of faith and is therefore out of the question. On the other hand a serious breach in relations with the Union would adversely affect their co-operation with us over defence, trade, the supply of gold, etc.

6. The worst feature is that the Territories are completely at Dr. Malan's mercy. Two of them are hopelessly vulnerable to economic pressure by the Union. The Union could deprive Basutoland of all contact with the outside world and starve it into subjection very quickly. Short of this, the Union could make our continued administration very difficult and expensive, simply by turning nasty in day to day relations.

7. It would not be in the Union's real interests to quarrel badly with us or to incur the public rebuff which would follow if the native inhabitants were consulted on transfer and declared themselves against it, as they would. The highly emotional Afrikaner may ignore this, but many South Africans feel that their country is lonely and friendless in the world today. They would be reluctant to get seriously at odds with the United Kingdom. Apart from the grave and persistent difficulties arising from a fundamental difference on native policy, there are many affinities of character and many common interests between ourselves and South Africans of both parties.

8. From this comes a hope, perhaps forlorn, that, if our difficulties were brought home to them, the Union Government might be persuaded however reluctantly to rest indefinitely on an agreement, which recognised the Territories' economic and geographic affinities with the Union. The working relations which exist today between the Territories and the Union are a credit to both. The Union's part in this—the provision of communications, markets, defence, etc.—is seldom acknowledged. For our part we could undertake to press on with conservation and development of the Territories' natural resources and to give priority to the things (e.g. development of the Orange River watershed in Basutoland and improved control of foot and mouth disease in Bechuanaland) which affect the Union most. We could offer the fullest collaboration over immigration control, customs arrangements and defence planning. A very comprehensive agreement could be shaped to give formality and firmness to the needs of an unusual situation.

9. Even if the present Union Government rejected such an agreement, there are many South Africans who would say that in the circumstances it was not an unfair offer. This might take the edge off their reactions to our refusal to transfer.

10. When the Union demand materialises, therefore, we shall have to make absolutely clear that conditions do not exist in which consistent with our pledges we can bring about transfer of the Territories. We should nevertheless offer to meet with the Union Government or its representatives and discuss the resulting situation. We may be able to bring home to them our understanding of their aspirations, our

complete inability to meet these and our willingness to forge the closest possible bonds of co-operation between the Territories and them in all practical matters. Although it would fall far short of their desires, an agreement, formalising and improving current working arrangements between the Territories and the Union, is the only alleviation we could offer in a situation promising such grave difficulties if it is not dealt with in a spirit of understanding and goodwill.<sup>2</sup>

<sup>2</sup> Cabinet approved Ismay's recommendation that no action should be taken to anticipate South Africa's expected demand (CAB 128/23 CC 18(51)6, 19 Dec 1951).

### 305 CAB 134/786, CCM(53)1

8 May 1953<sup>1</sup>

#### 'The position of the Central African Federation at prime ministers' meetings': minutes of Cabinet Committee on Commonwealth Membership

*The Commonwealth Secretary* said that before considering whether a "two-tier" system of Commonwealth membership on the lines suggested in C.(53)122<sup>2</sup> was practicable, the Committee should consider what was to be done about the attendance of the Prime Minister of the Central African Federation at future Meetings of Prime Ministers. This was a problem which Sir Godfrey Huggins was likely to raise when he was in London next month. Sir Godfrey Huggins had, as Prime Minister of Southern Rhodesia, attended Prime Ministers' Meetings for twenty years. Originally he had been invited as an observer and invitations had been issued, after consultation with the other members on the footing that he would attend when matters of special interest to Southern Rhodesia came up for discussion. This was initially interpreted to mean primarily economic matters since Southern Rhodesia was not responsible for her foreign relations. But more recently the position had become rather blurred and he had been invited and had taken a full part in the proceedings even when these dealt with foreign affairs and defence. He had not, however, been invited to the 1949 meeting on India. It was expected that he would be the first Prime Minister of the Central African Federation and it would be difficult to break the practice of inviting him. It therefore seemed that he would have to be invited in future as Prime Minister of the Central African Federation though his presence as such would be anomalous as it had been in the past.

In discussion the following points were made:—

(a) The preamble to the proposed federal constitution said that the association of the three territories in a federation under Her Majesty's sovereignty enjoying responsible government would enable the Federation when the inhabitants of the territories so desired to go forward with confidence towards the attainment of full membership of the Commonwealth. But if anything were done to imply that because Sir Godfrey Huggins came to Prime Ministers' Meetings the Central African Federation which would not even be fully self-governing was already a full member of the Commonwealth, other Colonial territories on attaining self-government would

<sup>1</sup> The meeting was held on 7 May; the minutes are dated 8 May.

<sup>2</sup> See 178.

demand full membership as it would be impossible to introduce a second tier of Commonwealth members whose Prime Ministers did not attend Prime Ministers' Conferences. It was desirable therefore that Sir Godfrey Huggins should continue to attend Prime Ministers' Meetings only on a special basis.

(b) Sir Godfrey Huggins realised that he was not present as of right at Prime Ministers' Meetings and he had made no difficulty when he was not invited to the 1949 meeting on India. To make clear that he was still invited only for matters in which Southern Rhodesia [sic] was interested it might be arranged that he should not be invited to attend one or two meetings (on, for example, the Far East and South-East Asia) at the forthcoming Prime Ministers' Meeting.

(c) *The Lord President*<sup>3</sup> suggested that the best course seemed to be that Sir Godfrey Huggins should be told next month that the position would be the same as before. The Federation, like Southern Rhodesia, would have no constitutional right to attend meetings of Commonwealth Prime Ministers, but its Prime Minister would be called in when it was useful to do so.

The Committee:—

- (1) Agreed that the Commonwealth Secretary should take the line in paragraph (c) above with Sir Godfrey Huggins.

<sup>3</sup> Lord Salisbury.

## 306 CO 1032/51/A

7 Feb 1955

'Brief for secretary of state's conversation with Sir Godfrey Huggins on the future status of the Federation': CRO brief for Lord Swinton.

### *Appendix*

The Cabinet recently approved the recommendation in C(54)307,<sup>1</sup> that the admission of the Gold Coast to Membership "will involve the admission of the Prime Minister of the Central African Federation to Prime Ministers' Meetings as of right, and possibly other changes to accord to the Federation (within the limits set by its Constitution) the practical substance of full Commonwealth Membership". The Secretary of State's memorandum also stated in the course of the argument that "it may at the same time be necessary to provide for some increased devolution of external affairs". It should also be mentioned that the Colonial Secretary expressed to the Secretary of State in a letter of the 28th September the assumption that what was contemplated in the Cabinet memorandum would not be regarded as conferring on the Government of the Central African Federation the right of direct access to the Queen, which he thought would definitely be a substantial departure from the present Constitution. The Secretary of State is on record as having accepted in discussion within the Office the validity of this assumption, and the Cabinet minutes record that the point was made that any changes should not override the two Northern territories' relations with the Crown, which were highly prized by them. It is assumed in what follows that:—

<sup>1</sup> See 192.



- (a) the Gold Coast will duly attain full self-government and be admitted to Commonwealth Membership about the end of 1956;
- (b) it will not be desired to amend the Federation Constitution itself, except in accordance with its provisions.

2. The discussion with Sir G Huggins will presumably take place at the same time as those about Commonwealth Membership with Mr. St. Laurent, Mr. Menzies and Mr. Holland,<sup>2</sup> whose reactions cannot be foretold. But these discussions are in any case purely exploratory and it would seem wrong to let Sir G Huggins know that they are taking place, still less to let him have their purport. No doubt the Secretary of State will in the main wish to hear what Sir G Huggins has to say, and will not desire on this occasion to go into any detail, especially as the future advance of the Gold Coast is still hypothetical. In reply he could say that there is no firm timetable for the Gold Coast's progress to full self-government, though it may be admitted that she is likely to reach that point (which will, of course, call for decisions on the question of Commonwealth Membership) well within the minimum span of life which has been written into the present Constitution of the Federation. Nevertheless, the United Kingdom Government are sensible of the reactions which the attainment of full self-government by the Gold Coast will produce within the Federation, or at any rate the European portion of its population, and sympathetic to the difficulties which they will create for Sir G Huggins. He can be assured that the United Kingdom Government contemplate that the Federation should be accorded, when the time comes, as much of the practical substance of full Commonwealth Membership as the limitations of the existing Constitution permit. It is not, however, possible to indicate at this stage and on a hypothetical basis what form that advance might take. Something will obviously depend on the progress made in consolidating the good start which Sir G Huggins and his colleagues have made in building up the new Central African State, and in fostering partnership and co-operation within it.

3. The precise scope for constitutional advance in 1956/7, and the difficulties involved in any advance other than admission of the Prime Minister to Prime Ministers' Meetings as of right and some increased devolution of external affairs, are set out in detail in the Appendix. The right of admission to Prime Ministers' Meetings, which so far at least as the United Kingdom and the "old" Commonwealth countries are concerned should present no difficulty, can presumably be decided at the same meeting of Prime Ministers as determines the position of the Gold Coast, and can be announced.

#### Appendix to 306: Constitutional status of the Federation of Rhodesia and Nyasaland

The matters in which the Federation at present falls short of full Statute of Westminster status are the following:—

- (a) the Governor-General is, under the Constitution, specifically enjoined to reserve certain Bills for Her Majesty's Pleasure. These may be defined in general terms as Bills which:—

<sup>2</sup> L S St Laurent, prime minister of Canada, 1948–1957; R G Menzies, prime minister of Australia, 1949–1966; S G Holland, prime minister of New Zealand, 1949–1957.

- (i) seek to amend the Constitution itself;
- (ii) are declared by the African Affairs Board to be differentiating measures;
- (iii) appear to the Governor-General to be inconsistent with treaty obligations or international agreements; and
- (iv) deal with certain electoral matters.

(b) The Governor-General appoints in his discretion\* the Chairman and Deputy Chairman of the African Affairs Board.

It would not be possible to concede (a) and (b) above without amendment of the Constitution and a breach of the understandings on which it was enacted.

(c) The Governor-General has discretion\* to reserve or withhold assent to any Bill in addition to those which, under the Constitution, *must* be reserved.

We have made clear to the Federal Government that this particular power, which is closely associated with Her Majesty's power of disallowance, would only be exercised in the most exceptional circumstances. It has not so far been exercised, and is virtually a dead letter.

(d) The Federation lacks the right to legislate with extraterritorial effect.

It might be possible to concede this right, but the Colonial Office feel that the United Kingdom legislation for this purpose should not be limited to the Federation.

(e) The United Kingdom still possess the legal power to legislate for the Federation without its consent.

(f) The Federation lacks the power to legislate contrary to United Kingdom Statutes on matters within the competence of the Federal Legislature.

(e) and (f) are inseparable. In the view of the Colonial Office, the United Kingdom Government must at least retain the legal power to legislate for the Federation without its consent, (i) to amend the Constitution and (ii) to the extent necessary to ensure the fulfilment of any international obligations entered into by them on behalf of the Federation (see para. 2 below). Any change in the present position would (as at (d)) require legislation at Westminster.<sup>3</sup>

(g) The Federation lacks the right to advise the Queen direct on all matters within the competence of the Federation.

If the Federation were given any right of direct access to the Queen, the extent of that right would require to be narrowly and precisely defined and would have to exclude the right to advise the Queen on the appointment of the Governor-General himself, as well as the matters at (a), (b) and perhaps (c) above. A partial right of access in this

\* When acting in his discretion the Governor-General is responsible to the Secretary of State.

<sup>3</sup> There was a significant difference of opinion between CO and CRO on this important issue. Lloyd, after being shown a draft of the brief in mid-Jan, wrote to Leisching that 'Any concession to the Federation under (e) and (f) . . . [of the Appendix] would be objectionable . . . [and] would, taken together, virtually give independence' (letter from Lloyd to Leisching, DO 35/4688, no 20, 19 Jan 1955). CRO officials disagreed. G H Baxter (assistant under-secretary of state, CRO, 1947-1955, and one of the architects of federation) minuted that (e) and (f) were dead letters in practice so should be abandoned; this would be 'a reasonable line of advance' (minute by Baxter to A F Morley, DO 35/4688, 26 Jan 1955). Morley endorsed this view (minute by Morley to Sir S Garner, DO 35/4688, 27 Jan 1955).

way would be a constitutional novelty. If it were found possible, some enhancement of the ceremonial status of the Governor-General could be considered.

2. As regards some greater devolution of external affairs, there would appear to be no difficulty about the Secretary of State formally expressing an intention to devolve (subject always to the other provisions of the Constitution) a greater, or even a virtually complete, measure of external affairs to the federation, including the right to exchange diplomatic representatives. Unless, however, it could be said that the Federation was now a sovereign State (which, *ex hypothesi*, it could not), this would not in itself compel other Governments to conduct daily business or make treaties direct with the Federation. (Whether and when the Federation achieves membership of the United Nations is more likely to depend on political than constitutional considerations.) And, if the Federation did not, in fact, attain complete international recognition, and some Governments still preferred to deal with the United Kingdom Government, purely practical considerations might limit the devolution which could take place. In practice, one might expect that, if the United Kingdom's wishes were clear, all the Commonwealth and some foreign countries would be prepared to deal direct with the Federation; but some foreign countries might insist on dealing with the United Kingdom in certain regards. The position at that stage would seem to be somewhat similar to that which must have obtained in respect of Canada, Australia, New Zealand and South Africa, before, by signing the Treaty of Versailles in 1919, they set the hallmark on their international standing, though there were then reasons, which there would in this case not be, why the United Kingdom Government were reluctant to devolve upon them the form as well as the substance of external autonomy.

3. It may be added that, even when the Federation is able to enjoy within the Federal field full Statute of Westminster status (i.e., presumably not until after the review of the Constitution in 1960/2), there will, if the Northern territories remain in their present position and the existing reservations about Native Affairs in Southern Rhodesia continue, be anomalies about the State which will result, the component parts of which will not be fully self-governing.<sup>4</sup>

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<sup>4</sup> Swinton and Lennox-Boyd met Huggins (Lord Malvern from 1955) on 11 Feb. On the basis of the foregoing brief, they informed him that the government's policy goal would be to admit him to prime ministers' meetings 'as a right instead of as a courtesy, and possibly to make other changes which would accord to the Federation, *within the limits set by its Constitution*, the practical substance of full Commonwealth membership' (Lord Malvern's proposal for constitutional changes in the Federation of Rhodesia and Nyasaland, draft submission to the secretaries of state for Commonwealth relations and the colonies, CO 1032/51 [May 1956]).

**307** CAB 129/81, CP(56)141

9 June 1956

**'Federation of Rhodesia and Nyasaland': joint Cabinet memorandum by Lord Home and Mr Lennox-Boyd on proposals to enhance the status of the Federation. Annex**

*The proposals*

Lord Malvern, the Prime Minister of the Federation of Rhodesia and Nyasaland, who is now in London, has stated in recent letters that he and his colleagues are greatly

concerned about the effect that attainment of full self-government by the Gold Coast and Malaya will have on European opinion in the Federation. He had urged that the Federation should not be left with a status inferior to that of those two countries and has put forward proposals which, he thinks, would allow the Federation also to claim to be fully self-governing and independent. He has not asked in so many words for membership of the Commonwealth, but this is implicit. Lord Malvern has said that, unless his proposals are accepted, the 1958 elections might well produce a Government which would not be able to preserve stability. We have undertaken to discuss the matter with him while he is in London.

2. Lord Malvern's proposals are as follows:—

- (1) that the United Kingdom Parliament should pass an Act of Independence, similar to the Ceylon Independence Act, 1947;
- (2) that certain provisions in the Federal Constitution (Annexure to S.I. 1953, No. 1199) restricting the powers of the Federal Government, should be removed by Order in Council.

This would have the effect of:—

- (a) abolishing the African Affairs Board which was established under the Constitution to safeguard Africans against discriminatory legislation by the Federal Parliament; and
- (b) removing the United Kingdom Government's power to disallow Federal legislation, except that they would retain power to disallow legislation amending the Constitution.

(3) that at the same time the Governments of the United Kingdom and the Federation should conclude an agreement in which the Federal Government would voluntarily undertake to consult the United Kingdom Government before amending specified articles of the Constitution and before presenting for Royal Assent any measure which discriminated against Africans.

Lord Malvern has not suggested that the inhabitants of the Federation should be consulted but the members of the Federal Parliament representing African interests could express their views.

#### *Limitations on the powers of the federal government*

3. The Federal Constitution is so constructed that the Federation falls short of full self-government in the following ways:—

(1) There are provisions in the Constitution designed to enable the United Kingdom Government to safeguard the interests of Africans in matters which are the responsibility of the Federal Government and to enable the United Kingdom Government to fulfil their international obligations in respect of the Federation.

(These are, broadly speaking, the provisions which Lord Malvern proposes to transfer from the Constitution to an agreement between the United Kingdom and Federal Governments.)

(2) Responsibility over a wide range of matters, including law and order, control of land and the local and territorial political advancement of the people, rests with the territorial Governments of Southern Rhodesia, Northern Rhodesia and

Nyasaland. In Northern Rhodesia and Nyasaland this responsibility is subject to the control of the United Kingdom Government. In Southern Rhodesia also the United Kingdom Government have limited reserve powers, particularly in respect of African land.

(Lord Malvern does not propose any change in the powers of the territorial Governments, and the ultimate responsibility of the United Kingdom Government for the three territorial Governments would remain undiminished.)

#### *Basic considerations*

4. The basic questions arising from Lord Malvern's proposals are:—

(1) Could the proposals, if adopted, lead to the Federation:—

(a) being internationally recognised as independent?

(b) being admitted to full membership of the Commonwealth?

(2) Are the United Kingdom Government willing to do what is asked without ascertaining the opinion of the inhabitants (African as well as European)?

(3) Are the United Kingdom Government prepared to introduce into Parliament at Westminster an Act of Independence for the Federation?

These questions are considered in paragraphs 5–10.

#### *International recognition and admission as a full member of the Commonwealth*

5. If the responsibility of the United Kingdom Government (exercised through the Colonial Secretary) in Northern Rhodesia and Nyasaland is to remain undiminished, it is unlikely that the Federation would be recognised internationally as independent and it is doubtful, even if the United Kingdom Government thought this desirable, whether all the other Commonwealth Prime Ministers, particularly the Asian Prime Ministers, would agree to accept the Federation as a full member of the Commonwealth.

#### *Wishes of the inhabitants*

6. Africans in Northern Rhodesia and Nyasaland were in general opposed to the introduction of Federation. We therefore gave assurances in Parliament that there would be no change in the status of the constituent territories against the wishes of the inhabitants and that the Federation should go forward to full membership of the Commonwealth *only when the inhabitants of the Federation so desired*. This was written into the Preamble to the Constitution. On 24th June, 1953, the Colonial Secretary—then Mr. Oliver Lyttelton—said in the House of Commons in a debate on the Federal Constitution:—

“None of these separate States could be incorporated in a unified State whether by amalgamation or in order to get Dominion Status, unless the Government of the day of the United Kingdom are satisfied that the majority of the people so desire it. . . . Nothing short of that will enable any Government to approach a scheme of amalgamation or of a status which will end in Dominion Status without the agreement of the majority of the inhabitants. I give a categorical assurance about that.”

Parliamentary pledges apart, there is an essential difference between the Gold Coast and Malaya on the one hand, and the Federation on the other. When the Gold Coast and Malaya achieve independence, their Governments will represent a majority of their populations. In the Federation, where the inhabitants number 7 million Africans and 240,000 Europeans, the Government represents the European minority. It would not be politically possible at the present day to hand over power to a minority, unless it could be shown that the majority of the population supported the change.

7. Even though we may consider that Lord Malvern's proposals, if adopted, would not confer complete independence on the Federation, nevertheless, in the light of our pledges and as a matter of practical politics, Her Majesty's Government would be bound to ascertain the opinion of the inhabitants of the Federation and to bring the proposed changes before Parliament at Westminster.

8. As things are, any formal constitutional step, whether it purported to confer independence on the Federation or merely to take the Federation further along the road to independence, would at the present time be opposed by the majority of Africans in the Federation and by the Opposition in Parliament. Even if the transfer of the safeguards from the Constitution to an inter-Governmental agreement were represented as reproducing the present situation without amending it, we should be asked why this step was being taken. The change would be criticised as a whittling away of safeguards which the Africans consider important. The fact of the Irish Treaty and of the entrenched clauses in the South Africa Act would be thrown in our teeth, and we should have stirred up a hornet's nest for the sake of changes which would not, in our opinion, achieve Lord Malvern's object.

9. There would therefore, in our opinion, be no purpose either in introducing a Federal Independence Bill into Parliament or in agreeing to other changes which would necessitate a Parliamentary debate.

*Alternative proposals for giving the federation some limited advancement*

10. It would not, however, be politic to give a purely negative answer to Lord Malvern. The Cabinet decided on 7th December, 1954 that, when the Gold Coast became a full member of the Commonwealth, the Prime Minister of the Federation should be invited to attend meetings of Commonwealth Prime Ministers as of right (C.C.(54) 83rd Conclusions).<sup>1</sup> The Cabinet also contemplated that other changes should be made to accord to the Federation, within the limits set by its Constitution, as much as possible of the practical substance of full Commonwealth membership.

11. The Federation already enjoys some attributes of a full member of the Commonwealth:—

(1) The Federation has acceded in its own right to the General Agreement on Tariffs and Trade and is also a member, on an equal footing with other members of the Commonwealth, of most Commonwealth bodies.

(2) The Prime Minister of the Federation is invited to meetings of Commonwealth Prime Ministers, though so far he has been invited *ad hoc* on each occasion.

(3) The High Commissioner for the Federation in London is invited to meetings between the Commonwealth Secretary and Commonwealth High Commissioners on economic and defence matters.

<sup>1</sup> See 195.



(4) The United Kingdom Government have already delegated to the Federal Government the power to enter into certain agreements with other countries, including trade agreements.

(5) The Federation already exchanges Trade Commissioners with other Commonwealth Governments and High Commissioners with the Union of South Africa and the United Kingdom. It also appoints Consular representatives to neighbouring foreign countries.

12. The Annex to this paper describes a number of ways in which the Federation could be given some improvement in its status. The most important would be attendance of the Federal Prime Minister, as of right, at Meetings of Commonwealth Prime Ministers, and an extension of the Federal Government's powers in the field of external affairs. We should like to be authorised to explore with Lord Malvern whether changes on these lines would help the Federation.

13. These improvements, however, are unlikely to satisfy the Federal Government. Something more positive is required. It is, moreover, in the interests of the United Kingdom to lead the Federation towards full membership of the Commonwealth, provided that this can be done with the agreement of the majority of the inhabitants. The Constitution is, by Article 99, due for review between 1960 and 1962. That would therefore be an occasion for making any changes that may be found desirable. But it should be made clear to the Federal Government that, even then, a step forward will only be possible if a majority of the population, including the African population, so desire. Her Majesty's Government and the Governors of the Northern Territories will be ready to do everything they can to induce a change in the climate of African opinion and to co-operate with the Federal Government to that end. Success, however, will depend very largely on the willingness of the Federal Government and their supporters in future to do and say far more of the things that are calculated to win African confidence and far less of the things that arouse their suspicion and resentment.

14. To sum up, the Federal Government want full self-government and full membership of the Commonwealth, but the Constitution of the Federation precludes it, unless the inhabitants (7 million Africans and 240,000 Europeans) so desire. It is in the interest of the United Kingdom to have the Federation as a full member of the Commonwealth, but we are pledged to Parliament not to give the Federation a status which will lead to that, without the agreement of the majority of the inhabitants, and any attempt to do so would be likely not only to raise a storm in Parliament here but also to have severe repercussions in Africa. The African inhabitants therefore hold the key to constitutional progress.

### *Recommendations*

15. We accordingly recommended that we should speak to Lord Malvern on the following lines:—

(1) United Kingdom Ministers fully sympathise with the desire of the Federation to become self-governing as soon as possible.

(2) But the Federation is less than three years old. Lord Malvern will remember the difficult negotiations which preceded it, and he knows that the result was a compromise. It was part of the compact of federation that the United Kingdom Government should retain certain responsibilities. Because of the pledges written

into the Preamble to the Constitution and given to the United Kingdom Parliament, major changes of the kind proposed by Lord Malvern could not be made without consulting the inhabitants of the Federation and bringing the matter before Parliament. To raise the matter formally now might provoke so much opposition as to do more harm than good to the Federation.

(3) This does not mean that United Kingdom Ministers are not anxious to do all they can to meet Lord Malvern within the limits set by the Constitution and the pledges given to Parliament. They will be glad, for example, to explore with him whether the steps envisaged in paragraphs B to E of the Annex to this paper would help the Federation.

(4) The United Kingdom Government recognise that this would not mean self-government. But neither do Lord Malvern's proposals mean self-government, since they would leave the Governments of Northern Rhodesia and Nyasaland subject to the ultimate over-riding responsibility of the United Kingdom Government.

(5) Membership of the Commonwealth is confined to countries possessing full powers of self-government. Although the Federation are not yet self-governing, the United Kingdom Government recognise their special position and propose that they should be given the practical substance of Commonwealth membership; in addition to the steps proposed to be taken under (3) above, this would mean in effect representation at Prime Ministers' Meetings as of right.

(6) Full powers of self-government, and Commonwealth membership which may be expected to follow, can come if the support of the Africans, particularly in Northern Rhodesia and Nyasaland, were to be obtained for a forward move when the Constitution is due for review in the early 1960s. Cannot Lord Malvern get his people to work for this? For their part, the United Kingdom Government and the Governments of Northern Rhodesia and Nyasaland will be ready to co-operate in bringing home to Africans the benefits of Federation.

### Annex to 307: Proposals to enhance the status of the Federation

#### A. *Attendance of the federal prime minister at meetings of Commonwealth prime ministers*

At present the Federal Prime Minister is invited to these Meetings *ad hoc*.

It is proposed that, in accordance with the Cabinet decision of 7th May, [sic]<sup>2</sup> 1954, agreement of other Prime Ministers should be sought during the forthcoming meetings in London to the attendance of the Federal Prime Minister on future occasions as of right.

#### B. *External affairs*

##### 1. *Agreements with other countries*

The United Kingdom Government have already delegated to the Federal Government authority to enter into:—

<sup>2</sup> 'May' should read 'December' (see 195).

- (i) agreements of purely local concern with any neighbouring country in Africa;
- (ii) trade agreements with any country relating solely to the treatment of goods.

The Federal Government might now be given freedom to conduct all its relations direct with other Commonwealth countries and to enter into agreements of any kind with them.

The United Kingdom Government might also offer to consider, in consultation with the Federal Government, an extension of the Federal Government's existing authority to make agreements with foreign governments.

This authority, as regards both Commonwealth countries and foreign countries, would have to be limited by the United Kingdom Government's continuing international responsibilities for the Federation and by the willingness of foreign governments to deal direct with the Federation. One such limitation would be that matters relating to shipping (other than inland transport) and the rights of persons and companies should be dealt with by the Federal Government in each case only with the express sanction of the United Kingdom Government.

## *2. Exchange of representatives with other countries*

(a) The Federal Government already exchange Trade Commissioners with other Commonwealth Governments and High Commissioners with the Union of South Africa and the United Kingdom. They are also authorised to appoint Consular representatives in neighbouring countries.

Authority could now be given to the Federal Government to exchange High Commissioners with any other Commonwealth Government.

(b) As long as the Federation is not a sovereign State it cannot exchange diplomatic representatives with foreign countries; foreign representation in Salisbury can only be Consular.

The Federal Government could be encouraged to appoint non-diplomatic representatives in the foreign countries willing to receive them; we have already agreed that they should, if they wish, appoint a representative in the United States.

(c) In addition, representatives of the Federation could be associated with United Kingdom diplomatic missions in more foreign countries. Arrangements for one such appointment, that of a Federation Counsellor on the Staff of the British Embassy in Lisbon, are nearing completion.

## *3. Membership of international organisations*

The Federation has already acceded in its own right to the General Agreement on Tariffs and Trade, is a member of the World Meteorological Organisation and an associate member of the World Health Organisation.

If the Federal Government wish to seek membership of other international organisations, the United Kingdom Government should support their applications whenever the Federation is eligible under the constitution of the organisation concerned.

## *C. Information on foreign affairs*

The Commonwealth Relations Office should in consultation with the Foreign Office, and subject to security considerations, give the Federal Government more information on foreign affairs.

*D. Attendance of the high commissioner for the federation at meetings between the Commonwealth secretary and Commonwealth high commissioners*

At present the High Commissioner is invited to these meetings where they concern economic and defence matters.

He should now be invited to attend meetings on all subjects. This would be in line with a decision to accept the attendance of the Federal Prime Minister at Meetings of Commonwealth Prime Ministers as of right.

*E. Power to legislate with extra-territorial effect*

At present the Federal Legislature cannot enact measures which have extra-territorial effect, and the Federal Government have to rely on United Kingdom legislation (e.g. the United Kingdom Army Act gives the Federal Government authority to exercise discipline over Federal troops outside the Federation).

If the Parliamentary situation at Westminster permitted, the Federal Legislature could, through an Act of the United Kingdom Parliament, be given limited powers to legislate with extra-territorial effect. Such an Act could relate to the Federation alone or might possibly be one dealing with the delegation of power to Colonial territories as well as the Federation.

## **308 CAB 128/30/1, CM 42(56)5**

14 June 1956

### **'Federation of Rhodesia and Nyasaland': Cabinet conclusions on**

### **proposals to enhance the status of the Federation**

[Extract]

...The Cabinet agreed that further constitutional advance for the Federation of Rhodesia and Nyasaland on the lines proposed by its Prime Minister would not be practicable. They considered, however, that the offer of the various minor improvements suggested in C.P. (56) 141<sup>1</sup> might serve to exacerbate rather than to relieve the situation. If they would not be acceptable, it would be better that they should not be formally put forward. The constitution of the Federation was due for review between 1960 and 1962 and there would be an opportunity in the meantime to work towards the improvement in status which Lord Malvern wished. It was felt that the difficulties which his proposals would present should be explained fully to him with a view to inducing him to regard the constitutional review as the proper opportunity for securing further advances in the direction he desired.

In further discussion it was suggested that the British North American Act might furnish an analogy which could be invoked to support some suitable arrangement which would obviate the difficulty of the reserved powers.

The suggestion was also made that it might be possible to advance in the direction Lord Malvern desired by according Commonwealth membership to Southern Rhodesia alone. It was agreed that this possibility should be further examined.

The Cabinet:—

(1) Authorised the Commonwealth Secretary to explain to the Prime Minister of the Federation of Rhodesia and Nyasaland the reasons why his proposals would not provide a satisfactory basis for further constitutional advance.

<sup>1</sup> See 307.

(2) Invited the Commonwealth Secretary and the Colonial Secretary to consider the suggestions which had been put forward in the Cabinet's discussion and to report further to the Cabinet in the light of the consultation to be held with the Prime Minister of the Federation.

### 309 CAB 128/30/2, CM 47(56)9

4 July 1956

#### 'Federation of Rhodesia and Nyasaland': Cabinet conclusions on revised proposals to enhance the status of the Federation

[Home and Lennox-Boyd held further meetings with Malvern on 15 and 22 June, at which Malvern insisted that the government's proposed concessions were inadequate (CRO confidential print, 'Federation of Rhodesia and Nyasaland: ministerial discussions with Lord Malvern', DO 35/4672). CO and CRO officials then attempted to devise compromise proposals (record of meeting on 30 June 1956, DO 35/5074, no 45B). The governors of Northern Rhodesia and Nyasaland were consulted; Sir R Armitage in Nyasaland declared that 'Federal politicians, especially Lord Malvern, and Federal policies are objects of deepest distrust to Africans here. . . . The only chance of my being able to make any favourable impression on African opinion with regard to these proposals would be if Malvern announced simultaneously generous and comprehensive measures introduced forthwith by Federal Government to advance African interests' (inward tel no 215 from Armitage to Lennox-Boyd, CO 1032/51, no 122C, 2 July 1956). It had been intended that a memo containing further proposals would be jointly presented by Home and Lennox-Boyd to the Cabinet Colonial Policy Committee. However, there was no time to do this before the meeting of Commonwealth prime ministers scheduled for 5 July. In addition the CO objected to aspects of the draft memo (minute by R W D Fowler, assistant secretary, CRO, 1954-1956, to G E B Shannon, assistant under-secretary of state, CRO, 1956-1968, DO 35/4672, 3 July 1956). Accordingly the memo went direct to Cabinet in Home's name only (CAB 129/82, CP(56)165, 4 July 1956: 'Federation of Rhodesia and Nyasaland'), while the CO briefed Lennox-Boyd to speak in opposition to it.]

The Cabinet had before them a memorandum by the Commonwealth Secretary (C.P. (56) 165) containing further proposals for enhancing the status of the Federation of Rhodesia and Nyasaland.

*The Commonwealth Secretary* said that since the Cabinet's meeting on 14th June this question had been further discussed with the Prime Minister of the Federation, Lord Malvern. It would have been preferable to postpone further action until 1960 when the Constitution of 1953 was due to be reviewed; but Lord Malvern had made it clear that, as soon as the Gold Coast became fully self-governing, there would be a demand from all European Parties in the Federation for an advance in the Federation's status. He had therefore been considering the possibility of a scheme which, without anticipating the review of the constitution, would safeguard the position of the Africans in the Federation territories and maintain the pledges given in Parliament in 1953 that no advance towards full membership of the Commonwealth would be made without the agreement of the inhabitants of the Federation. He had been advised that the Federation already possessed an area of sovereignty very nearly sufficient to justify Commonwealth membership, and he proposed that it should be offered an advance in status in the four respects set out in paragraph 8(a) of the Annex to C.P. (56) 165. These provided: (i) that the Federal Prime Minister should be admitted to future Prime Ministers' Meetings as of right; (ii) that the Federal Government should be formally recognised as a member of the Commonwealth (even though not fully self-governing); (iii) that a greater measure of

responsibility for conducting its external relations should be devolved on the Federation; (iv) that the Federal Prime Minister should be given some right of direct access to The Queen.

*The Colonial Secretary* said that the full scheme set out in paragraph 8 of the Annex to C.P. (56) 165 presented him with great difficulties. He saw no difficulty in the first proposal; indeed, he would be ready to add to it that the precedence of the Prime Minister of the Federation at Meetings of Commonwealth Prime Ministers should be determined by the date on which it was agreed that he should attend them as of right. Nor did he see any problem in the third and fourth proposals. There were, however, grave objections to the formal recognition of the Federal Government as a full member of the Commonwealth. First, it was bound to arouse great controversy in Parliament in view of the pledges given in 1953 (and written into the preamble to the Federation's Constitution) to safeguard the position of the African inhabitants. Secondly, serious repercussions would be likely elsewhere. We were already pledged to give regional self-government to the East and West Regions of Nigeria, whose constitutional development was due to be discussed in the autumn of this year. In the light of any such offer to the Federation of Rhodesia the Regions would be bound to raise the question of full membership of the Commonwealth for themselves. Such membership had already been refused to Singapore and to Malta. He feared that this particular proposal would gravely prejudice our general position in the matter. Finally he did not think there was any strong feeling on the subject in the Federation at present, though he admitted that such feeling could easily be aroused.

In discussion the following points were made:—

(a) Although it would be preferable to defer action until a constitutional review became possible in 1960, a strong demand for an improvement in status was to be expected in the Federation before that date. It might be wise, therefore, to forestall more sweeping proposals by an offer on the lines suggested by the Commonwealth Secretary.

(b) The Federal Government's position was not yet fully established in face of the Territorial Governments of the constituent territories and of opposition from the Afrikaans element in the population. It was largely upheld by the personal authority of the present Prime Minister.

(c) An offer confined to heads (i), (iii) and (iv) only, as proposed by the Colonial Secretary, was unlikely to satisfy Lord Malvern.

(d) The possibility was mentioned of conferring full Commonwealth membership on Southern Rhodesia alone. Against this it was argued that such a course would lead to the dissolution of the Federation.

Further discussion showed that there was general agreement in the Cabinet that it would be both illogical and dangerous to attempt to confer Commonwealth membership on the Federation before it reached the stage of full internal self-government. It was, however, suggested that an offer could be put to Lord Malvern on the basis of the proposals under (i), (iii) and (iv) of paragraphs 8 (a) of the Annex to C.P. (56) 165 together with a statement that these practical changes were marks of the special position of the Federation within the Commonwealth and of its Prime Minister's relations with his Commonwealth colleagues.

If this plan were acceptable to Lord Malvern, it could be put to the Commonwealth Prime Ministers' Meeting. It was thought, however, that the communiqué to be



issued at the end of that Meeting should refer only to item (i), the remainder being reserved for a statement by the United Kingdom Government alone.

The Cabinet:—

(1) Authorised the Commonwealth Secretary to discuss with the Prime Minister of the Federation of Rhodesia and Nyasaland the proposals set forth in paragraph 8 (a) of the Annex to C.P. (56) 165, as amended in their discussion.

(2) Took note that if these proposals were acceptable to the Prime Minister of the Federation, the matter would be raised at the Meeting of the Commonwealth Prime Ministers with a view to securing their agreement to the attendance of the Prime Minister of the Federation at their Meetings as of right.

### **310 CO 1032/52, no 123A**

**5 July 1956**

**'Federation of Rhodesia and Nyasaland': minutes of a discussion at the Commonwealth Prime Ministers' meeting of a proposal to enhance the status of the Federation (PMM(56)10)**

*Sir Anthony Eden* recalled that, at their opening Meeting, Lord Malvern had expressed the hope that thought would be given to the status of the Prime Minister of the Federation of Rhodesia and Nyasaland at future Meetings of Commonwealth Prime Ministers. He would be glad to have the views of other Prime Ministers on this question. As Lord Malvern had said, his position in the past had been anomalous. The United Kingdom Government hoped it would be possible to do something to regularise the position perhaps on the lines of the status at one time accorded to Newfoundland. There could be no question at present of making any change in the Constitution of the Federation. He suggested that the final statement might say that the Prime Minister of the Federation of Rhodesia and Nyasaland would in future attend Meetings of Commonwealth Prime Ministers "as of right".

*Mr. Strijdom* said that South African and the Central African Federation were neighbours and were on friendly terms. His Government had every sympathy with Lord Malvern's desire to see the standing of the Prime Minister of the Federation at these Meetings made more precise. Territories in the Commonwealth could not, however, be accepted as members of the Commonwealth unless their Governments exercised complete sovereignty over their own affairs. While South Africa would like to see the Federation become a full member of the Commonwealth, the Federal Government did not as yet satisfy this requirement. It might therefore create an embarrassing precedent in relation to other territories if the Federation were at this stage admitted "as of right" to future Meetings.

In discussion the following points were made:—

(a) The powers of the Federal Government were limited in the field of external relations and in matters affecting the administration of Africans, but in other respects the Federation had full control over its own affairs. There appeared to be no objection to the proposed statement on legal grounds and the Federation held a unique position in the Commonwealth which was not shared by any other territory on the road to independence.

(b) Public opinion in the Federation hoped for some constitutional advance and this proposal would go some way towards satisfying it.

In further discussion it was the general feeling of the Meeting that it would be unacceptable at this stage in the constitutional development of the Federation of Rhodesia and Nyasaland to concede that the Prime Minister should attend future Meetings of Commonwealth Prime Ministers "as of right" and it was agreed that the paragraph in the final statement should be on the following lines:—

"The Prime Ministers agreed that they would welcome the continued participation of the Prime Minister of the Federation of Rhodesia and Nyasaland in Meetings of Commonwealth Prime Ministers".<sup>1</sup>

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<sup>1</sup> 'We were more than a little surprised that Mr Strijdom should have taken the lead in the discussion which led to this conclusion [that Malvern should not attend as of right]. But no doubt his main concern was to guard against the possibility of territories which are still properly "colonial" being admitted to Membership before they are fully self-governing' (minute by R W D Fowler, DO 35/4673, 2 Aug, 1956).

### 311 CAB 128/30, CM 64(56)3

11 Sept 1956

#### 'Bechuanaland Protectorate': Cabinet conclusions on the chieftainship of the Bamangwato

The Cabinet had before them a memorandum by the Commonwealth Secretary (C.P. (56) 206) on the prospects of resolving the problem of the succession to the Chieftainship of the Bamangwato tribe.

*The Commonwealth Secretary* said that both Seretse Khama and Tshekedi Khama had decided to renounce their claims to the Chieftainship and were prepared to support Rasebolai as African Authority. They wished to be allowed to return to Bamangwato Reserve with the right as free citizens to serve their people in any capacity to which they might be elected. They had both signed a statement to that effect.

He was disposed to accept these assurances, in the hope that they would bring to an end the troubles over the succession, and to allow Seretse and Tshekedi to return to the Reserve. It was of course conceivable that the presence of Seretse in the Reserve would excite a spontaneous demonstration in favour of his election as Chief but, as Tshekedi would be opposed to this, the risk could be discounted.

Subject to the approval of his colleagues he proposed, therefore, that Seretse's renunciation should be made known to the Tribe and announced in London during the current month. Seretse himself would then be allowed to return to the Reserve in October and an Advisory Council for the Tribe, on which both Seretse and Tshekedi would be free to serve, if called upon to do so, would be set up.

The Cabinet agreed that the assurances which had been given offered a reasonable prospect of a settlement of this question. The risks involved might be reduced if Seretse, on return to the Reserve, continued to receive, while of good behaviour, the allowance which had been paid to him in London, and it was agreed that this point should be further considered.

The Cabinet:—

Approved, subject to the further point made in their discussion, the proposals in C.P. (56) 206.<sup>1</sup>

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<sup>1</sup> Tshekedi Khama died in 1959. Seretse Khama served as first president of independent Botswana from 1966 until his death in 1980.

**312** CO 1015/1009

29 Oct–1 Dec 1956

[Central African Federation]: minutes by W L Gorell Barnes,  
J C Morgan<sup>1</sup> and Sir J Macpherson on contingency plans for a  
unilateral declaration of independence by the Federation

*Mr. Morgan*

You will remember that, in his second speech after his return from this country, Lord Malvern alluded to the possibility of the Federation seeking to secure its independence unconstitutionally; and I understand that this theme has been taken up by one or two of the less sensible newspapers in Southern Rhodesia.

I do not myself believe that the Europeans in the Federation would seek to resort to a step of this kind unless and until they had actually been threatened by some developments which really cut at the root of European dominance. Since, however, these threats have been made, I think it is only prudent that we should examine how the situation could be dealt with if any attempt were made to implement them. The essential point on which I personally feel that I need to be better informed than I am is the precise constitutional position in relation to defence if the Territorial Governments had to defend themselves against a threat of force backed by, or connived at by, the Federal Cabinet. Am I right in thinking that the Territorial Governments would have a perfect right to call the military to their aid in spite of the fact that defence is a Federal subject?

I realise, of course, that, even if I am right about that, it is very likely that, in the circumstances envisaged, the Federal forces would refuse to move or would move in the wrong direction. If that happened, presumably it would be necessary to send reinforcements either from East Africa or from this country. How difficult an operation would that be and about how large a body would be needed?

I repeat that I do not believe that the eventuality with which this minute is concerned is likely to arise. It is not, however, the business of Civil Servants to take unnecessary chances and I consider that the points which I have raised should be examined.

W.L.G.B.  
29.10.56

*Mr. Gorell Barnes*

Your minute of 29th October above relating to the "Boston Tea Party" threat voiced by Lord Malvern at the end of his speech to the Federal Parliament on 20th October, flagged . . . in No. 48 on CAA 14/2/02 attached,<sup>2</sup> raises the question of what the Governors of the Northern Territories and H.M.G. could do about it, if the Europeans in the Federation were to try to carry out such a threat. I am sorry to have delayed responding to your minute, but a search for papers was necessary; . . . and I cannot honestly say that I think Sir Roy Welensky<sup>3</sup> is likely to produce a Declaration of Independence in the immediate future.

2. Your minute raises two separate questions. The first, at X, is as to what rights

<sup>1</sup> J C Morgan, principal, CO, 1947–1955; assistant secretary, 1955–1962.

<sup>2</sup> Not printed.

<sup>3</sup> Sir R Welensky, minister for transport and communications, Central African Federation, 1953–1956; prime minister, 1956–1963.

the Northern Governors have, under the Constitution, to call the military forces of the Federal Government to their aid, in the light of Defence being a Federal responsibility. I think this question can be answered simply, and without further research. You will see from your exchange of correspondence with Sir A. Benson at Nos. 42 and 43 of CAA 223/224/01 attached, that it is well settled that, under the Constitution, the Federal Government *cannot*<sup>4</sup> send its forces to deal with situations in any of the Territories, *except* at the request of the Governor of the Territory; this is because Law and Order is reserved as a Territorial subject. The Federal Government is thus precluded from interference by Defence Forces over the heads of the Territorial Governments. But it is not established that the Federal Government *must* send its forces "to aid the civil power" in any of the Territories if so requested by the Territorial Government; it is, in fact, assumed that the Federal and Territorial Governments will normally agree on the best method of dealing with internal security situations, as they did in the recent Copperbelt Emergency, and in fact detailed arrangements have been made between them for such purposes. Nevertheless, the Territorial Governments enjoy no *rights* under the Federal Constitution to require the Federal Government to send Defence Forces to their aid in an emergency.

3. It is thus possible that a situation could arise in Northern Rhodesia in which the Europeans would revolt against the Territorial Government (i.e. H.M.G.) and the Federal Government would, without breach of the Constitution, refuse to the Government of Northern Rhodesia the backing of the Federal Defence Forces against the Europeans. This would mean that the Northern Rhodesian Government would be compelled to oppose the revolting Europeans with the predominantly African Police Force. The Federal Government would equally, of course, find difficulty in sending the European "Territorial" (in the military sense) forces to oppose Europeans in Northern Rhodesia.

4. The second question you raise, at Y, is based on the assumption that *either* the Federal Government itself would be opposed to the Northern Governments, *or* that Europeans in the Northern Territories were in revolt against those Governments, while the Federal Government refused to send the Defence Forces to support the Territorial Governments; and it asks how H.M.G. could give military support to the Territorial Governments in such a situation, and what force would be required. Like any other question relating to the employment of forces under the control of H.M.G. (whether e.g. K.A.R. or U.K. troops), this can only be authoritatively answered by the C.O.S. I suppose that, if this question were put to them, they would, first, require JIC to produce an appreciation of the *threat*, i.e. what the Europeans and the Federal Government were likely to do, and what sort of force they would be employing against the Territorial Government; and, secondly, on the basis of that appreciation, they would require the JPS to report on the question of forces needed to deal with the threat, and where they were likely to be found at any given time.

5. An exercise of this nature cannot be undertaken without the collaboration of the C.R.O., in addition to the other Departments, such as the Foreign Office, normally associated with the JIS and JPS. The exercise would be conducted upon the basic assumption that treasonable intentions exist among Europeans in the Federation and members of the Federal Government; and it would draw attention to a

<sup>4</sup> Emphasis throughout in original.

foolish statement by Lord Malvern and other "frantic boasts" of the Press and others in Central Africa. The upshot of the exercise would be to get some U.K. forces earmarked to go if necessary to support the Governments of Northern Rhodesia and Nyasaland against the Federal Government or rebellious Europeans in the Territories. I assume that an exercise of this nature should not be undertaken, or even mentioned to the C.R.O., except on the Secretary of State's personal instructions.

6. There is a dictum of Sir Arthur Benson's which he has repeated on several occasions, that it is inconceivable that any British Government would ever send British troops to fight against British people (white) in Africa; the corollary being that H.M.G. *must* gain their political aims in Central Africa by political means. The exercise which I have outlined above is based on the assumption that this dictum is false. I wonder if we should not postpone further consideration of these possibilities until one or other of the Northern Governments reports signs of preparations for a European insurrection or a Federal "Declaration of Independence". I suggested that we might ask the two Northern Governors, on a secret and personal basis, to keep an eye open for any signs of preparations actually to implement the threats mentioned above, so that we could then report to Ministers, and have greater warrant than at present for a reference to the C.O.S: if you agree I would draft for your signature.

J.C.M.  
26.11.56

*Sir J. Macpherson*

I sent you a copy of my minute of the 29th October when I wrote it. You will now wish to see Mr. Morgan's extremely thoughtful reply in his immediately preceding minute.

I think it was right to turn up this stone to see what was underneath it. But I am inclined to think that the right course now is to replace the stone. If you agree, I propose to do so—i.e. to mark this file "Put by".

The main conclusion I draw is that referred to at X in the last paragraph of Mr. Morgan's minute—i.e. that H.M.G. must gain their political aims in Central Africa by political means. That does not, however, mean that H.M.G. have no sanctions at all; for, for some time to come, the Federation will be very, very dependent on the willingness of H.M.G. to give access to the London market and to guarantee or authorise loans from such bodies as the International Bank, the C.D.F.C., and the C.D.C.

The question discussed in these minutes is relevant to consideration of the minute which I have to-day sent to you, through Sir K Roberts-Wray, on file, CAA. 75/2/09, which is concerned with the future status of the Federation.

W.L.G.B.  
29.11.56

*Mr. Gorell Barnes*

Seen, thanks.

I agree that the exercise was useful. I also agree with the Conclusion.

I don't think I need, or should, send this to the S. of S. before his visit to the Federation; in any case you will be with him. If developments were more

unsatisfactory than we hope or expect, we could have another peep under this stone.<sup>5</sup>

J.S.M.

1.12.56

<sup>5</sup> The Central African Federation was dissolved in Dec 1953. The unilateral declaration of independence anticipated in these minutes was proclaimed by Ian Smith's government in (Southern) Rhodesia in Nov 1965.

### 313 CAB 129/62, C(53)218

28 July 1953

#### 'Departmental responsibility for Malta and the Gold Coast': Cabinet memorandum by Mr Lyttelton

[Extract]

On 8th July, Mr. Wyatt<sup>1</sup> asked the Prime Minister in the House of Commons whether he would arrange for responsibility for Malta and the Gold Coast to be transferred from the Colonial Office to the Commonwealth Relations Office. The Chancellor of the Exchequer replied that this proposal had very recently been put forward by the Prime Minister of Malta; and might be submitted later in the year by the Gold Coast Government. He was not prepared to make any statement at present.

2. Although neither request has yet been made with full formality there is sufficient authority in each for me to submit to my colleagues proposals for a response.

#### *Malta*

3. My colleagues are aware of the difficulties which arose from the insistence of Dr. Borg Olivier,<sup>2</sup> the Prime Minister of Malta, that (in the words of a Resolution passed without a division by the Legislative Assembly) he should be "accorded his rightful place alongside the other Prime Ministers of the Commonwealth" in the Coronation festivities. In the event we accorded the Prime Minister treatment identical with that of the Prime Minister of Southern Rhodesia, but explained that this was done in recognition of Malta's unique position in having been awarded the George Cross, and was not to be taken as implying a willingness to entertain his constitutional claims. On the last day of his visit to London, Dr. Borg Olivier handed to the Minister of State for Colonial Affairs a memorandum claiming that the affairs of Malta, as a dependency enjoying responsible government, should be transferred from the Colonial to the Commonwealth Relations Office which, he hoped, "would help bring about a more adequate recognition of Malta's constitutional status". Mr. Hopkinson undertook to study the memorandum and to let Dr. Borg Olivier have any comments we had to make unofficially in the first instance.

4. The demand from Malta was expressly put forward on political and not on practical grounds. The Maltese, as a European people boasting a civilisation older than our own, resent their "Colonial" status, more particularly their inclusion in the same constitutional category as the peoples of the African Colonies. Their dependent status is expressed in practical terms in the present dyarchical constitution under which they enjoy autonomy in internal affairs, but defence, foreign relations and

<sup>1</sup> Mr Woodrow L Wyatt, MP (Lab), Aston Division of Birmingham, 1945–1955.

<sup>2</sup> G B Olivier, prime minister of Malta, 1950–1955 and 1962–1971; leader of the opposition, 1955–1958.



related matters are reserved to the Imperial Government. Some slight alleviation of the constitutional restrictions on self-government might be contrived, but reservation to Her Majesty's Government of control over the broad field of defence interests is imposed by the fact of Malta's situation as a fortress. Nor is she a sufficiently sizeable territory or qualified financially and economically to be a fully self-government [sic] Commonwealth country. She lacks minerals and is poor in other natural resources, and her whole economy therefore depends, directly or indirectly, on expenditure by the Services and could be disastrously affected by contraction of defence requirements in the Mediterranean. Even at a time of full employment in the dockyard and while large sums are being made available annually by Her Majesty's Government for reconstruction and repair of war damage, the financial solvency of her Government is precarious. Substantial assistance from Her Majesty's Government was required to balance the budget last year. A table summarising the different forms of financial assistance given to Malta by Her Majesty's Government is annexed. A request for further assistance in the current year was put forward by Dr. Borg Olivier during his recent visit. It may be assumed that assistance will continue to be required over the next few years, particularly when our payments for war damage are exhausted. The system of parliamentary government might again break down, involving either, as has happened before, reversion to government of "Crown Colony" type or else government by a Commission as tried in Newfoundland.

5. Thus Malta cannot now qualify for acceptance as a full member of the Commonwealth and therefore properly fall within the province of the Secretary of State for Commonwealth Relations, nor is she likely to do so in the future. Yet retention among the territories for which the Colonial Secretary is responsible is no longer regarded in Malta as tolerable. Recent events revealed clearly the strong and widespread feeling which exists in the Colony on the subject of Malta's status and the sympathy with which it is answered in Parliament, Press and public in this country. Dissatisfaction with their constitutional status is poisoning our relations with a people to whom we owe much and whose loyalty to the Crown is perhaps as strong now as it has ever been.

6. My suggestion is that responsibility for Maltese affairs should be transferred to the Home Secretary, who has relationships with the Channel Islands and the Isle of Man similar to those which exist between the Colonial Secretary and Malta. So far as the Islands are concerned, the constitutional position is that legislation requires the approval, not of the Home Secretary but of the Privy Council, and the Home Secretary acts *vis-à-vis* the Islands in his capacity as that member of the Council who is specially charged with the affairs of the Islands. Malta could likewise be placed under the care of the Privy Council and the Home Secretary would then take responsibility for Malta in the way in which he accepts responsibility for the Islands. The justification for treating Malta in this way would be that she, being a fortress island in Europe, could logically be detached from the Colonial Empire and treated as one among these nearer territories. Of the other Colonies, Gibraltar and Cyprus are comparable. In neither is there any local demand for a change and no genuine demand is likely to be made from any responsible quarter. If ever Gibraltar and Cyprus reach a similar stage of development to that attained by Malta, the device of bringing them under the umbrella of the Privy Council could be applied, although such a course might well cause difficulties with Spain and Greece respectively.

7. Transfer to the Home Office would not in itself alter the constitutional status

of Malta. It might not completely satisfy Malta, but it ought at least to remove any existing resentment at being lumped together with the African territories. There have been suggestions in Malta (for example from the Leader of the Opposition) that her only salvation lies in union with the United Kingdom. Such ideas are nebulous and based largely on the view that the Maltese should participate in the social services provided in the United Kingdom; but their currency at least suggests that transfer to the Home Office might offer attractions to Maltese opinion. Dr. Borg Olivier's claim at the Coronation was that his treatment should be assimilated to that of the Prime Ministers of *Northern Ireland* or Southern Rhodesia.

8. By transfer from the Colonial Office, Malta would forgo the benefit of the machinery and expert advice we provide to help Colonial territories with their financial, development and other problems. The Home Office has, however, the experience of representing the interests of the Channel Islands and the Isle of Man and could, I have no doubt, satisfy Malta's requirements.

9. As regards finance, there is no doubt that, as I have indicated above, Malta will for years continue to need financial assistance. At present, as is shown from the Annex to this paper, she receives help under the scope of the Colonial Development and Welfare Acts and also grants in aid from monies voted by Parliament. Legislation would be required to provide for periodical subsidies from the Exchequer, whether or not Malta remains within the scope of the Colonial Development and Welfare Acts.

[paras 10–15 on the Gold Coast: omitted]<sup>3</sup>

### *Recommendations*

16. My recommendations are that:—

(a) It should be decided in principle now that the request of both Governments for the transfer of their affairs to the Commonwealth Relations Office be refused. . . .

(c) As regards Malta, the decision should be regarded as final, but I should be authorised to inform the Prime Minister of Malta that Her Majesty's Government would be prepared, if this would be acceptable to Malta's Ministers, to arrange for responsibility for handling Malta's affairs to be transferred to the Home Office.

<sup>3</sup> The paras dealing with the Gold Coast in this memo are reproduced in BDEEP series B, R Rathbone, ed, *Ghana*, part II, 136. The annex to this memo (paras 4 & 9) is not printed.

## **314 CAB 129/67, C(54)141**

**14 Apr 1954**

### **'Future status of Malta': joint Cabinet memorandum by Sir D Maxwell-Fyfe<sup>1</sup> and Mr Lyttelton**

The Prime Minister of Malta (Dr. G Borg Olivier), when he was in London for the Coronation, requested that responsibility for handling the affairs of Malta in London should be transferred to the Commonwealth Secretary. In C. (53) 218 of 28th July, 1953<sup>2</sup> it was proposed that, whilst this request should be refused, Dr. Borg Olivier might be informed that Her Majesty's Government would be prepared in principle to

<sup>1</sup> Sir D Maxwell-Fyfe (Viscount Kilmuir, 1954), home secretary and minister for Welsh affairs, 1951–1954.

<sup>2</sup> See 313.

arrange for responsibility for the handling of Malta's affairs to be transferred to the Home Office. This proposal implied a future place for Malta analogous with that of the Channel Islands in relation to the United Kingdom, without involving any substantial alteration in Malta's present constitution. It was hoped that this change of relationship, whilst probably not completely satisfying the Maltese Government, might at least go far to removing the feeling in Malta that the Island's affairs are being dealt with on the same footing as those of the African territories.

2. The Cabinet decided that transfer to the Home Secretary should be accepted in principle, that means should be sought of assimilating the constitutional position of Malta to that of the Channel Islands and the Isle of Man, on the general lines indicated in C. (53) 218, and that we should further study certain points in consultation with the Commonwealth Secretary (C.C (53) 47th Conclusions, Minute 3). The text of the message of Her Majesty's Government, conveyed to the Prime Minister of Malta on 19th September, is annexed.<sup>3</sup>

3. After a General Election, Dr. Borg Olivier secured a majority by a coalition with Dr. Boffa's Malta Workers' Party and was returned to office. He has not made any formal reply to this communication, beyond indicating a preliminary view that the offer did not much appeal to him and his Party. He and one of his Ministers now propose to visit London on about 18th May to discuss it and questions about emigration from Malta. He will obviously seek first an explanation of precisely what changes would follow from acceptance of the offer. The Governor thinks that Dr. Borg Olivier is likely to reject the offer, unless it is accompanied by substantial constitutional concessions (which the Governor does not recommend).

4. Meantime, Mr. Mintoff,<sup>4</sup> the Opposition Leader with the largest Party, has been seeking support for a different solution. Whilst Dr. Borg Olivier and his Nationalist Party want greater constitutional freedom, including the removal of most of the subjects reserved to the Governor under the present dyarchical constitution, and a status comparable with that held by Southern Rhodesia before Federation, Mr. Mintoff and his Malta Labour Party profess to be more concerned with economic realities than with questions of prestige. He advocates some form of closer integration with the United Kingdom, and seems prepared to face a diminution in political autonomy, and the application of United Kingdom rates of taxation, provided Malta gets in return United Kingdom social services and rates of pay, and representation in the United Kingdom Parliament.

5. Mr. Mintoff recently paid a short private visit to this country, during which he had informal meetings with some Members of Parliament and Ministers and with Labour Party leaders, under the auspices of the Commonwealth Parliamentary Association. He interested himself particularly in the relationship of Northern Ireland to the United Kingdom Parliament, and appears to have gained sympathy amongst all Parties for the idea that closer relationship on this pattern might be a solution.

6. We think it desirable to seek the approval of our colleagues, at this point, to the general lines on which discussion with the Maltese Prime Minister can be carried forward next month.

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<sup>3</sup> Not printed.

<sup>4</sup> D Mintoff, leader of the opposition in Malta, 1949–1955, 1962–1971; prime minister, 1955–1958, 1971–1984.

7. The offer will first have to be fully explained to him. He is almost certain to reject it, and press for his suggestion that Maltese affairs should be transferred to the Commonwealth Relations Office. But that would bring us back where we were, and we should miss the chance of doing something to satisfy Maltese aspirations. If nothing is done now, we might find a revival, of which there are already signs, of a movement in Malta for integration with Italy.

8. Basically, the trouble is that we have tried to give complete self-government in internal affairs (including finance) to a territory which does not, and probably never will, have a viable economy. The financial situation is not acute at the moment, as Malta is currently able, with the artificial assistance of the grant for war damage reconstruction, to balance its own budget. But the respite is only temporary. Whenever Malta asks us for financial aid, while we are unable to influence the financial policies of Maltese Ministers and satisfactorily control the expenditure of grants once they have been made, the insistence that such grants should be limited to the immediate need and hedged about with restrictions only increases the feeling of bitterness in Malta that they have to come to Her Majesty's Government in the role of beggars.

9. Dr. Borg Olivier's solution of this dilemma is to claim that Malta should be entitled to a sort of annual rent from Her Majesty's Government for the Island's strategic value. Whether there is anything to be said for such a concept is one of the things that might be examined if a Royal Commission on Malta was appointed. The Island's economy already depends upon what is spent by the United Kingdom and allied forces in the Island.

We thus have for Malta the two opposite conceptions: Dr. Borg Olivier's that Malta should be paid an annual rent and then be given even more complete self-government, by the reduction of reserved powers, together with the placing of Malta under the Commonwealth Secretary; Mr. Mintoff's that there should be a closer integration with the United Kingdom economy. Against this background, we set out below four possibilities.

#### *The Home Office offer*

10. In approving the existing offer, our colleagues sympathised with the resentment felt by many Maltese, as European people boasting a civilisation older than our own, against a "Colonial" status, and more particularly their inclusion in the same category as the African Colonies. The offer implies little more than a change in the United Kingdom Minister dealing with their affairs, to satisfy this argument of prestige, though it might qualify them for the United Kingdom Emigration Quota to the United States. The proposal is that Malta should be placed, like the Channel Islands, in a special relationship to the Queen in Council, through the Home Secretary as responsible Minister. The Channel Islands status, however, would be more restrictive on local autonomy than the present constitution of Malta. In the Channel Islands, although there is a large degree of local self-government, the Royal Assent to all legislation is given by the Privy-Council, and the Home Office are frequently consulted about important Bills in the formative stages. United Kingdom officials now play no part in framing legislation within the powers of the Maltese Government and ordinary legislation automatically receives the Royal Assent through the Governor. The Home Office offer, therefore, allows a certain, although limited, room for manoeuvre. For example, it would presumably be necessary to tell

the Maltese Prime Minister that the parallel with the Channel Islands would not be followed so closely as to bring about any effective restriction in the Maltese Government's present powers. Dr. Borg Olivier might also be told that the Home Office offer is a first step, that for many reasons the status of Malta could not be wholly assimilated with that of other territories dealt with under the Home Office, and that the best thing would be for a clean cut to be made first of all by transfer from the Colonial Office to Home Office under the present constitution. This would be on the understanding that it would not preclude the Maltese Government and the Home Office from working out eventually a new system which would correspond more to the political and economic requirements of the situation. Even so there seems little likelihood of Dr. Borg Olivier's accepting the offer and the question is whether there are any developments of it which can be seriously considered.

### *Closer integration with the United Kingdom*

11. Some attention has been paid in Parliament and the Press here to Mr. Mintoff's ideas. This has led us to consider whether there is any practical possibility of offering Malta some form of integration with the United Kingdom. The solution would be a radical one, as it would mean bringing Malta into a position similar to that of Northern Ireland within the United Kingdom.

12. All United Kingdom legislation applies to Northern Ireland, unless otherwise stated. Certain services (usually referred to as transferred services) are within the jurisdiction of the Northern Ireland Parliament and Government, other important services are reserved to the United Kingdom Parliament. The effect of this is that the major taxes, both direct and indirect, are outside local jurisdiction. In return, Northern Ireland receives sufficient funds, taken together with the proceeds of local taxation, to enable it to maintain social services at approximately the United Kingdom level. At first sight, the Northern Ireland arrangement might be expected to be unacceptable to the Maltese. The status and powers of the Maltese Parliament would be considerably reduced. Not only would there be a much wider field of control from London, but a number of important Departments would be directly responsible to London and not to the local Government. In the sphere of finance, the whole of the real power would be transferred from Malta to London, and Maltese citizens would have to pay United Kingdom rates of taxation. Nevertheless it is some such relationship for which Mr. Mintoff is pressing. It is apparently his view that the practical advantages to the Maltese economy would more than compensate for the derogation from local autonomy. The return for having to pay United Kingdom rates of tax (which might not affect the majority of the population very seriously) would be a close approximation to United Kingdom social services and, in many spheres, United Kingdom rates of pay. On the constitutional side, the reduction of status of Malta's own Legislature would be offset by representation at Westminster. This solution would undoubtedly present serious difficulties. Not only would it increase the burden on the United Kingdom Treasury, and on the Service Departments for the payment of wages at United Kingdom rates, but there would be the difficulty of securing administrative efficiency. Northern Ireland officials are recruited from the same source as United Kingdom officials, and have the same background. The good will and understanding between officials in Belfast and London contribute much to the successful operation of the Northern Ireland constitution, and the proximity of the two capitals facilitates swift and regular exchange of views and renewal of



personal contact. These favourable factors would be absent in the case of Malta.

13. For the moment, the idea of integration with the United Kingdom depends very largely on whether representation of Malta at Westminster can be seriously considered. The number of Maltese representatives would be about three, judging by the size of their present electorate. There are massive arguments against such a system. First, a precedent would be created and other territories might claim the same privileges. If, for example, Gibraltar asked for a similar status, it would not be possible to resist on any reasoned argument. Secondly, such a system which has some resemblance to the Union Française has the inherent defect that the Members elected from these territories soon lose touch and influence with their constituents and have little or nothing to contribute in the day to day life of Parliament at Westminster. Thirdly, in a Parliament where there is a small balance between the two great Parties the few "oversea" Members might have a power over our domestic affairs out of all relation to their knowledge or responsibility. It would indeed be a farce if on such a subject as commercial television in the United Kingdom, the balance of power, as it well might have, had rested with the Maltese Members. On the first point above, however, there might be few other territories that would, in fact, seek the same position. It was only recently that Gibraltar, for instance, was strongly resisting having any income tax at all. We should like to know whether our colleagues consider that some form of integration with the United Kingdom on this basis should be further studied, or whether it must be ruled out *ab initio*.

*Some form of special status under the secretary of state for Commonwealth relations*

14. If we assess correctly Dr. Borg Olivier's probable line when he comes here, he will begin by putting up a fight for what he originally asked for, namely transfer to the Commonwealth Relations Office. He may try to claim that, logically, there is no such great difference between the Maltese Constitution and that of Southern Rhodesia (now the Federation of Rhodesia and Nyasaland) that Malta could not similarly be administered under the Commonwealth Relations Office. The answer to that is that there were special historical reasons why Southern Rhodesia (and also the High Commission Territories) came under the Commonwealth Relations Office, and that this was a wholly exceptional arrangement. The function of the Secretary of State for Commonwealth Relations is that of handling relations with independent Commonwealth countries. Malta, because of its size and lack of resources, can never hope to achieve full independence. If the previous decision were to be reviewed, it would seem necessary to try to evolve for Malta some kind of mezzanine status, under the Secretary of State for Commonwealth Relations, coupled with the grant of an annual sum within which Malta would have to live. We assume that our colleagues still feel that a solution along these lines must be ruled out.

*Appointment of a Royal Commission*

15. The forthcoming talks with Dr. Borg Olivier are likely to lead to a stalemate, unless our colleagues consider that any of the possibilities mentioned above can be seriously thought about, and that the Secretary of State for the Colonies can hint as much to the Maltese Prime Minister. Otherwise, we shall get nowhere, and as we have indicated, we do not believe that the subject can be let drop altogether. We therefore endorse the Governor's recommendations that, in these circumstances, the



best solution would be to tell the Maltese Prime Minister that a Royal Commission will be appointed. This would examine the working of the present 1947 Constitution of Malta, the financial problems of Malta, and the question of some change in its present status. A Royal Commission would not, of course, be itself an answer to the problem, and there would be some risk that it might make proposals which were not very acceptable, but which it might be then more difficult for us to refuse. Nevertheless, we believe that, subject to what Dr. Borg Olivier says when he comes here, the appointment of a Royal Commission would probably be the best course. We should be glad to know if our colleagues agree. While the Royal Commission was at work, there might well be advantage in giving more detailed study to any of the possible solutions discussed above which may be held to merit further consideration.

**315** CAB 128/27/1, CC 29(54)6  
'Malta': Cabinet conclusions on future status

15 Apr 1954

The Cabinet had before them a memorandum by the Home Secretary and the Colonial Secretary (C. (54) 141)<sup>1</sup> seeking guidance on the line they should take in forthcoming discussions with Dr. Borg Olivier, the Prime Minister of Malta, about Malta's future status.

*The Colonial Secretary* said that the offer was still open that Malta should be brought under the authority of the Queen in Council, on the analogy of the Channel Islands and the Isle of Man, with the Home Secretary as the responsible Minister. It seemed likely, however, that the Maltese would be unwilling to accept this offer. The possible alternatives appeared to be:—

- (i) to accede to Dr. Borg Olivier's desire that Malta should be accorded a status comparable with that enjoyed by Southern Rhodesia before Central African federation;
- (ii) to develop a closer relation between Malta and the United Kingdom on the lines favoured by the Labour Party in Malta;
- (iii) to appoint a Royal Commission to examine the working of Malta's present constitution, her financial problems and the question of some change in her present status.

As regards (i), a request that responsibility for handling the affairs of Malta in London should be transferred to the Commonwealth Secretary had already been rejected. The idea of closer integration of Malta with the United Kingdom, implicit in (ii) above, must depend very largely on whether Parliamentary representation of Malta at Westminster could be seriously considered. He himself did not consider that it could and he understood that his view was shared by the Labour Opposition in the House of Commons. The Opposition were also doubtful about the wisdom of any arrangement which might make this country's social services available to the population of Malta, which the island's economy could not wholly support. There were risks in the appointment of a Royal Commission, which might submit recommendations which the government could not accept. It seemed possible,

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<sup>1</sup> See 314.

however, that Ministers might find themselves in a position in which the appointment of a Commission was unavoidable.

In discussion there was general agreement that representation of Malta in the Parliament at Westminster could not be contemplated.

*The Commonwealth Secretary* said that further reflection had confirmed him in the view that the Cabinet had been right to reject the request that responsibility for handling Malta's affairs should be transferred to him. He was, however, apprehensive about the possible consequences of the appointment of a Royal Commission and he hoped that the two Secretaries of State would find it possible, in their discussions with Dr. Borg Olivier, to explore the position and report further to the Cabinet before a decision was taken to appoint a Royal Commission.

*The Prime Minister* said that it did not seem necessary at this stage to rule out the possibility that it would eventually be necessary to adopt a negative attitude towards Malta's present attempts to obtain some change in her constitutional status.

*The Colonial Secretary* pointed out that Malta's claims tended to evoke special sympathy and support in this country on account of her unique position in having been awarded the George Cross.

The Cabinet:—

(1) Took note of C. (54) 141 and of the views expressed in discussion.

(2) Authorised the Home Secretary and the Colonial Secretary to initiate discussions with the Prime Minister of Malta and invited them to refer the matter again to the Cabinet before bringing these discussions to a conclusion.

### **316 CAB 128/27/2, CC 56(54)1**

**29 July 1954**

#### **'Malta': Cabinet conclusions on future status**

The Cabinet considered a report by the Colonial Secretary (C. (54) 243) on his discussions with the prime Minister of Malta on future constitutional development in Malta.

*The Colonial Secretary* said that the Cabinet should now consider what action should be taken if, as now seemed likely, Dr. Olivier's reply to the offer to transfer responsibility in London for Maltese affairs to the Home Office was indefinitely delayed. On further reflection he did not now favour the appointment of a Royal Commission on the constitutional and financial problems of Malta; and he recommended that no public mention should be made of this possibility without further reference to the Cabinet. The better course, in his view, was to seek to promote a conference of representatives of all the chief political Parties in Malta, together possibly with certain other local personages, to consider these problems. Such a conference would be presided over by a Colonial Office Minister, who would steer it towards sound conclusions. If, however, such a conference were to fail in its purpose, the Government would be free to adopt whatever course might then seem appropriate. The root of the problem lay in the facts that Malta's problems were basically economic and financial, and that the Maltese Government aimed at combining constitutional and political independence with continued financial support from the United Kingdom Government. He did not, however, exclude the possibility that further discussions might lead to some financial arrangement which

would satisfy Malta's needs without involving the United Kingdom Government in additional financial commitments.

*The Commonwealth Secretary* agreed that it would be inexpedient to appoint a Royal Commission on Malta's constitutional problems. Such a Commission might well recommend that responsibility for Malta's affairs should be transferred to the Commonwealth Relations Office, a solution which should certainly be avoided.

The Cabinet:—

(1) Authorised the Colonial Secretary to explore the possibility of arranging a conference of representatives of Maltese political Parties on the future constitutional status of Malta.

(2) Agreed that, without further reference to the Cabinet, no encouragement should be given to the idea that a Royal Commission might be appointed to consider Malta's constitutional and financial problems.

**317** CAB 134/1203, CA (0)(56)8

11 May 1956

**'Future departmental responsibility for Malta': Home Office memorandum for the Official Committee on Colonial Policy (23 Apr 1956)**

[The conference proposed by Lyttelton (see 316) was convened in London in June 1955 and attended by delegations representing the Malta Labour Party and the Malta Nationalist Party. By that time Mintoff (Labour Party) had replaced Olivier (Nationalist Party) as prime minister, having won an election in Feb on a policy of integration of Malta into the UK. In a Cabinet memo (CAB 129/76, CP(55)53, 27 June 1955), Lennox-Boyd argued that the idea of integration should now be seriously considered: 'I have no doubt that if the *principle* of representation at Westminster is turned down, Mintoff will come forward with an intolerable alternative, independence with a Defence treaty and considerable financial aid from the United Kingdom. In this, the two delegations, divided hitherto, might well be united.' As the talks were in progress, Cabinet decided to convene a 'round-table conference' of all parties at Westminster to consider, among other issues, the question of Maltese parliamentary representation. Convened in Sept 1955, this conference gathered evidence from representatives of the political parties in the Maltese Legislative Assembly and other organisations and individuals. 12 plenary sessions were held in London, 3 in Malta and there were 11 closed sessions. The conference reported in Dec 1955 in favour of parliamentary representation if the people of Malta wished it. In Jan 1956 Cabinet referred this recommendation to the Colonial Policy Committee (CAB 128/30/1, CM 2(56)4, 4 Jan 1956). The Committee endorsed the recommendation and the Cabinet was inclined to agree (CAB 128/30/1, CM 22(56)9, 13 Mar 1956). A referendum had already been held in Malta in Feb 1956; 76 per cent of the votes cast (44 per cent of the electorate) favoured integration with Britain and parliamentary representation at Westminster. The possibility of Home Office responsibility for Malta was therefore raised again and the issue was referred to the recently established Official Committee on Colonial Policy (see 196 and 203).]

1. The Round Table Conference on Malta recommended in paragraph 87 of their Report that "The responsibility for Maltese affairs in London should be transferred to the Secretary of State for the Home Department, who should be represented in Malta by a United Kingdom representative, at the head of a staff constituting the United Kingdom agency in Malta, with the necessary powers, under the authority of the Home Secretary, to carry out the decisions of Her Majesty's Government in defence and foreign affairs and to consult and collaborate with the Maltese Government in matters of joint concern."

2. At the sixth meeting of the Colonial Policy Committee held on 6th February, 1956, the Home Secretary expressed doubts about the expediency of such a transfer and the Colonial Secretary said that in his view this was part of the wider problem of future Ministerial responsibility for territories which achieved full internal self-government within the Commonwealth. He suggested that this wider question should be remitted for early examination by officials of the Departments primarily concerned. The Committee agreed (Conclusions 2(9)):

To recommend to the Cabinet that no decision need be taken on the question of future Ministerial responsibility for Malta's affairs before the completion of the other constitutional changes recommended in the Report of the Round Table Conference.

3. Before final decisions are taken on the drafting of the legislation which the Prime Minister announced to the House of Commons on 28th March, the Home Secretary would like to place on record the considerations which lead him to think that it would not be appropriate for the Home Office to undertake responsibility for Malta.

4. The territories outside Great Britain for which the Home Office is responsible are Northern Ireland, the Channel Islands and the Isle of Man. There is no comparison between the constitutional position or the problems involved in the administration of the Channel Islands and the Isle of Man on the one hand and Malta on the other; and the proposal that the Home Office should undertake responsibility for Malta presumably rests upon a supposed analogy between Northern Ireland and Malta. There is, however, no true similarity between the two. The first obvious difference arises from the fact that Northern Ireland is so much nearer and more accessible to London; consequently the Home Office has no local administration in Northern Ireland such as the Round Table Conference has proposed for Malta. There is no question of the Home Secretary carrying out in Northern Ireland "decisions of Her Majesty's Government in defence and foreign affairs".

5. It is evident that in dealing with Northern Ireland there is no problem of bridging a gap in tradition, outlook, religion, race, language and administrative experience. For at least 150 years Northern Ireland has been closely akin to the rest of the United Kingdom, and the political pressures in Northern Ireland encourage the Government and officials in Northern Ireland to keep closely in touch and in step with Great Britain. The political situation in Malta, linked with the difference of religion (which would present a novel problem to the Home Office) is not comparable with the situation in Northern Ireland.

6. It is evident that the problems of Malta are very largely economic, and the administration of economic aid and advice would be an essential factor in the relationship between Her Majesty's Government and the Government of Malta in the future. No similar problem arises in any of the territories administered by the Home Office. Although there is a serious unemployment problem in Northern Ireland which has called for special consideration and measures, there has been no question of long term economic aid, and indeed Northern Ireland, while paying the same taxes as the rest of the United Kingdom, contributes a substantial sum annually to the United Kingdom Exchequer. In the economic field there may be something to be said for continuity of administration.

7. The Home Office staff dealing with Northern Ireland, the Channel Islands and

the Isle of Man is small. The Home Office does not know to what extent expert advice in public health, agriculture and education are required for dealing with Malta; but no such advice is available in the Home Office. There is no doubt that an increase in the staff of the Home Office would be required and this might not be balanced by a corresponding saving in the Colonial Office. Too much stress should not be laid on the point of view which has been expressed from time to time that the Home Office is already overloaded "with sectional and multifarious responsibilities" as the *Sunday Times* leading article put it on 18th December, 1955: but there is more in the point of view which that leading article went on to expound, and which the Colonial Secretary himself stated at the sixth meeting of the Colonial Policy Committee, that a wider problem is involved of the future responsibility for self-governing territories within the Commonwealth; and it will perhaps be agreed that the Home Office is not the natural repository for all such territories.

8. There seem to be a number of possible solutions. In so far as the present limited objective is to satisfy the "prestige" sensibilities of Malta, the Colonial Secretary might follow the example of the Home Secretary in regard to Wales and be styled the Secretary of State for the Colonies and for Maltese Affairs. This does not solve the longer term problem, the solution to which might be to merge the Colonial Office and the Commonwealth Relations Office into an Office for Commonwealth Affairs. A third possibility is that there should be established a separate Department to deal with territories which, although substantially self-governing, can never become fully independent; but presumably in course of time this Department and the Commonwealth Relations Office would absorb all the territories for which the Colonial Secretary is now responsible.

**318** CAB 134/1203, CA(0)(56)9 16 May 1956  
 [Malta]: CO memorandum for the Official Committee on Colonial  
 Policy on future departmental responsibility for Malta

It is understood that the recommendation in paragraph 87 of the Report of the Malta Round Table Conference, that the responsibility for Maltese affairs should be transferred to the Home Secretary, was based mainly on the following arguments:—

- (a) Her Majesty's Government had themselves proposed such a transfer, as a counter to the request made by Dr. Borg Olivier in 1953 that Malta come under the Commonwealth Relations Office;
- (b) The Maltese Government, under Mr. Mintoff, included transfer to the Home Secretary among the proposals which they put to the Round Table Conference; and other Maltese parties were opposed to leaving Malta under the Colonial Secretary;
- (c) "Integration" involved a form of union with the United Kingdom similar to (although not identical with) the union with Northern Ireland;
- (d) The basic idea underlying Mr. Mintoff's proposal for "integration" was one of status. To continue the link with the Colonial Office would imply the maintenance of "colonial" status.

2. Admittedly the constitutional and other problems involved by the Channel

Islands and Isle of Man are very different from those with which the Home Secretary would be faced were he to become responsible for Malta; nor is the Northern Ireland parallel at all exact, as the Maltese Government itself admits. The fact remains, however, that Her Majesty's Government stated publicly in 1953 that they were prepared to transfer the responsibility for Maltese affairs to the Home Secretary, and this offer has not been withdrawn. Moreover, when the "Home Office offer" was originally made there was no specific reference to any analogy between Malta and the other integral parts of the United Kingdom for which the Home Secretary is responsible. Indeed, the words in which the offer was made emphasized the unique character of Malta and argued that the transfer to the Home Secretary, as responsible Minister, would stand as the most signal recognition of that unique character.

3. Her Majesty's Government were thus deeply committed to the transfer of Maltese affairs to the Home Office even before their "unconditional" acceptance of the Report of the Round Table Conference. They could not go back on this policy in opposition to Maltese wishes without laying themselves open to a charge of breach of faith. The Maltese Government, while recognizing that the accomplishment of the transfer will involve internal problems for the Home Office and may mean some temporary break in the continuity of advice on economic problems which at present comes to Malta through the Colonial Office, are certain to continue to press for the Home Secretary as the responsible United Kingdom Minister. On practical grounds, they will point to the fact that, as Whitehall departments are already sending their own experts to advise the Maltese Government, the responsibility of the Home Secretary would be more that of co-ordinating the activities of such other departments than of giving advice itself, so that any temporary loss of efficiency through the transfer of "parent" departments need not be serious or prolonged.

4. The most telling argument against leaving Maltese affairs with the Colonial Office when "integration" takes place is that it would be quite inappropriate for the Colonial Secretary to administer a territory which has become part of the United Kingdom. The Maltese people naturally expect that, after integration, their affairs will be dealt with by as senior a Minister as one of the principal Secretaries of State. The device of giving the Colonial Secretary the additional title of Minister for Maltese Affairs, even if it were acceptable on other grounds, would not meet the demand of any political party in Malta. It would not bring about the complete break with "Colonial" status which present policy demands.

5. There can, of course, be no question of transferring Maltese affairs to the Commonwealth Relations Office as at present constituted. That was specifically ruled out when Her Majesty's Government rejected Dr. Borg Olivier's proposals for "quasi-Dominion" status. In this connection it will be recalled that in considering the wider problem of Ministerial responsibility for territories which achieve full internal self-government, the Cabinet came to the conclusion in December, 1954 (C.C.(54) 83rd Conclusions)<sup>1</sup> that it would be advantageous if, at some stage, the Colonial Office and the Commonwealth Relations Office could be combined into a single Department of Commonwealth Affairs, which would be concerned with all Commonwealth countries, whatever stage they had reached in constitutional development. In the meantime, while responsibility continued to be divided between the Colonial Office and the Commonwealth Relations Office, it was agreed that the

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<sup>1</sup> See 195.



Commonwealth Relations Office should not undertake responsibility for relations with any Commonwealth territories before they reached the stage of full independence. In the view of the Colonial Office it is too early yet to contemplate a merger of the two Departments since for political reason[s] both the Commonwealth Member Countries and the Colonial territories should continue for some time to come to be represented in London by a Secretary of State of Cabinet rank.

6. The Home Office suggestion that there should be established a separate Department to handle the affairs of territories which, although substantially self-governing in their internal affairs, can never become fully independent, is presumably intended to cater for such territories when they have gone about as far constitutionally as they can go. There does not at present exist a sufficient number of Colonial territories at that stage to warrant the creation of a third Secretaryship of State. The only territory likely soon to reach the widest possible measure of internal self-government short of "dominion status" is Singapore—and it is not at present possible to predict confidently the likely constitutional and political progress of Singapore within the next few years. It may be, however, that one feature of the next constitutional changes in Singapore will be to give it formally the title of "State". Should this be so and, assuming that Singapore will nevertheless remain under the Colonial Secretary, it might become desirable, because of Singapore alone, to expand the Colonial Secretary's title to something like "Secretary of State for the Colonies and States of the Commonwealth". For the reasons given earlier in this paper, however, this would not cover the special position of a territory which was "integrated" with the United Kingdom on the lines now envisaged for Malta.

7. In the Colonial Office view, therefore, the recommendation of the Round Table Conference that responsibility for the affairs of Malta should (when representation at Westminster takes effect) be transferred to the Home Secretary is on all grounds sensible and appropriate. No other arrangement would meet Malta's needs.

### **319 CAB 134/1203, CA (0)(56)4**

**1 June 1956**

#### **'Departmental responsibility for Malta': minutes of Official Committee on Colonial Policy<sup>1</sup>**

**[Extract]**

The Committee had before them notes by the Secretaries (C.A. (0)(56) 8 and C.A. (0)(56) 9) covering memoranda by the Home Office and Colonial Office on the question of future Departmental responsibility for Malta.<sup>2</sup>

*Sir Thomas Lloyd* said that the retention of the Colonial Secretary as the responsible United Kingdom Minister was unacceptable to both of the main political parties in Malta. He recalled that the original demand, made by Dr. Borg Olivier, was for removal of responsibility from the Colonial Office to the Commonwealth Relations Office. It would be equally unacceptable to either party in Malta that the Minister responsible for the Colonies should retain responsibility for Malta, even although a new title, such as "Minister for Maltese Affairs" were added to his existing

<sup>1</sup> The meeting was attended by Brook (chair), Lloyd, Jeffries and Roberts-Wray (CO), Laithwaite (CRO), Dean (FO), Johnston (Treasury), Sir F Newsam (permanent under-secretary of state, Home Office, 1948–1957), J H James (Admiralty) and Rowlatt (parliamentary counsel).

<sup>2</sup> See 317 & 318.

one. The first decision to be made by Her Majesty's Government was therefore to decide whether or not Malta should remain under the Colonial Office: it seemed to him clearly inappropriate that any territory which obtained the right to send members to Westminster should remain under the Colonial Secretary.

*Sir Frank Newsam* said that the Government's acceptance in principle of the Report of the Round Table Conference need not be taken to imply acceptance of all the detailed proposals in the Report. He could not agree with the assumption made in C.A. (0)(56) 9 that because Malta would send three members to Westminster, the Colony would become part of the United Kingdom. The Home Office did not possess the staff, facilities or experience to undertake the new responsibility involved in establishing the United Kingdom agency in Malta, as contemplated in the Report. The provision of such staff and facilities would be costly. If the role envisaged for the Home Office were to be rather that of co-ordinating other home Departments' activities in Malta, experience in regard to Wales had already shown the difficulties of such a task.

In discussion the following points were made:—

(a) The primary desire of the Maltese Prime Minister, Mr. Mintoff, was for representation at Westminster and the question of departmental responsibility in Whitehall would be of secondary importance in his eyes. It was, however, the general feeling of the Committee that it would be very difficult to retain Malta within the sphere of Colonial Office responsibility once representation at Westminster had been granted.

(b) It was suggested that a new Secretary of State might be created to be responsible for those territories in an advanced stage of constitutional development, amongst which Malta might be included. Against this, it was argued that Malta should be clearly distinguished from other constitutionally forward territories by reason of the representation to be accorded to her at Westminster. It would be undesirable to present any transfer of departmental responsibility for Malta as deriving from Malta's possession of an advanced degree of internal self-government since this would be likely to stimulate pressure for representation at Westminster from other Colonial territories as and when they reached a similar degree of internal self-government. To assign Malta to the Home Office would serve to emphasise this distinction and would have the political advantage of demonstrating that the United Kingdom meant to make "integration" a practical reality.

(c) It was suggested that the experience of the Colonial Office, in the economic field especially, would continue to be required in Malta. Against this, it was pointed out that the existing expatriate staff in Malta was already a very small one and would continue to be such under the new arrangements. It was doubtful whether the general experience of the Colonial Office in handling the problem of overseas territories would necessarily be essential to Malta in the future: for example, the type of economic expertise which would be required in Malta might well be of a kind which the Treasury could provide as effectively as the Colonial Office. However, even when Malta had been removed from the Colonial Office, that Department's advice and, if need be, assistance with staff could still be available.

Summing up, *the Chairman* said that the political case for taking Malta from the Colonial Office and of emphasising Malta's special position apart from the rest of the Commonwealth once representation at Westminster had been granted, was a strong one. Because of this and of the existing responsibility of the Home Office for the

Channel Islands, it seemed to him that the Home Office was the most suitable Department to assume responsibility for Malta. It was not yet, however, necessary to make a firm recommendation to Ministers upon the question of future departmental responsibility for Malta. A decision on this point would not be necessary until the recommendations of the Round Table Conference had been carried out.

The Committee:—

Agreed to resume their discussion at a subsequent meeting.

**320 CAB 129/82, CP(56)169**

**13 July 1956**

**'Malta: outcome of financial talks': Cabinet memorandum by Mr Lennox-Boyd**

[In June 1956 discussions between the British and Maltese governments dealt primarily with levels of economic assistance, with Mintoff demanding much higher levels than had been proposed in the report of the round-table conference.]

As my colleagues are aware, I concluded my statement in the House on 29th June, by announcing that I had conveyed to the Maltese Government an offer to provide assistance of £1½ millions to cover a period of 18 months from last April, coupled with the proposal that a Commission, appointed by the United Kingdom, should conduct a further investigation into Malta's financial needs and resources. This I had been authorised to do by the Cabinet on the previous day (C.M. (56) 46th Conclusions, Minute 8).

#### *Maltese government's reactions*

2. As a result of this proposal, the Prime Minister of Malta withdrew his demand for acceptance or rejection by Her Majesty's Government of a proposal involving United Kingdom aid at the rate of £6½-£7 millions for this financial year and announced that he has resumed negotiations with Her Majesty's Government.

3. My colleagues should, however, be aware that Mr. Mintoff is seeking to impose conditions about the appointment of the Commission, which are now under consideration.

#### *Other points of conflict*

4. Even if the negotiations are successful and the present financial crisis is averted, there is possibility that conflict with the Maltese Government may shortly be resumed on other issues. The main points of probable conflict in the future are as follows:—

##### *(i) The principle of economic "equivalence"*

The members of the Conference cannot deny that they cast considerable doubt on the validity of this principle or of the economic reasoning on which it was based by the Maltese Government and its advisers. In all his recent public statements, however, Mr. Mintoff has reiterated his attachment to this demand.

##### *(ii) The Maltese electoral system*

Mr. Mintoff told the Round Table Conference that he wanted a change from the present Maltese electoral system of proportional representation (for elections to

the Maltese Legislative Assembly) to the British system, even before integration took place. The reasons he gave were the disadvantages of proportional representation and the desirability of uniformity of the system of election which would, of course, apply to the election of representatives at Westminster. His real reason, however, is probably that the change to the British system would probably increase his Party's representation in the Maltese Legislative Assembly, possibly giving him the two-thirds majority without which the present Maltese Constitution cannot be amended except by Act of the United Kingdom Parliament or prerogative instrument. He has not yet publicly declared his desire for this change to take place before the next General Election in Malta, which is to decide on integration, against which the Maltese Opposition have already made representations to me. I consider that their representations are justified, since the Maltese people should be given an opportunity of demonstrating their views. If Her Majesty's government accept Mr. Mintoff's proposal, they would be exposed to the charge that they were in effect trying to bring about integration by unfair means. For it appears that if Mr. Mintoff maintains his total vote, he would under the British system obtain 35 seats to the Opposition's 5 instead of the present ratio of 23 to 17. I am therefore of the opinion that, if Mr. Mintoff presses this proposal, it should be resisted by Her Majesty's Government.

(iii) *Methods of consultation with Her Majesty's Government*

The evidence of Her Majesty's Government to the Conference and the Report laid great stress on the need for increased and improved consultation at all levels between Her Majesty's Government and the Maltese Government. In fact, there has been a fairly regular process of informal consultation, even under the present Constitution, since Mr. Mintoff took office and although there have been some difficulties, relations between the Maltese Government and Maltese Imperial Government have been better than for many years past. These relations promised well for the experiment of integration. Mr. Mintoff's recent tactics throw some doubt, however, on their ability or willingness to use the processes of consultation in the spirit or manner envisaged in the Report.

*Arguments in favour of integration*

5. My colleagues will recall that the main arguments in favour of integration were as follows:—

- (a) The advent of nuclear weapons had not substantially changed the importance of Malta in our defence plans.
- (b) The proposals of the Nationalist Party for a form of Dominion status did not offer sufficient safeguards for Her Majesty's Government's defence interests in Malta.
- (c) Constitutional and administrative reforms short of a form of Dominion status or representation at Westminster would not satisfy the Maltese people and would not create the spirit of co-operation necessary to facilitate Her Majesty's Government's free exercise of their responsibilities in Defence and Foreign Affairs.
- (d) The plan of integration as proposed by the Conference appeared to offer the best chance of securing Her Majesty's Government's interests and ensuring a happier and more successful political and economic relationship between Her Majesty's Government and Malta in the future.

*Changes in the position*

6. As my colleagues know, Her Majesty's Government's acceptance of the Report of the Conference was welcomed on all sides of the House and by the Maltese Government. But, as indicated above, Mr. Mintoff's recent actions and the probable recurrence of conflicts on other aspects of the Report of the Round Table Conference may be indications that the implementation of integration may give rise to serious friction in the near future if not in the long run. The reason for this may be found primarily in Mr. Mintoff's erratic and intemperate character, but he may have reached the conclusion that, once the scheme of integration recommended by the Conference is put into effect, he will have to settle down to a long period of patient and careful administration, involving many domestic difficulties. Among these would be the state of his relations with the Roman Catholic Church in Malta and the difficulty of maintaining the support of the Malta Labour Party for a policy of wage restraint and of raising living standards only in relation to improvements in Malta's economic capacity. He will thus be placed on the defensive and will have no dynamic policies with which to counter inevitable criticisms from the Opposition in Malta. His present tactics may, therefore, be based on an attempt to outbid the Opposition in nationalistic gestures and so possibly even capture some of their followers. It is consistent with this view that Mr. Mintoff keeps talking of "an alternative solution" on the lines of our arrangement with Libya. It will be recalled that these involve an agreement on the use of defence facilities by Her Majesty's Government, certain assistance in the development of Libya's defence, and a separate financial arrangement by which Her Majesty's Government provides money towards Libya's economic development.

*Conclusion*

7. I draw two conclusions from this:—

(1) Whatever may be Mr. Mintoff's motives in pursuing his present tactics, I consider that Her Majesty's Government must not expose themselves to further pressure from the Maltese Government and must, if necessary, be prepared to risk Mr. Mintoff throwing in his hand, even if it endangers the implementation of the Report of the Round Table Conference. I still hope that the difficulties can be overcome and that the plan, which still offers the best prospect of a successful relationship between Malta and the United Kingdom, can be made to work. But we cannot have Mr. Mintoff setting conditions which we are committed to accept.

(2) We must have an alternative policy ready in case the integration plan breaks down. It may be assumed that full integration in the sense of making Malta another county of the United Kingdom would be ruled out by the Maltese themselves irrespective of any objections on our part. It may also be assumed that, failing implementation of the present form of integration, the Maltese people would accept either the quasi-Dominion status advocated by the Maltese Nationalist Party or a "Libyan solution." If, however, the assumption about Malta's continued strategic importance is still valid, it would seem to follow that neither the alternative proposed by the Maltese Nationalist Party nor *a fortiori* a solution granting independence on the Libyan or another pattern would meet Her Majesty's Government's defence requirements. The only other obvious solution would be a return to a form of Crown colony government. This would certainly not be

acceptable to the Maltese people for long nor would it be easier to work than integration under Mr. Mintoff

### *Recommendation*

8. In order to form our views more clearly, I suggest that we should, as a first step, ask the Chiefs of Staff for a reassessment of Malta's importance as a base in the light of any recent changes in our Defence requirements. We should also ask them for their views on the implications, for our defence needs, of allowing a situation to develop in which we might be confronted with the need to find an alternative solution.<sup>1</sup>

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<sup>1</sup> Cabinet accepted this recommendation; for the COS report, see part I of this volume, 55. The integration plan soon foundered for several reasons, including opposition from a large section of the Conservative Party; opposition from the Roman Catholic Church in Malta; bitterness between the Maltese parties; and doubts as to whether a substantial majority of Maltese really wanted it following the referendum in Feb 1956 (see 317, note). Mintoff pursued an increasingly anti-colonial policy until in Apr 1958 he was dismissed and the constitution suspended. Malta became independent in Sept 1964 with Olivier as prime minister.

**321** CAB 129/69, C(54)245

21 July 1954

'Cyprus': joint Cabinet memorandum by Mr Lyttelton and Mr Selwyn Lloyd on future policy. *Annex 2*

### I

In this paper we propose a statement of Her Majesty's Government's policy for Cyprus, including reference to the introduction of a new Constitution, and we discuss the probable effects of this statement on Anglo-Greek and Anglo-Turkish relations, and also the way in which the Cyprus question should be handled at the forthcoming meeting of the General Assembly of the United Nations.

### *Policy of the Greek government*

2. Although the Greek claim to Cyprus has existed for many years, Greek Governments since the war, prior to the present Government, refrained from supporting agitation for Enosis. The Government of Field-Marshal Papagos have, however, taken the question up with great energy and have asked Her Majesty's Government to engage in bilateral talks on the future of the island. They have let it be understood that, if these talks take place, they would put forward proposals for representative government in Cyprus for a few years, to be followed by a plebiscite on the issue of union with Greece. Her Majesty's Government have refused to enter into negotiations with the Greek Government, and have given the Greek Government no encouragement to believe that this attitude will be changed in the future. The Greek Government have stated that, if we continue to refuse, they will put the question on the agenda of the United Nations on 22nd August—presumably on the grounds of refusal of the "right to self-determination." Meanwhile, they are canvassing support in every possible quarter, including the Council of Europe. They emphasise the



reasonableness of their attitude by saying that they will grant us bases in a Greek Cyprus and elsewhere in Greece.

3. They have been warned by Her Majesty's Government that nothing but harm can result from the reference of the Cyprus question to the United Nations, and have been given no encouragement to believe that Her Majesty's Government would yield in any way to Greek claims. We propose below that a new statement of policy should include a reaffirmation that we can contemplate no change in the sovereignty of Cyprus. This will be taken by the Greeks as a rebuff, particularly by Field-Marshal Papagos himself, and there will doubtless be anti-British outbursts in Greece. In the opinion of Her Majesty's Ambassador in Athens, the embitterment in our relations must be expected to continue. We must, therefore, act on the assumption that deterioration in our relations with Greece is the price we must pay if we are to keep Cyprus. A point may even come at which we shall have to decide whether Cyprus is strategically more important to us than Greece.

#### *Anglo-Turkish relations*

4. On the other hand, announcement of our decision to allow no change in the status of Cyprus will be welcome to the Turkish Government. Their attitude towards proposals for constitutional reform may be more reserved; but in general the more limited the changes contemplated, the better they will be received in Turkey.

## II

5. To avoid occasion for international controversy we have done our best in recent years to keep Cyprus out of the news. Any statements that we have had to make about the movement for union with Greece have been confined to saying shortly that Her Majesty's Government regarded the question of any change in sovereignty as closed. On constitutional advance we have simply left it that the liberal type of Constitution offered in 1948, and not taken up by the Cypriots, was still available as soon as sufficient responsible elements asked for it.

6. We are satisfied that this negative line is no longer adequate. The Governor reports growing bewilderment in Cyprus itself. The Greeks have gone so far that no reticence of ours will restrain them, and are piqued by our silence on constitutional reform. Finally, our attitude must be made clear for the sake of uncertain public opinion in this country, and also for the guidance of friendly nations in advance of the United Nations General Assembly.

#### *The present constitution in Cyprus*

7. The representative Legislative Council was abolished in 1931, after riots, and Cyprus is now governed by the Governor, advised by a nominated Executive Council. The continued absence of a representative element at the centre is difficult to defend, and a new Constitution conferring virtually complete internal self-government was offered but refused in 1948.<sup>1</sup> This is set out in more detail in Annex I.<sup>2</sup>

<sup>1</sup> See BDEEP series A, R Hyam, ed, *The Labour government and the end of empire 1945-1951*, part III, 239, 240.

<sup>2</sup> Annexes 1 and 3 with this memo not printed.

### *The strategic position*

8. In 1950 the Chiefs of Staff were emphatically of the opinion that our strategic needs in Cyprus could be met, both now and in foreseeable future, only if full sovereignty were retained.<sup>3</sup> A copy of the questions then put to the Chiefs of Staff, and their answers, is given in Annex 2. It was recently announced that Headquarters, Middle East Land Forces, were to be transferred eventually to Cyprus. We have assumed that the strategic argument for retention of full sovereignty over Cyprus is at least as strong to-day as in 1950.

### *The "right to self-determination"*

9. The Greek Government's argument is that constitutional advance in Cyprus should lead, in the near future, to the Cypriots being given the opportunity to choose their place within or without the Commonwealth. The Nationalists in Cyprus have indeed hitherto stood for immediate union with Greece, and nothing else; but there are indications that they may acquiesce in the Greek Government's line. The view we take is that, although it would make things easier for us in the international field if we could make some statement about ultimate self-determination, it would be a great mistake to do so. The Governor advises in the strongest terms that any statement that Her Majesty's Government contemplate according self-determination, at some time in the future, whether by means of a plebiscite or even as the result of a process of constitutional advance, will be interpreted as a weakening of our determination to maintain our position and so only add to the present unsettlement in the island. Besides, once we promise self-determination, we shall be under strong pressure to name a date for its exercise, whereas we cannot at this stage see beyond a situation in which, on strategic grounds, we could not risk conceding it. We therefore conclude that an announcement of immediate constitutional advance, as discussed below, must be coupled with the firm statement that this must be within the continued sovereignty of Her Majesty's Government over the island.

## III

10. Before indicating the possibility of constitutional advance, we briefly summarise the rather complicated internal political situation in Cyprus at present.

### *The movement for Enosis in Cyprus*

11. The Nationalist movement is led by Archbishop Makarios<sup>4</sup> and the "Ethnarchy" of the Orthodox Church. There are no middle-road political parties. The anti-clericals are Communist-dominated. They, too, stand for Enosis, as a matter of political tactics. The villagers tend to be dominated by the Church, and the townspeople by one or other of the political parties, but the Enosis movement is kept active only by the extremist. In between, there is a considerable body of moderate opinion amongst the Greek-speaking population who realise that union with Greece would gravely jeopardise their present economic prosperity, not to mention the maintenance of law and order and the enjoyment of civil liberties. The Turkish-

<sup>3</sup> cf Hyam, ed, *op cit*, 246.

<sup>4</sup> Makarios III, archbishop and ethnarch in Cyprus from 1950; exiled from Cyprus, 1956–1959; president of Cyprus, 1960–1977.

speaking minority are, of course, violently opposed to Enosis, and do not want a Constitution. Whilst, therefore, the sentimental attachment to Greece among the Greek-speaking inhabitants must not be underrated, the proportion of the people that actively wants immediate Enosis is easily exaggerated by current propaganda.

12. The Governor believes that the lack of any recent full policy statement by Her Majesty's Government has led many of the moderates, and indeed some of the civil servants, to question whether Her Majesty's Government really intend to stay in Cyprus. His view is that a containment of the Enosis movement is overdue, and that this calls for the dispelling of the notion that Her Majesty's Government may allow self-determination for Cyprus. It also calls, he suggests, for the enforcement of the existing laws against sedition, particularly against the press and if necessary against clerical or other political leaders. The recent latitude which has been allowed them has, in the Governor's view, had a seriously unsettling effect.

### *Constitutional proposals*

13. Since he arrived in Cyprus in February, the new governor (Sir Robert Armitage)<sup>5</sup> has sounded opinion as far as he can on constitutional change. He has reached the view that the Constitution offered in 1948 is unworkable. The chief reasons for this are that (a) the Nationalists and Communists fight shy of a Legislative Council elected on a general franchise, because each fears that the other would obtain power and attempt to proscribe its opponents, and (b) such an assembly would be used by Cypriot politicians mainly for discussing Enosis, and not for tackling the day-to-day problems of government. We accept his advice on this point, and believe with him that the best hope of achieving orderly constitutional progress would be for Her Majesty's Government to impose a more restricted type of Constitution, as a first step. The aim would be to bring in as far as possible all those elements that were willing to co-operate in self-government.

14. The outline of the Governor's proposals is as follows:—

A legislature will be brought into being, consisting of about 33 members, of whom 6 will be officials, and 12 nominated unofficial members. There would be a minority of about 15 members elected by constituencies. Of these, 12 would be Greek-speaking, and 3 Turkish-speaking Cypriots. The Governor has not yet furnished details of qualifications of electors, &c., and urges that no more information about the proposed constitution should be announced at present than is given in paragraph 4 of the draft statement in Annex 3. A number of nominated or elected members from the legislature would be added to the present Executive Council; and the Governor proposes that a few of these should be entrusted with the supervision of departments. The Governor would have the usual reserved powers.

## IV

15. We believe that the announcement of a policy along these lines offers the best course open to us, and that this announcement should be made before the

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<sup>5</sup> Armitage was appointed to Cyprus from the Gold Coast where he had been financial secretary (from 1948) and then finance minister, 1951–(Feb)1954.

subject comes up at the United Nations. In reaching this conclusion, we have taken account of the repercussions of such an announcement on our relations with Greece and Turkey, and of the problem of presenting our case at the United Nations and elsewhere.

### *Policy at the General Assembly*

16. In both the General Committee and the Plenary Assembly we propose to oppose the inclusion of the Cyprus item in the agenda. At each of these stages our case will have to be based mainly on legal grounds, *i.e.*, the absence of any United Nations competence to intervene in the domestic affairs of Cyprus, as we must for reasons of principle refuse to discuss the substance of the Cyprus issue. But points of substance which tell in our favour may be introduced parenthetically and in consultations with friendly delegations, and the leader of the United Kingdom Delegation should have discretion to decide the emphasis which, at each stage, he places upon the legal issues and upon other considerations, bearing in mind that his objective throughout will be to employ the most effective means of preventing the inclusion of the item on the Assembly's agenda. If, despite our efforts, the item is inscribed on the agenda, or the substance of the Cyprus question is otherwise brought up for discussion in an Assembly committee, so that it is the specific subject of debate, then the United Kingdom Delegation would proceed as laid down in C.P. (52) 232,<sup>6</sup> *viz.*, the leader would have authority to threaten to withdraw our representative from the discussion. The threat would not, however, be carried out without prior reference to London except as in resort. Within these broad limits the leader of the United Kingdom Delegation should have discretion to exploit to the full the threat of withdrawal in whatever manner seems the most likely to prevent a debate on Cyprus.

17. There is no means by which our decision to retain Cyprus indefinitely can be made palatable to the Greeks, and we must assume that they will go on with their efforts to secure discussion of this question in the United Nations. We can only combine our firmness with courtesy, and try to prevent the Cyprus question affecting our relations in other fields. We propose that the Greek Government (and also the Turkish Government) should, as a friendly gesture, be informed in advance of our intended statement. The United States Government tried, at our instance, to dissuade the Greek Government from proceeding with their appeal to the United Nations. The strategic arguments in favour of our retention of Cyprus carry some weight in American military circles, and the announcement of a programme for the progressive introduction of self-government will be of some help with American public opinion. But the absence of any promise of ultimate self-determination for Cyprus may prove to be the deciding factor, and we cannot count on strong American support in public. We shall, however, continue to try to induce the Americans to refrain from actively supporting the Greek case.

### *Conclusions*

18. We seek the agreement of our colleagues to the following:—

- (i) That for strategic reasons, full sovereignty over Cyprus must be maintained in the foreseeable future;

<sup>6</sup> See part I of this volume, 160.

- (ii) that no statement should be attempted that Her Majesty's Government may at some date in the future be able to contemplate self-determination for Cyprus, but that on the contrary it should be reaffirmed that they cannot contemplate any change in sovereignty;
- (iii) that the 1948 offer of a Constitution should be withdrawn, and that a more limited type of self-governing institutions should instead be imposed at the earliest practicable date;
- (iv) that the new Constitution should be in the form outlined in paragraph 14 of this memorandum;
- (v) that an early statement should be made in Parliament along the lines of Annex 3;
- (vi) that the Governor should be authorised to take such steps as are necessary to ensure the enforcement of existing laws; and
- (vii) that the matter should be handled at the United Nations in the way proposed in Section IV of this memorandum.<sup>7</sup>

#### Annex 2 to 321: The strategic importance of retaining sovereignty over Cyprus

The questions put to the Chiefs of Staff in 1950, and the answers made by them were as follows:—

*Question (1).*—"Can an estimate be given of the minimum facilities which we must have in Cyprus now and in the foreseeable future?"

*Answer.*—The minimum facilities we require in Cyprus are:—

- (a) A free hand to station in Cyprus, in peace, that part of the British Middle East forces which may be considered necessary, at any time, to meet the strategic situation.
- (b) The right to develop the airfields necessary to support allied strategy.

*Question (2).*—"If it is possible to make this estimate, are the facilities in question so extensive or of such a character that it is essential for the sovereignty and ultimate civil authority to remain British?"

*Answer.*—Yes. The retention in the long term of the military facilities which we require in Cyprus can only be assured if Cyprus remains under British sovereignty. Furthermore the effect on Turkey and other Middle East countries and indeed on the United States of any abrogation of British sovereignty is likely to be so serious that it is strategically necessary for Cyprus to remain British.

<sup>7</sup> Cabinet accepted the recommendations in this memo and authorised Lyttelton to make a parliamentary statement affirming that Britain could not contemplate a change of sovereignty in Cyprus (CAB 128/27/2, CC 53(54)5, 26 July 1954). The statement was made two days later by Hopkinson, the minister of state; parliamentary uproar ensued when Hopkinson said 'there are certain territories in the Commonwealth which, owing to their particular circumstances, can never expect to be fully independent' (*H of C Debs*, vol 531, col 508, 28 July 1954). Later in the year Britain managed to prevent discussion of Cyprus in the UN General Assembly by means of procedural devices. Eden subsequently became convinced that Britain would not be able to repeat this achievement, and that the only way to head off a debate on Cyprus in the 1955–1956 General Assembly would be by showing 'that we do not exclude the prospect of self-determination for Cyprus'. He added that the US would 'find it increasingly difficult to support us as long as we refuse to pay homage to this principle' [self-determination] ('Cyprus', Cabinet memo by Eden, CAB 129/74, C(55)93, 5 Apr 1955, p 2). (Eden became prime minister on 6 Apr.)

*Question (3).*—"If Cyprus must remain British territory, do strategic considerations require its indefinite retention or can an end be seen to the need? In the latter event would the Chiefs of Staff see objection to a public undertaking being given to review the status of the Island after a period of say 10 to 15 years supposing that other considerations made such an undertaking seem desirable?"

*Answer.*—So long as the United Kingdom wishes to retain her position in the Middle East, Cyprus must remain under British sovereignty. It is moreover essential that Cyprus does not come under Communist control in peace.

We see no reason therefore for any public undertaking to review the situation after any future period; we consider such an announcement undesirable, as it would encourage the subversive elements in Cyprus and discourage our Middle Eastern Allies.

**322** FO 800/764

18 Sept 1954

[Cyprus and Anglo-American relations]: private and personal telegram from Sir W Churchill to President Eisenhower

[Britain wished to prevent the Cyprus problem being treated as an international issue, and sought in particular to deny Greece the opportunity to gather international support for its position on Cyprus. Hence it was British policy to oppose the inscription of Cyprus on the agenda of the UN General Assembly. In Aug 1954 the FO was apprehensive that the US government, for its own international and domestic political reasons, would support inscription. On 25 Aug, Sir R Scott (minister, British embassy, Washington) made a formal request to J F Dulles that the US should vote and lobby against inscription. Bedell Smith of the State Department replied that the request 'had put them in a quandary. There was so much feeling in Congress about colonialism in general that he doubted whether the United States could do more than abstain. To the American public it was a straightforward issue of self-determination. Moreover, some members of Congress were under pressure from Greek lobbies' (Scott to FO, tel no 1967, FO 800/764, 8 Sept 1954). The British government decided that the situation now called for representations at the highest level.]

My dear friend,

I did not complicate my long telegram to you about Europe by referring to the isolated question of Cyprus about which you wrote to me on August 20.

A factual note is being prepared which I will send by airmail, but I understand our Embassy in Washington has already supplied the State Department with information. A simple test is to compare the conditions prevailing in Cyprus with those in the Greek islands and particularly in Rhodes since the Greeks took them over from the Italians. Cyprus has never known more rapid progress while in the others there is a grievous decline.

I feel it is my duty to tell you that the failure of the United States to support us at U.N.O. would cause deep distress over here and add greatly to my difficulties in guiding public opinion into the right channels in much larger matters.

It cannot be disputed that our claim against the inscription of this question affecting our own external affairs is justified by the statutes and spirit of U.N.O. If any such item were discussed by the Assembly, we would of course walk out. Injury would be done to that institution of which the United States and Britain and her Commonwealth are the main pillars. Cyprus would acquire utterly disproportionate publicity and be magnified by the enemies of the English Speaking world on both



sides of the ocean into a marked difference between us. I do trust therefore that we shall not be confronted with American abstention.

kindest regards, as ever,  
WINSTON<sup>1</sup>

<sup>1</sup> Despite this plea, the US abstained from voting on the issue in the General Assembly's agenda committee. Cyprus was inscribed on the agenda by a vote of nine to three with three abstentions. Britain did however manage to prevent debate in the General Assembly by exploiting procedural devices.

### 323 CAB 128/29, CM 18(55)8

28 June 1955

#### 'Cyprus': Cabinet conclusions on discussions with the Greek and Turkish governments

*The Prime Minister* said that, in view of the continued disorders in Cyprus,<sup>1</sup> he had thought it necessary that the Cabinet should consider as a matter of urgency whether the Government should not take an immediate initiative to restore the situation. As he saw it, the Government were faced with a choice between (i) proclaiming a state of emergency in Cyprus and taking vigorous action to suppress the dissident elements there; or (ii) securing a suspension of Greek incitement to violence in Cyprus by inviting the Greek and Turkish Governments to send representatives to a conference in London.<sup>2</sup> If the first course were adopted, the Government would be obliged to follow for some time a negative policy of repression. If the second course were chosen, care would have to be taken to avoid any impression that the Greek or Turkish Governments had a right to be consulted on the future constitutional development of the Colony. This course had, however, certain tactical advantages. If the Greek and Turkish Governments could be brought to confer together on this question, they could probably be shown to hold different views on the question of self-determination for the people of Cyprus; and this would provide us with a valuable opportunity for advancing our own views on the constitutional development of the Colony. The fact that we had offered to confer with these two Governments would also put us in a better position to defend ourselves against further criticism in the United Nations. Even if the Greek Government refused to attend such a conference, our position in the United Nations would be strengthened by the fact that we had offered it.

Discussion showed that there was strong support in the Cabinet for the proposal to invite the Greek and Turkish Governments to send representatives to a conference in London.

Discussion turned on the terms of the invitation to be sent to the two Governments. It was suggested that, in order to avoid any public impression that the question of sovereignty over Cyprus was to be discussed with foreign Governments, Cyprus should not be the sole subject for discussion at the conference. Emphasis should therefore be laid on the common interests which the three Governments had in the political and defence problems of the Eastern Mediterranean as a whole. After

<sup>1</sup> A reference to the bomb attacks in Cyprus launched by EOKA on 1 Apr 1955.

<sup>2</sup> This course had been proposed in a joint Cabinet memo 'Cyprus' by Macmillan (foreign secretary) and Lennox-Boyd (CAB 129/75, CP(55)33, 11 June 1955).

discussion it was agreed that the invitation to the Greek and Turkish Governments should take the following form:—

“Her Majesty’s Government have been giving further consideration to the strategic and other problems affecting alike the United Kingdom, Greece and Turkey in the Eastern Mediterranean. They consider that the association of the three countries in that area based on mutual confidence is essential to their common interests.

Her Majesty’s Government accordingly invite the Greek and Turkish Governments to send representatives to confer with them in London at an early date on political and defence questions which affect the Eastern Mediterranean, including Cyprus.”

The Cabinet:—

(1) Invited the Minister of State for Foreign Affairs to arrange for invitations to be delivered to the Greek and Turkish Governments on 30th June, in the terms approved by the Cabinet, to send representatives to a conference in London on political and defence questions affecting the Eastern Mediterranean, including Cyprus.

(2) Took note that the Prime Minister would announce, in a statement in the House of Commons on 30th June, that these invitations had been sent.

(3) Authorised the Minister of State for Foreign Affairs to arrange for the United States Government to be informed of this on 29th June and to be urged to press the Greek Government to accept the invitation.

(4) Authorised the Commonwealth Secretary to arrange for the Governments of Canada, Australia and New Zealand to be informed of this initiative shortly before the public announcement was made.

## **324 CAB 128/29, CM 22(55)5**

12 July 1955

### **‘Cyprus’: Cabinet conclusions on security measures**

*The Colonial Secretary* said that during his visit to Cyprus he had satisfied himself, by personal discussion with the Governor, that special powers were needed to break up the terrorist organisation<sup>1</sup> which was threatening to disrupt the administration by acts of violence. The Government’s initiative in convening a conference with representatives of the Greek and Turkish Governments should, in his view, be supplemented by firmness in maintaining law and order in the island. There was ample evidence of a conspiracy to foment disorder by acts of violence, and the Governor could best defeat this by taking power to arrest and detain those responsible for organising it. The law which the Governor proposed to enact for this purpose would be limited, in its application, to persons who had been active in the furtherance of an association which had been responsible for organising acts of violence directed against the administration of the Island.

*The Lord Chancellor*<sup>2</sup> observed that, from the discussions which had recently been held on the general question of security in Colonial territories, it appeared that the Governor of Cyprus had not hitherto accorded a high priority to security and

<sup>1</sup> ie EOKA.

<sup>2</sup> Lord Kilmuir, lord chancellor, 1954–1962.

intelligence measures. It was to be hoped that he would now revise his earlier judgment on the importance of these measures.

The Cabinet:—

(1) Authorised the Colonial Secretary to arrange for the Governor of Cyprus to introduce, as a temporary measure, a special law enabling him to arrest and detain persons believed to have been active in the furtherance of associations responsible for organising acts of violence in the Island.

(2) Invited the Foreign Secretary to authorise Her Majesty's Ambassadors in Athens and Ankara to inform the Greek and Turkish Governments (at their discretion and not before the law had been promulgated in Cyprus) of this action and of the reasons for it.

### **325 CAB 129/76, CP(55)94**

**25 July 1955**

#### **'Cyprus': Cabinet memorandum by Mr Selwyn Lloyd on British objectives in Cyprus. *Annex C***

The United Kingdom invitation to attend a Conference in London has been accepted by the Greek and Turkish Governments. The date for the opening of the Conference is still under discussion.

2. The United Kingdom Delegation will need to have a plan ready to present at an appropriate state in the discussion. When this stage will come will depend partly on the tactics we ourselves adopt and partly on the attitudes which the Greek and Turkish representatives take up in discussion.

3. Our objective is to secure an arrangement which:—

(a) safeguards our basic political and strategic interests in the Eastern Mediterranean and Cyprus, and

(b) secures at least the acquiescence of the Greek and Turkish Governments, and is accordingly practical politics within Cyprus.

4. Our needs may be summarised as:—

(i) a secure position for our Middle East Headquarters and a safe base for the deployment and supply of a strategic reserve and for staging aircraft;

(ii) the maintenance of a physical symbol of British power in the Eastern Mediterranean and the Middle East;

(iii) the maintenance of order and good government in Cyprus and the encouragement of its steady progress towards internal self-government.

5. The main Greek objective at the Conference will be to secure recognition for the principle of self-determination and its early application to Cyprus.

6. The Turkish Government have only recently confirmed to us that they intend to re-state their position in the firmest manner at the Conference. We believe that they are principally concerned:—

(i) to safeguard the rights of the Turkish community in Cyprus;

(ii) to ensure if possible that the island is not handed over to Greece, and in any event not without their consent.

It is thus likely to be the first aim of the Turkish Delegates to ensure that the Turkish right to be consulted about the future status of Cyprus is recognised. They are likely in addition to press their claim that Turkish agreement is necessary for any change in the status of Cyprus.

7. In these circumstances there are, broadly speaking, two possible types of plan by which we can try to secure a solution. Both types would be based on the immediate introduction of a new constitution aimed at steady progress towards self-government by the Cypriots in all fields of administration except foreign affairs, defence and police. These would be reserved to the British Governor. In spite of the obvious difficulties, both plans could also offer to concede a higher status to the representatives of the Greek and Turkish Governments and concessions in cultural and other minor matters. From this common point of departure the two types of plan diverge as follows:—

(i) The first would aim at a permanent settlement by seeking to commit the Greek and Turkish Governments to the acceptance of continuing British sovereignty and British responsibility for foreign affairs and defence (including police), at the price of some association of the Greek and Turkish Governments in the administration of Cyprus. Such a plan would, if accepted, have to be embodied in a formal agreement or treaty between the three Governments.

(ii) The second type would accept that we should review the future status of Cyprus at the end of a definite period, subject to conditions regarding the state of the world and the adequate attainment of self-government by the Cypriots. This would amount to an implicit recognition of Cypriot self-determination in an indefinite future. It would involve giving an undertaking to consult, after  $x$  years with the (elected) Cypriot Government concerning the future status of Cyprus. It might also be necessary to seek the view of the Greek and Turkish Governments.

Illustrations of the first type of plan are at Annex A; and of the second type at Annex B.<sup>1</sup>

8. A solution of the *first type* would probably be accepted readily enough by the Turkish Government, since it implies the indefinite retention of British sovereignty. In these conditions, the Turks would doubtless be prepared to accept the risk of friction resulting from the association of Greeks with the Cyprus administration. The Greek Government on the other hand can only be expected to accept a settlement of the first type in good faith if they can first be brought to change their position fundamentally. For by acquiescing in such a settlement they would in fact be recognising the permanence of British sovereignty and abandoning their demand for self-determination. If, contrary to expectation, the Greek Government were prepared to accept such a settlement, this would have a restraining effect on the majority of Greek Cypriots. But there would probably be a residue of unreconciled Cypriot nationalists who would continue to demand Enosis and who might need to be dealt with by force. In any case, the governor and his principal advisers, including the Greek and Turkish members of his Executive Council, are impressed with the extreme practical difficulty of working such a system. It might moreover offer tempting opportunities for Enosis agitation by a Greek Government which was dissatisfied with its working.

<sup>1</sup> Annexes A and B with this memo not printed.

9. If an arrangement of the *second type* were proposed, the Greeks would doubtless argue strongly in favour of a shorter time limit than we could concede. They would also resent the fact that our pledge to consultation after the stated period was tied to the achievement of Cypriot self-government in the meantime. (The Greeks have consistently agitated in favour of a plebiscite.) Nevertheless, it seems probable that the Greek Government, under pressure of moderate opinion alarmed at the wider repercussions of the dispute, could be brought to accept a settlement on the lines proposed. Conversely the Turks would be suspicious and reluctant. But they might be brought to acquiesce on the clear understanding that no eventual change in the status of Cyprus would be made without the Turkish Government's consent. That is to say, they would agree provided they had a right of veto when the time came for a decision.

10. The first task of the United Kingdom Delegation in the forthcoming discussions, after describing in general terms our own basic requirements, will be to probe the Greek and Turkish positions. (A note on possible tactics is at Annex C.) When the Greek and Turkish views, and the differences between them, have been clearly defined, the Delegation will require to table a plan of one of the two types described above. In choosing between the two types of plan, we must bear in mind that if we tabled unsuccessfully the second type, the first type (which postulates the co-operation of the Greek and Turkish Governments) would be useless as a fall-back position since it is so markedly less favourable to the Greek thesis. On the other hand if we decided to propose initially the first type of plan then, in the event of its rejection, it would be possible to proceed to offer the second type. But this would be taken as evidence of a retreat by Her Majesty's Government under Greek pressure, and if done at the Conference would expose us to further pressure from the Greek Government, *e.g.*, over the time factor. Accordingly, if it became desirable to proceed to the second type after the failure of the first type, then it would arguably be preferable to break off the conference and immediately afterwards to put the essentials of the plan into effect by an unilateral declaration or "award" by Her Majesty's Government.

11. We seek the views of the Cabinet on the proper course for the United Kingdom Delegation to follow at the conference, and in particular on which of the alternative broad types of plan they should have discretion to propose at the appropriate moment.

#### Annex C to 325: Cyprus negotiations: tactics and timetable

The following considerations should be taken into account:—

- (a) The Greeks will naturally suspect us of wishing to keep them dangling. So we must not give them cause for complaint on this score.
- (b) But subject to this, we should try to keep the negotiations going as long as possible. We want to give tempers time to cool and we want if possible to go on talking so long as the United Nations Assembly is in session.
- (c) We must be careful not to gang up with the Turks or stimulate their resistance to self-determination. Otherwise the Russians will probably get to hear of it and will inform the Greeks with damaging results. But we must try to devise a procedure which will make it certain that the Turks state their position clearly.

(d) Finally we should bear in mind that the terms of our invitation envisage a conference "on *political* and *defence* questions which affect the Eastern Mediterranean including Cyprus."

2. It is suggested accordingly that we should proceed as follows:—

(a) There would be only one meeting a day.

(b) At the first meeting we should explain why we had called the conference: we are all allies in N.A.T.O.; we have a common interest in an effective defence in the West; as allies we have a similar interest in settling any difference which threatens our unity and consequently our defence system. Unfortunately the issue of Cyprus has clouded our relations and threatens to do worse. We must make an effort to settle it.

3. In the hope of finding a solution we suggest that the most practical course will be for each of the parties to state their views on the whole problem and to define their position. Only when this has been done can we accurately gauge the extent of our problem and consider ways and means of bridging any differences between us. We suggest that as host Government we might begin and be followed by the Greek and Turkish representatives in that order.

4. We would then make a statement comprising a review of the strategic situation in the Eastern Mediterranean, and a statement of our defence requirements. After the Greek statement the Turks would, we hope, make their position clear.

5. The next stage would be for us to define in writing the differences between the three Governments and to make sure that the other two agreed with the definition.

6. When this had been done, probably not without some argument on drafting, we should say that we must now address ourselves to the task of reconciling the differences by a process of compromise. We might suggest an adjournment of ten days for reflection and offer to table compromise proposals on resumption (on the lines of Annex A or B, or whatever the Cabinet may decide). We might have to ask subsequently for an extension of the adjournment.

7. In its second stage the conference would consider our compromise proposal and any other proposal which the Greeks or Turks might have concocted.

8. Our plan might be rejected. In that event we might propose some variant of it. Or we might say that having failed to reach agreement we would decide unilaterally what to do and make our statement.

9. Or the delegates might judge it necessary to refer our plan to the Greek and Turkish Governments. In that event we should have to adjourn, possibly until after the opening of the Assembly and the post-Geneva meeting of the Four Foreign Ministers. This would suit us.

10. Or our plan might be pronounced worthy of further study. In that case we could appoint a sub-committee charged with the task of translating our plan into an agreed statement and Ministers would only meet again when a draft text was ready.

11. Throughout the negotiations our aim would be to bring the Greeks up against the Turkish refusal to accept Enosis and so condition them to accept a solution which would leave sovereignty in our hands until at least there was tripartite agreement to make a change.



**326 CAB 128/29, CM 29(55)4****26 Aug 1955****'Cyprus: public order': Cabinet conclusions**

The Cabinet were informed that, in pursuance of their decision of 15th August, the Ministerial Committee on Cyprus had considered what further measures could be taken to ensure the maintenance of public order in Cyprus if disturbances broke out during or after the forthcoming Conference. It had been agreed that a Director of Security should be appointed who could, if a state of emergency occurred, assume operational control of the police and military forces responsible for the maintenance of public order. An acting appointment to this post had already been made. Steps were also being taken to strengthen the police forces in the Island. The Colonial Office were looking for men who had the necessary qualifications and experience through service in Malaya or the Sudan or elsewhere.

*The Foreign Secretary* said that unless the administration showed themselves firm and resolute, the situation in Cyprus might easily get out of hand. Prompt action should therefore be taken to strengthen the police and security services in the Island. *The Prime Minister* endorsed this view.

The Cabinet:—

Took note of the measures which were being taken to ensure the maintenance of public order in Cyprus.

**327 FO 800/667, no 19****9 Sept 1955**

**[Cyprus]: letter from Mr Macmillan to Sir R Scott (Washington)  
giving his views on the Cyprus problem**

If you are seeing Dulles<sup>1</sup> I should be glad if you would let him know my first impressions of the Cyprus Conference. Naturally I was rather disappointed that what I thought a very fair and generous offer did not meet with more response. But I have by no means given up hope.<sup>2</sup>

The Turks were stiffer than I think they would have been had they not been concerned at the riots and probably uncertain as to how far they might develop. The Greeks have not yet made their final reply. My impression is that there is a growing understanding that this is not and never has been a "colonial" question. If it were that, it would be easily solved on the lines of the advances we are making in our colonies elsewhere.<sup>3</sup> Behind the criticism of Britain lies the age-long context [? contest] between the representatives of the ancient races that have inhabited the Eastern Mediterranean for hundreds of years. The great thing I think now is to keep quite calm and let the Greeks and Turks think over the situation. I believe they will

<sup>1</sup> J F Dulles, US secretary of state, 1953–1959.

<sup>2</sup> The conference, which met in London in Aug 1955, failed to come to any agreement.

<sup>3</sup> Macmillan's belief that Cyprus 'is not and never has been a "colonial" question' was apparently shared by some in the CO. At a meeting of the Chiefs of Staff Committee some months later, W A Morris (assistant secretary, CO, 1948–1953) 'stressed the importance that was attached to the views of the Chiefs of Staff on the strategic value of Cyprus . . . since U.K. policy towards the island would be largely based on their requirements' (DEFE 4/87, COS 55(56), 31 May 1956). For the record of this meeting see part I of this volume, 50; and for COS assessments of the island's strategic value, see *ibid*, 43 and 49.

wish to patch their quarrel themselves; for they fully realise the dangers.

Tell the Secretary that, although we are both sprung from an island race, islands can become rather a bore, whether in the Mediterranean or in the Pacific. Of course, I do not include Duck Island in this criticism.

## 328 CAB 128/30/1, CM 41(56)6

12 June 1956

### 'Cyprus': Cabinet conclusions on future policy

*The Prime Minister* welcomed the governor of Cyprus<sup>1</sup> and expressed to him the Cabinet's appreciation of the courage and patience with which he was discharging his difficult task in Cyprus.

The Governor had returned to London for consultation in the future course of Government policy in Cyprus, and the Colonial Policy Committee had been discussing with him what new initiative could now be taken. The Governor was convinced that there was no prospect of securing the co-operation of Cypriots in evolving or operating a constitution unless they had an assurance that the right of self-determination would at some future stage be conceded. On the other hand, he was equally convinced that no new constitution could be operated successfully unless the issue of self-determination could be set aside for a period of years, so that agitation for early union with Greece could be brought to an end. With a view to meeting these requirements the Colonial Policy Committee had evolved two alternative statements of policy, which were now submitted to the Cabinet. Both began by announcing that a Constitutional Commissioner (Lord Radcliffe)<sup>2</sup> had been appointed to frame a constitution; that, at an appropriate stage of his work, he would seek to bring into consultation representatives of the Greek and Turkish Communities in Cyprus; and that the constitution would be brought into effect as soon as law and order had been fully restored. The remainder of the proposed statement was concerned with the application of the principle of self-determination. Under the first alternative it would be announced that the issue of sovereignty would be determined by a plebiscite held after the expiration of fifteen years from the date when the new constitution came into effect. The holding of this plebiscite would be conditional on (i) the previous conclusion of a treaty between the United Kingdom, Greece and Turkey regulating in their common interest the use of Cyprus for military purposes; (ii) previous agreement that no change would be made in the international status of Cyprus until special treaty arrangements for safeguarding the interests of minorities had been concluded; (iii) abstention from any international discussion of self-determination during the intervening fifteen years; and (iv) co-operation by all parties in restoring and maintaining law and order in Cyprus. Under the second alternative the United Kingdom Government would undertake that, at the expiration of ten years from the date on which the new constitution came into effect, they would accept a majority decision of the Standing Group of the North Atlantic Treaty Organisation (N.A.T.O.) on the question whether a change in the international status

<sup>1</sup> Field-Marshal Sir J Harding, formerly chief of the imperial general staff, who replaced Armitage as gov of Cyprus in Oct 1955.

<sup>2</sup> Lord Radcliffe, chairman, Punjab and Bengal Boundary Commission, 1947; lord of appeal in ordinary, 1949-1964; chairman, BBC general advisory council, 1952-1955.

of Cyprus could be reconciled with the due discharge of Western defence obligations in the Eastern Mediterranean and the Middle East. No change would be made in the international status of Cyprus until a treaty had been concluded between the United Kingdom, Greece and Turkey regulating in their common interest the use of Cyprus for military purposes, and the change would also be dependent on special treaty arrangements safeguarding the interests of minorities in the Island. If however, the Standing Group have an affirmative answer, and if these treaties had been concluded, the issue of sovereignty would then be determined by a plebiscite. As under the first alternative, the holding of a plebiscite would be conditional on abstention from international discussion of self-determination during the intervening period of ten years and on co-operation by all parties concerned in restoring and maintaining law and order in Cyprus.

In discussion of these alternatives the following points were made:—

(a) Was it realistic to suppose that the issue of self-determination could be set aside in the manner proposed, whether for ten or for fifteen years?

The Cabinet were informed that there was some reason to believe that the Greek Government now wished to disembarass themselves of the Cyprus question. If they had firm assurances that the issue would be determined at a prescribed future date, they might well be ready to accept such a settlement and to discourage continuing agitation in the interval. In the past there had been long periods during which the agitation for union with Greece had been suspended.

(b) At the end of the period, whichever was chosen, the United Kingdom Government would find it hard to avoid proceeding with the determination of the issue of sovereignty, even though the other parties had failed to observe the condition that it should not in the interval be raised internationally. This condition would not in fact be enforceable. Once the undertaking had been given, it would be impracticable for the Government to resist the pressure to proceed, despite the condition, at the end of the specified period.

(c) Government supporters would be apprehensive about a definite commitment to take this action after a specified period of years, whether ten or fifteen. They would much prefer that the date for determining the issue of sovereignty should continue to be left open.

(d) Some Government supporters would also be reluctant to agree that this issue should be left to be determined, in effect, by an international organisation like N.A.T.O. They would consider that this was a decision which the United Kingdom Government should reserve to themselves.

(e) Though there was a case for arguing that the strategic issue should be determined by N.A.T.O., it was unlikely that the Greeks or the Turks would be ready to agree that a decision should be taken by the Standing Group, which was confined to representatives of the United States, United Kingdom and France. The Cabinet recognised that, if this alternative course were followed, it would probably be necessary to propose that the decision on the strategic question should be taken by a two-thirds majority of the Military Committee of N.A.T.O.

In view of the objections raised to both the alternative forms of undertaking that the issue of sovereignty would be determined after a specified period, the Cabinet next considered whether it would suffice at this stage to confine the announcement to the machinery proposed for the framing of a new constitution. *Sir John Harding* said that, if no prior agreement had been reached to set aside the question of self-

determination for a period, the framing of the new constitution would be used by the Cypriots as a means of securing early union with Greece. A constitution framed and operated with that object in view could not be satisfactory. It would not, in his judgment, contribute towards the restoration of law and order in Cyprus. The period of repressive rule in the Island would therefore have to be prolonged. The United Kingdom Government would find it difficult to maintain, against a mounting weight of public opinion throughout the world, what would be represented as a purely negative and repressive policy. If, therefore, the announcement had to be confined to the machinery for framing a new constitution, he hoped that it would at least contain a clear statement that the United Kingdom Government had accepted the principle of self-determination and would continue their efforts, through diplomatic channels, to reconcile the views of the three Governments concerned on this issue. In his judgment it must be made plain that the United Kingdom Government were still seeking to find some practical means by which the principle of self-determination could be applied.

In further discussion the suggestion was made that, in the interval before any change in the international status of Cyprus could be contemplated, some sort of condominium might be established under which the Governments of Greece and Turkey would in some way be associated with the British administration of the Island. *The Colonial Secretary* said that, while this proposal might have stood some chance of acceptance a year ago, he could not believe that any progress could now be made along those lines. The proposal implied continuing British sovereignty over the Island, and on that account it was unlikely to be acceptable to Greek Cypriots.

Further discussion showed that, if the final choice was found to lie between the two alternative courses outlined by the Prime Minister at the outset of the discussion, the balance of the opinion in the Cabinet would be in favour of the second of these two alternatives—under which the strategic issue would be referred to N.A.T.O. at the expiration of ten years after the date on which the new constitution came into effect. *The Prime Minister* said that, as Sir John Harding should return to Cyprus within the next few days and as he ought to be in a position to make a statement of policy immediately after his return, no time should now be lost in ascertaining confidentially whether the Turkish Government would be prepared to accept a solution on those lines. He therefore suggested that the Colonial Policy Committee should consider further, in the light of the points raised in the Cabinet's discussion, the second of the alternative courses which he had outlined at the outset of the discussion; and that he should have the authority of the Cabinet to ascertain the views of the Turkish Government, in confidence, on any revised version of that course which the Committee might submit to him.

The Cabinet:—

- (1) Invited the Colonial Policy Committee to give further consideration to this question, at a meeting later in the day, in the light of the points made in the Cabinet's discussion.
- (2) Agreed that the Prime Minister might authorise a confidential approach to the Turkish Government with a view to ascertaining their views on a revised version of the second of the two alternative courses which he had outlined at the outset of the Cabinet's discussion.
- (3) Agree to resume their consideration of this question at a later meeting.

**329 CAB 129/83, CP(56)226****2 Oct 1956****'Cyprus': Cabinet memorandum by Mr Nutting**

[At the UN session of 1955–1956, there had once again been no debate on Cyprus in the General Assembly. This was partly because the US government had decided to oppose the Greek attempt to inscribe Cyprus on the agenda, on the grounds that a debate would be inappropriate so long as the tripartite talks were in progress (remarks by Macmillan in Cabinet meeting, CAB 128/29, CM 32(55)2, 21 Sept 1955).]

The Greek Government are determined to bring the Cyprus question to the United Nations and have already put down the following item for inclusion in the Agenda of the 11th Session: "Application under the auspices of the United Nations, of the principle of equal rights and self-determination of peoples in the case of the population of the Island of Cyprus".

2. Last year the General Assembly refused to inscribe an identical Greek item on the Agenda by 28 votes to 22 and with 10 abstentions. It would be extremely difficult to repeat this result now because:—

- (a) the new members will probably tip the balance against us; and
- (b) we cannot maintain as convincingly as we did last year that "quiet diplomacy" has not been given a proper chance.

In any case we could only hope to defeat inscription if the United States Government gave us their immediate all-out support, and it is evident from all the indications we have had that this will not be forthcoming in time, if at all.

3. It is clearly important to avoid giving the Greeks the encouragement and advantage of an initial victory such as they would gain by defeating us in a vote on inscription of their item. At the same time we do not want to have a fight solely on ground of Greek choosing.

4. Accordingly the Foreign Secretary is proposing:—

- (i) not to vote against inscription of the Greek item; and
- (ii) to put down an item of our own charging the Greek Government with incitement of violence and terrorism in Cyprus.

This would:—

- (a) enable us to take part in a debate on Cyprus without prejudicing our principles about domestic jurisdiction;
- (b) give us the chance to put our case before the United Nations more fully and positively; and
- (c) give us room for manoeuvre.

5. By putting down an item of our own we shall aim to achieve one of the following results:—

- (a) Mutual withdrawal of the United Kingdom and Greek items;
- (b) A resolution that neither item should be discussed;
- (c) An arrangement whereby neither item would be reached by the time the Assembly adjourned;
- (d) An innocuous resolution.

6. The final date for putting down an item under the normal procedure is 12th October. Mr. Dulles knows we are thinking of doing this and has urged that we should postpone action. Sir Pierson Dixon, our Permanent Representative to the United Nations, has advised strongly against postponement because we should then have to claim, in order to get our item inscribed, that it had an emergency character. We agree that this would be fraught with danger. Moreover, we cannot start full-scale lobbying until we have decided our own attitude. The Foreign Secretary therefore proposes to put down our item before 12th October and to tell Mr. Dulles so, explaining that we have shown great patience and that if the Americans wish to prevent a discussion of Cyprus at the United Nations it is up to them to use their influence with the Greeks.<sup>2</sup>

<sup>2</sup> Cabinet authorised this plan (CAB 128/30/2, CM 68(56)2, 3 Oct 1956). On 26 Feb 1957 the General Assembly approved a compromise resolution proposed by the Indian delegate, expressing the 'earnest desire that a peaceful, democratic and just solution will be found in accord with the purposes and principles of the Charter of the United Nations, and the hope that negotiations will be resumed and continued to this end'. Britain, Greece and Turkey all supported this motion, although they interpreted its terms differently (I Macadam, ed, *The annual register of world events: a review of the year 1957*, London, 1958, p 285).

### 330 CAB 129/84, CA(56)33

26 Nov 1956

#### 'Cyprus': memorandum by Mr Lennox-Boyd for Cabinet Colonial Policy Committee on plans for a constitutional settlement

On 3rd October the Cabinet invited the Colonial Policy Committee to consider, in the light of Lord Radcliffe's proposals for constitutional reform, the suggestions made by the Governor of Cyprus, Sir John Harding, in his telegram No. 1992 of 2nd October (C.M. (56) 68th Conclusions, Minute 2). (These suggestions were subsequently included in C.A. (56) 29.)

#### *I Lord Radcliffe's report*

2. Lord Radcliffe has now presented his report (circulated as C.P. (56) 264). The House has been promised that we will publish it when we have studied it.

3. In paragraph 2 of my C.A. (56) 29, I gave an outline of what Lord Radcliffe had told me he was likely to propose. He has not diverged in his report from the main features which I then summarised.

#### *Views on Lord Radcliffe's report*

4. I think that the general lines of Lord Radcliffe's report are acceptable. They safeguard our strategic interests and they provide for what should be a workable constitution.

5. He has rejected a bicameral constitution but he has devised a series of ingenious constitutional arrangements for protecting the interests of minorities. Our strategic needs are covered by the reservation of defence, foreign affairs and internal security. Although such a diarchy has elsewhere proved difficult to work, he has drawn on those lessons in his attempt to provide a form of diarchy that could work smoothly.



6. Clearly no new constitution can be introduced and made to work without the willing co-operation of the people of Cyprus. Led by the Ethnarchy, the traditional attitude of the Greek Cypriots to constitutional development is hostility. There are indications however that they may now be more willing than before to co-operate in working a constitution. Their main constitutional demand, *viz.*, a Greek Cypriot elected majority, will have been met in the Radcliffe plan. But their attitude may depend largely on that of Archbishop Makarios. Although we cannot assess what this will be, he will try to take advantage of the occasion in order to secure his own release and return to Cyprus; and will try to put pressure on the Greek Government to this end.

7. The Turkish Government and Turkish Cypriots will not like the proposed constitution. It does not concede the Turkish Cypriots' demand for equality with the Greek Cypriot community. Also, the Turkish Government continue to claim that it is inappropriate to make any announcement of a constitution whilst terrorism continues. Indeed, they are opposed to any constitution because they regard it as likely to bring Enosis nearer.

8. The Greek Government are not opposed to a constitution as such and will welcome Lord Radcliffe's decision in favour of a Greek Cypriot elected majority. But they continue to hold that a constitution will be acceptable only if accompanied by definite arrangements for self-determination. Their precise attitude may depend upon that of Archbishop Makarios.

#### *Financial proposals*

9. Lord Radcliffe proposes that the United Kingdom should pay part of the cost of prisons and police services (the latter include normal fire services and exclude civil defence and emergency fire services) and the whole cost of inter-communal education. His arguments for these proposals are in paragraph 57, 59 and 60 of the introduction to his report. My comments, which cover a number of points raised in a talk which Lord Radcliffe and I had with the financial Secretary, are in the Annex,<sup>1</sup> which the Treasury have seen in draft.

#### *Date of publication and announcement*

10. In C.A (56) 29 I concluded that the decision on timing of publication of the report must be left over until the report was ready, when all factors affecting publication could be taken into account, including the security situation at that time, and the presentation of Her Majesty's Government's case over Cyprus at the United Nations. I also emphasised that its publication could be construed as a positive step towards the end of the emergency in Cyprus and that it would have a bad effect if it were known that the report had been presented but that we were unduly delaying its publication. I explained that I was therefore proceeding on the assumption that the report, and a statement of the Government's policy on it, would be published before the Christmas recess. Since C.A. (56) 29 was written, our action in Egypt has had its repercussions in Cyprus. I nevertheless still feel that we should continue to aim at a statement before the Christmas recess.

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<sup>1</sup> Not printed.

*Announcement of views on Lord Radcliffe's report*

11. I propose that, in our statement of views on the report, we should announce that we accept the framework of this new constitution as proposed by Lord Radcliffe, and will be prepared to introduce it when law and order have been restored. We shall take into account any constructive suggestions made on the details of the proposals, with a view to including them in the new constitution, if this can be done without departing from the general principles laid down by Lord Radcliffe. Our statement on this point might go on to say that instructions have been given to the legal draftsmen to begin preparation of the necessary Order in Council, and that the Cyprus Government has been asked to put in hand the work necessary for delimiting constituencies and preparing electoral rolls with a view to elections being held as soon as conditions permit.

*II Self-determination*

12. Sir John Harding is strongly of the opinion that we should make some statement on self-determination at the same time as publishing Lord Radcliffe's report. He hopes that our constitutional proposals together with a statement on self-determination will enable us to secure the co-operation of the Greek and Turkish Governments in a permanent settlement. I agree that we should take the opportunity to make a comprehensive statement of policy and that we should try to get the Greek and Turkish Governments at least to acquiesce in it.

13. The question is whether we can go beyond our present position, *i.e.*, recognition of the principle of self-determination but refusal to give any undertaking on how and when it can be applied to Cyprus. Sir John Harding has recently indicated that a reaffirmation of this position might be sufficient. He may however revert to the proposal for a tripartite treaty with Greece and Turkey, or some variant of it.

14. It is evident from the Turkish Government's attitude (paragraph 7 above) that, if we go significantly further than our present position on self-determination, they will refuse all co-operation with us in the Cyprus question. They might, indeed, reconsider their general Middle Eastern policy. I believe that this is a risk which we cannot accept. The Turkish Government have raised the idea of partition. This is not attractive in itself but it may have advantages as one element in a general settlement.

15. H.M. Ambassador at Athens has indicated that the Greek Government itself might be prepared to acquiesce in a reaffirmation of our present position on self-determination. However, their attitude will be largely determined by that of Makarios and he will try, at first at any rate, to secure something further. Her Majesty's Government have explicitly accepted the principle of self-determination. They have also declared their willingness to discuss the future of the Island with Cypriot representatives once self-government is working successfully. This declaration might now be carried a stage further by announcing that, when the international situation permits, and when the constitution has been introduced and self-government is working satisfactory, Her Majesty's Government will be prepared to review all aspects of the situation with elected representatives of the people of Cyprus; further, when the time comes for this review, Her Majesty's Government would wish to ensure that any application of the principle of self-determination should apply to the Turkish Cypriot equally with the Greek Cypriot community; and

would not exclude the possibility of a partition of the Island from the discussion. I will nearer the time tell my colleagues exactly what I would like to say in announcing this in the House.

16. A statement in such terms, though it would not fully satisfy either the Greek or the Turkish Government, would nevertheless:—

- (a) be difficult for the Greeks to reject;
- (b) by allowing for eventual partition, afford the Turks the one safeguard which might reconcile them to the exercise of self-determination;
- (c) cause Greek Cypriots to reconsider the merits of the *status quo*.

### III *Amnesty*

17. Sir John Harding suggested that our statement of policy should also say that once the constitution had been introduced the Governor would discuss terms of an amnesty with the Chief Minister. There might be advantage in something being said about an amnesty, but I am not convinced that this should necessarily be said in our Parliamentary statement, nor that it would be best in the form suggested by the Governor. It might be better dealt with by way of local announcement. As regards the Governor's suggestion that the matter of an amnesty should wait over until a Chief Minister had been appointed, it seems to me that there would be advantage in not trying ourselves down to pay particular event; it might well prove better to get the issue of an amnesty out of the way at an earlier stage.

### IV *Other matters*

#### *Action with the Turkish government*

18. H.M. Ambassador at Ankara, with the concurrence of the Governor, has advised that the Turkish Government should be given a fortnight to study Lord Radcliffe's report and Her Majesty's Government's views thereon. Provided H.M. Ambassador considers that the Turks are likely to accept the principles on which our statement is based, this course has much to recommend it. If, however, the Turks are likely to raise fundamental objections I think we should avoid placing ourselves in the position of having to disregard their considered comments. In that case, I suggest they should be given one or two days' advance notice only; but that it be explained to them that it would be possible for them to make their views known to us after publication, so that account would be taken of any views they might express before final decisions are reached.

#### *Action with the Greek government*

19. H.M. Ambassador at Athens proposes that the Greek Government should have only brief advance notice. There is a serious danger of leaks in Athens. Moreover the Greeks are unlikely to take a firm position until they know that of Archbishop Makarios. But it will help them with Greek public opinion if it can be made to appear that they have been consulted. I therefore suggest that they be given up to two days' notice, but in any case not more than that given to the Turks.

#### *Action with the United States government*

20. The United States Government have asked to be informed in advance of our

intentions. Although they have not hitherto been helpful, their attitude will certainly have some effect on the Greek Government. I therefore consider that we should show our statement and Lord Radcliffe's report to the United States Government at the same time as we show them to the Turkish Government. The United States Government could then be urged to use its influence as necessary with both the Greek and Turkish Governments.

#### *Consultation with Archbishop Makarios*

21. There is no doubt that any expression of the Archbishop's views on Lord Radcliffe's proposals would greatly affect the reactions of both the Greek Government and Greek Cypriots. It is just possible that he may decide to take the occasion of the publication of Lord Radcliffe's report and Her Majesty's Government's statement of policy to indicate that he is prepared to advise Greek Cypriots to co-operate in constitutional development. The Governor and I feel, however, that it would appear as if we were reopening negotiations with the Archbishop if we attempted to consult him in advance. If there were any question of so consulting him, I have no doubt that this would adversely affect the Turkish Government's reactions, as well as having adverse effects upon public opinion in this country. I have therefore sent the Governor of Seychelles an advance copy of Lord Radcliffe's report and propose to send him our draft statement of policy when we have decided on that. I have in mind that Lord Radcliffe's secretary and a Greek-speaking officer should be available in Seychelles, in order to explain these documents to the Archbishop as soon as they are published.

#### *Future of Archbishop Makarios*

22. If the Archbishop were subsequently to indicate that he would be ready to advise Greek Cypriots to co-operate in introducing the constitution, we could then consider whether any statement that he was prepared to make should be published and perhaps taken into account in the Parliamentary debate which would certainly follow Her Majesty's Government's statement.

23. It may prove that the Archbishop will ask for consultation with Greek Cypriots before agreeing to comment on the constitutional proposals and statement of policy. I feel that there may be advantage in agreeing to this, and we should not rule it out *a priori*.

24. Sir John Harding had proposed that the statement of policy should include a passage referring to the conditions under which Archbishop Makarios would be released from detention and would be allowed to return to Cyprus. The Governor thinks that, while he should be allowed to leave Seychelles when the emergency is over, he should not be allowed to return to Cyprus until the constitution is working satisfactorily. It may however be wiser not to commit ourselves in public when we announce our view on Lord Radcliffe's report.

### *V Recommendations*

25. I recommend that:—

- (a) we should aim to publish Lord Radcliffe's report before the Christmas recess (paragraph 10);

- (b) a statement of the views of Her Majesty's Government should be prepared along the lines indicated in paragraphs 11 and 15 above;
- (c) the Turkish, Greek and United States Governments should be shown the report and informed of the substance of Her Majesty's Government's views shortly before publication and Archbishop Makarios should be shown them immediately after publication (paragraphs 18–21); and
- (d) we should accept the Governor's view that the Archbishop might be allowed to leave Seychelles at the end of the emergency, but not allowed to return to Cyprus until after the introduction of the constitution, but should not refer to this in our statement on Lord Radcliffe's report.

### 331 CAB 128/30/2, CM 98(56)1

11 Dec 1956

#### 'Cyprus': Cabinet conclusions on plans for a constitutional settlement

The Cabinet had before them the following memoranda:—

C.P. (56) 264: by the Colonial Secretary covering Lord Radcliffe's report on future constitutional development in Cyprus;

C.P. (56) 272: by the Colonial Secretary commenting on Lord Radcliffe's proposals and recommending their adoption;

C.P. (56) 273: by the Secretary of the Cabinet covering a draft, prepared by the Colonial Policy Committee, of a statement of Government policy in regard to further constitutional advance in Cyprus.

*The Lord President*<sup>1</sup> said that the Colonial Policy Committee, who had studied Lord Radcliffe's report, had been greatly impressed by the skill with which he had contrived to achieve a balance between majority and minority interests in Cyprus. They recommended that the report should be accepted and an undertaking given to put it into effect as soon as conditions would allow. In the announcement of policy which would be made on the publication of the report it was proposed to foreshadow the possibility that it might ultimately be necessary to resort to partition when self-determination eventually came to be applied. This had caused the Committee much concern. They had, however, been satisfied there was no prospect of securing Greek acquiescence in the introduction of the new constitution unless some further statement were made on self-determination, and that Turkish acquiescence could not be secured unless some reference was made to the eventual possibility of partition.

The Committee had also felt that it would be inappropriate in a statement of Government policy to refer to further consultations with Archbishop Makarios. The intention to hold these consultations could more suitably be disclosed in reply to supplementary Questions.

*The Colonial Secretary* said that he had now reached agreement with the Chancellor of the Exchequer on the two points which the Colonial Policy Committee had been unable to resolve. First, it had been agreed that Cyprus should contribute out of her own revenues a specified sum, related to her contribution in 1954, towards

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<sup>1</sup> Lord Salisbury.

the cost of the police services and that the balance of the cost would be borne by the Exchequer. Secondly, it had been agreed that the Government of Cyprus should be required by precept to contribute about £150,000 annually towards the cost of intercommunal education, and that the Exchequer would then make a contribution towards capital costs and any increase in current charges.

Discussion showed that the Cabinet shared the misgivings felt by Colonial Policy Committee about the need to foreshadow at this stage, in a statement concerned primarily with the introduction of representative institutions in Cyprus, the ultimate possibility of partitioning the Island. The following points were made:—

(a) A reference in the proposed statement to a “right” of self-determination, combined with the mention of partition, might be turned to mischievous account in reviving the question of the Irish Settlement. It was agreed that the phrasing of the statement should be re-examined from this point of view. It might be sufficient to indicate that, when the time came, the Government would be guided by their view that the principle of self-determination should be applied in a manner which would ensure that self-determination was enjoyed by Turkish Cypriots no less than by Greek Cypriots.

(b) Partition might well prove to be the only ultimate solution. The Government might, however, find themselves in an anomalous position if they attempted to pursue a policy of constitutional advance which was subject from the beginning to the condition that the Island might eventually be partitioned against the wishes of the majority of the inhabitants.

(c) The Chiefs of Staff had advised that the Island would need to remain under a unified sovereignty so long as it was required as a military base and the possibility of partition could not, therefore, arise until this period had come to an end.

(d) Some doubt was expressed about the expediency of giving at this stage an undertaking to submit the question of self-determination to a plebiscite. It was pointed out, in reply, that on this question the Cypriot population as a whole might express a different view from that of their elected representatives. Moreover, a reference to a plebiscite would do much to attract the support of public opinion in Greece.

The Cabinet next considered, in the light of the doubts raised in their discussion, whether it would be practicable to carry out the necessary consultations with the Greek and Turkish Governments and to make a further statement of policy on Cyprus before the Christmas recess.

*The Lord Privy Seal*<sup>2</sup> said that discussion had shown the need for time for further reflection on this matter. The drafting of the proposed statement should also be reconsidered. He foresaw Parliamentary difficulty in making this statement of policy before the Christmas recess. In any event the Government could not proceed in a matter of this importance without giving the Prime Minister an opportunity to consider it on his return.

*The Colonial Secretary* said that he accepted the need for further time for consideration, and the consultations which he was proposing to have with the Greek and Turkish Governments would have to be delayed accordingly. Nevertheless, of the various courses of action open to the Government, it would not in his view be possible to publish Lord Radcliffe's report without an accompanying statement of

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<sup>2</sup> Mr Butler.



policy. He must continue to press for an early decision in the hope that a statement could be made before the House rose.

The Cabinet:—

(1) Invited the Colonial Policy Committee to re-examine, in the light of the Cabinet's discussion, the draft statement annexed to C.P. (56) 273 and, in particular, the eighth and ninth paragraphs dealing with self-determination and partition.

(2) Agreed to resume their discussion at a meeting on the following day.

### **332 CAB 128/30/2, CM 99(56)2**

12 Dec 1956

#### **'Cyprus': Cabinet conclusions on plans for a constitutional settlement**

The Cabinet had before them a revised draft (C.P. (56) 281) of the proposed statement of policy in regard to constitutional advance in Cyprus.

*The Lord Privy Seal* said that the Prime Minister, to whom a summary of the statement had been telegraphed, had expressed concern about the reference to partition. He had suggested that, if partition had to be contemplated, it should provide a share of the Island for ourselves as well as for the Greeks and Turks. Meanwhile, the Foreign Secretary had reported from Paris that pressure was mounting to have the problem of Cyprus discussed by the North Atlantic Council. The Foreign Secretary was resisting this; but he thought it would now be to our advantage to make the proposed statement of policy before the Christmas recess. On the other hand the Opposition had intimated that they were concerned to discuss, before the House rose, no more than the recent security regulations which had been introduced in Cyprus, and were not intending to press for a general debate.

*The Lord President* said that the proposed statement, as revised, made no mention of a plebiscite; and the passage which set out the conditions which must be satisfied before self-determination could be considered had been revised in such a way as to put the prospect of partition into a more accurate perspective. The Foreign Secretary's report reinforced the case for making the statement before the recess. But the prospect of partition, once it had been disclosed, would be liable to dominate discussion thereafter and to exert an undue influence on the future course of events. Partition ought not to be mentioned unless the Government were prepared, however reluctantly, to contemplate it as a reality; and further consideration should be given to the possibility of discussing our intentions with the Greeks and Turks in terms which included no direct reference to partition.

*The Colonial Secretary* said that a partition of Cyprus into three parts, rather than two, need not be excluded. But the question of partition would not arise until the Island was no longer needed as a base and, when that stage had been reached, tripartite division would be unnecessary. The prospect of partition as a possible ultimate solution, would, however, give the Turks an effective veto against Enosis; and the Turks would not even acquiesce in our proposals if this possibility were not foreshadowed. It did not follow that partition would become an inevitable solution. The choice of this alternative would not be put to the Cypriot population before they had been invited to remain under British sovereignty; and, with the help of the new constitution, they might well express such a preference.

Meanwhile, the postponement of a statement would not contribute towards a solution of the present problem. The situation in Cyprus would deteriorate, the Government would be held responsible for the further casualties which would undoubtedly occur, and they would be charged with lack of initiative. It would therefore be to our advantage to defer a statement until the question of Cyprus was about to be debated in the United Nations. The Government would, moreover, be in an embarrassing position in the debate in Parliament in the following week if, in attempting to defend the severe security regulations, they were unable to reveal the existence of any more constructive policy.

For all these reasons he urged that Lord Radcliffe's report and the proposed statement should be published before the Christmas recess, and that consultations with the Greeks and Turks should take place immediately. H.M. Ambassadors in both Greece and Turkey had advised that the prospect of collaboration from both Governments would be increased if he himself were to visit their capitals for these consultations and, with his colleagues' approval, he proposed to leave on the following day. He would accept no definite commitment in regard to partition, and would represent the policy set out in the proposed statement as merely the lines on which the Government were at present thinking.

Further discussion showed that the Cabinet were agreed that the balance of advantage lay in making a statement of policy on the lines proposed before Parliament rose for the recess. On the question of partition it was not possible at present to foresee a time when we should have no strategic interest in Cyprus; and, while it might be theoretically possible to partition the Island in such a way that we retained control of no more than a military base, this solution was impracticable in the light of our need to enjoy, in addition, adequate port facilities at Famagusta (which would lie in the Turkish sector) and to maintain an early warning system covering the whole Island. Nevertheless, it was now urgently necessary to make a further attempt to resolve the problems of Cyprus, and even the limited collaboration of the Greeks and the Turks, on which the success of our efforts must depend, could not be secured if the prospect of ultimate partition was withheld. It was essential that we should retain the initiative, in view of the risk that we might later appear, if we deferred action now, to have been forced into making an advance as a result of international pressure.

The Cabinet considered whether it was expedient that a Cabinet Minister should visit Greece and Turkey, especially in view of the attitude which Greece had hitherto adopted towards the Cyprus problem. Our proposals might meet with a rebuff, which would be more damaging if they had been presented by a Minister than if discussions had been conducted through diplomatic channels. On the other hand, this opportunity for a settlement might not recur, and both our Ambassadors had strongly advised that the consultations should be conducted by the Colonial Secretary.

It was agreed that copies of Lord Radcliffe's report should be made available, when these consultations were taking place, to the United States Ambassadors in London, Athens and Ankara, to the United States Consul-General in Cyprus, and to the High Commissioners in London of the older Commonwealth countries. It was also agreed that copies of the report should be made available to Opposition leaders during the current week.

The Cabinet:—

(1) Agreed in principle, subject to the Prime Minister's later approval and to the

outcome of consultations with the Greek and Turkish Governments, that Lord Radcliffe's report on a constitution for Cyprus should be published in the following week, together with a statement of policy on the lines of the draft annexed to C.P. (56) 281.

(2) Authorised the Colonial Secretary to visit Athens and Ankara forthwith for the necessary consultations.

### 333 CAB 128/30/2, CM 102(56)1

17 Dec 1956

#### 'Cyprus': Cabinet conclusions on plans for a constitutional settlement

*The Colonial Secretary* said that, during his visit to Athens, he had found that the Greek Government were disinclined, for political reasons, to concede any public acknowledgement of the merits of Lord Radcliffe's report. They were particularly critical of the powers reserved to the Governor under the draft constitution. Moreover, unless the Government's statement of policy contained some indication of the date by which self-determination would be exercised and made provision for the early return of Archbishop Makarios from exile, the attitude of the Greek Government to our proposals must be expected to be hostile.

The Turkish Government had been more co-operative. Although they were likely to find difficulty in persuading their public to accept a constitution which did not concede the Turkish Cypriots' demand for equality with the Greek Cypriots, they were prepared to acquiesce in reforms on the lines recommended in Lord Radcliffe's report in order to appear as conciliatory as possible by contrast with the Greek Government. They would have preferred that the Government's statement of policy should make no reference to eventual self-determination. But, if something had to be said on this point, they hoped it would envisage a partition of the Island on a basis which would provide for the retention of a military base by ourselves. They were also anxious that the reference to partition in the earlier draft of the statement annexed to C.P. (56) 281 should be replaced by a more positive form of words on the following lines:—

"This would mean that, in the event of the exercise of self-determination resulting in a choice in favour of a change of the international status of the Island, then the Turkish Cypriots would be given the option of electing for partition."

A statement on these lines would secure the acquiescence of the Turkish Government. It was also likely to be acceptable to the Government's supporters in the House of Commons. If an announcement of policy embodying a statement to this effect were made later in the week, the government would appear to be acting from strength and would secure the maximum advantage from the goodwill which the Turkish Government had shown during his visit.

In discussion the following points were made:—

(a) The amendment proposed by the Turkish Government would have the result that the concept of partition would figure more prominently among the eventual solutions to the problem than it had in the original draft of the statement. This would be liable to increase the local pressure for the date of self-determination to be advanced; and we might then find that we were compelled to concede self-determination with no adequate assurance that our continuing strategic needs in the

Island would be safeguarded. The draft statement already made it clear, however, that we should not be prepared to review the question of the application of self-determination until the international and strategic situation permitted and self-government was working satisfactorily. These stipulations should suffice to ensure that we could maintain strategic facilities in the Island for as long as was necessary.

(b) We could not, however, deny that it would rest with us to decide when the international and strategic situation permitted self-determination and when self-government was working satisfactorily. We were therefore liable to be accused of making our offer of self-determination conditional upon a time-table which could be adjusted to suit our own convenience. If we envisaged that our need of strategic facilities in the Island would persist for as long as could be foreseen at present, it might be wiser to make the exercise of self-determination explicitly dependent upon our retaining the right to maintain such facilities indefinitely.

(c) On the other hand there was considerable doubt whether an enclave of British territory in an Island otherwise divided between Greek and Turkish communities would be strategically satisfactory. In particular, we should be dependent, for the effective maintenance of a military base in such an enclave, on local labour which would be drawn from areas over which we no longer exercised sovereignty. For these reasons it might be wiser to rely simply on the original stipulation that we would be ready to review the question of self-determination as soon as the international and strategic situation permitted.

(d) The more explicit reference to partition which the Turkish Government favoured was open to the further objection that, even though it was proposed that partition should not become a practical issue until self-Government was working satisfactorily, the admission that it might prove to be the eventual solution would weaken the incentive to the local communities to co-operate in the effective establishment of self-government. But the alternative of conceding partition forthwith would be a premature and unrealistic approach to the problem. The constitution proposed by Lord Radcliffe was a sound one on merits and should be least given an adequate trial.

At this point the Colonial Secretary had to withdraw from the meeting in order to fulfil an important public engagement.

In subsequent discussion it was agreed that, in the light of the conflicting arguments which had been advanced, the balance of advantage seemed to lie in rejecting the formula about partition which the Turkish Government preferred and in reverting to the treatment adopted in the original draft of the statement of policy, which had put the possibility of partition in a more remote perspective. But, in order to preserve as far as possible the goodwill of the Turkish Government, a more positive form of wording might be adopted, on the following lines:—

“In other words Her Majesty’s Government recognise that the exercise of self-determination in such a mixed community must include partition among the eventual options.”

It was agreed that further consideration should be given to this alternative formula, both in terms of its probable effect on the Turkish Government and from the point of view of the possible analogy with the relations between Northern Ireland and the Irish Republic.

The Cabinet:—

Invited the Colonial Secretary, in consultation with the Foreign Secretary and the Home Secretary, to consider the implications of a formula on the lines of "X" above.<sup>1</sup>

<sup>1</sup> The government's plan was announced on 19 Dec. The Greek government rejected it on the same day, on the grounds that it did not provide explicitly for self-determination. The Turkish and US governments gave it qualified support. In March 1957 the Macmillan government decided to allow Makarios to return from the Seychelles to Athens (this precipitated Lord Salisbury's resignation from the government). Following the London and Zurich agreements Makarios return to Cyprus in 1959. Cyprus became independent under his presidency in 1960.

### 334 T 220/360, pp 59–62

Mar 1953

#### 'West Indian federation conference': general brief by CO for ministers

The Conference will be attended by representatives of Jamaica, Trinidad, Barbados and the Windward and Leeward Islands. Those Colonies which have not accepted federation in principle, British Guiana and British Honduras, will send observers.

2. The task of the Conference is:—

(i) to try to reach agreement on the main features of a federal scheme, taking as a basis for discussion the proposals in a report of the Standing Closer Association Committee 1948–9. (Col. No. 255)<sup>1</sup>

(ii) to decide the machinery for working out subsequently the details within the broad framework laid down under (i).

3. The policy of successive Governments in this country has been to encourage closer political and other association between the Caribbean Colonies. The Royal Commission expressed the view that policy should be directed towards ultimate political federation, and in his despatch of 14th March, 1945, Mr. Oliver Stanley wrote:—

"I consider that the aim of British policy should be the development of federation in the Caribbean at such a time as the balance of opinion in the various Colonies is in favour of a change and when the development of communications makes it administratively practicable. The ultimate aim of any federation which may be established would be full internal self-government within the Commonwealth."

As a result of the debates on the despatch in the various Colonial Legislatures, a Conference on the Closer Association of the British West Indian Colonies was held, under Mr. Creech Jones' chairmanship, at Montego Bay in 1947.<sup>2</sup> That Conference proposed that a Standing Closer Association Committee composed of delegates of Legislatures should be appointed, under an independent Chairman, to devise a federal scheme and to consider related problems. This Committee was set up under Sir Hubert Rance's<sup>3</sup> chairmanship; its report (Col. No. 255) was published in March,

<sup>1</sup> For a summary of the committee's report, see BDEEP series A, R Hyam, ed, *The Labour government and the end of empire 1946–1951*, part III, 254.

<sup>2</sup> See *ibid*, 251.

<sup>3</sup> Sir Hubert Rance, gov of Burma, 1946–1948; chairman, Standing Closer Association Committee, British West Indies, 1948–1950; British co-chairman, Caribbean Commission, 1948–1950; gov, Trinidad and Tobago, 1950–1955.

1950. Separate enquiries were carried out simultaneously into the questions of the establishment of a Customs Union and of the unification of the public services; these reports were published in 1950 as Col. 268 and Col. 254 respectively.

4. The present position is that (except for British Guiana's acceptance of Customs Union in principle) no decisions have yet been taken by West Indian Legislatures on Customs Union or the unification of the public services. The debates on the S.C.A.C. report showed that Trinidad and the Windward and Leeward Islands were prepared to accept the S.C.A.C. plan generally, but that Jamaica and Barbados would wish, at the forthcoming Conference, to put forward a number of amendments of that plan.

5. Her Majesty's Government's attitude towards Federation is governed by their desire that the territories in the British West Indies should be able to build up a sound economic and financial position, and thus fulfil one of the pre-requisites of political self-government. The S.C.A.C. Report stated quite definitely that Federation and only Federation affords a reasonable prospect of achieving economic stability and this view has presumably been accepted by the West Indian Governments represented at the Conference. This being the case, Her Majesty's Government are prepared to do what they can to help to set up a Federation. But Her Majesty's Government have always taken the line that they have no intention of imposing federation; the ultimate decision must rest with the local Legislatures as representing the views of the people of the West Indies. Equally, H.M.G. cannot contemplate bribing these Colonies to accept Federation by inducements of excessive financial aid.

6. The S.C.A.C. plan, as it stands, is generally acceptable to H.M.G. But it is clear that we shall be faced, at the Conference, with demands from Jamaica and Barbados for amendments of the plan which would involve far-reaching concessions both constitutional and financial. We shall be asked to relax the S.C.A.C. provisions in regard to the powers reserved to Her Majesty-in-Council and to the Governor-General; we shall also be asked to give financial assistance to the Federation in excess of that proposed in the S.C.A.C. report. Our recommendations on the line to be taken on the specific proposals likely to be put forward by Jamaica and Barbados are set out in Annexes III, IV and V.<sup>4</sup> Broadly, we feel that H.M.G.'s primary role at the Conference is to help the West Indian delegates to reach agreement among themselves, and our aim has therefore been to reduce to a minimum the issues on which U.K. Ministers will have to stand firm. But there will clearly be a number of proposals, both constitutional and financial, which cannot be accepted.

7. We think it inevitable, in the political and geographical circumstances of the Caribbean region, that a West Indian Federal Government, in its initial stages, should possess very limited powers relative to those remaining with the Units; nevertheless, since one of the objects of the federation is to mitigate the economic weaknesses of the area, we think that it is important to keep the door open for a gradual growth in the Federal Government's powers and influence in the economic and financial field. We consider that this point should be borne in mind when the time comes to work out the detailed application of the broad proposals contained in Annex V.

8. It must be recognised that the prospects for federation are very unpromising. British Guiana has rejected it, and British Honduras has postponed a decision

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<sup>4</sup> Annexes not printed.



indefinitely. Opinion in Barbados was luke-warm if not actively hostile. The House of Assembly has adopted a resolution that it is premature to hold a Conference in London until there has been an exchange of views between Governments in the West Indies; and the Legislative Council has expressed the view that "the time is not yet ripe for Barbados to join in any schemes for potential Federation." The Joint Committee of the Jamaica Legislature, while accepting Federation in principle, failed to reach agreement between conflicting proposals for the amendment of the S.C.A.C. plan; and the preoccupation of the political leaders with internal problems means that Colony will be represented by a very weak team at the Conference. This does not necessarily mean that the Conference will break down. Whatever is agreed must be subject to confirmation by the local Legislatures, and even the most reluctant delegation may sign a document in the knowledge that it will not ultimately be accepted by their own Legislature. In either case, many will be only too anxious to throw on H.M.G. the responsibility for failure. Whatever the risks involved, we believe that the minor concessions proposed in Annex IV represent the furthest that we can go in the constitutional amendments affecting H.M.G. for which Jamaica and Barbados are likely to press. Fortunately, it is doubtful whether the West Indian delegations will be agreed in supporting these proposals for reducing further the already tenuous powers reserved to the Governor-General and Her Majesty-in-Council under the S.C.A.C. plan.

9. Greater difficulties are likely to arise over finance. The Jamaica and Barbados delegations are likely to press for exceptional financial aid from H.M.G. and there will undoubtedly be considerable anxiety among all delegations about the financial implications of federation. Whatever the ultimate economic benefits of federation, the creation of a federal structure will in the early stages impose an additional net recurrent cost on the Unit Governments, which could not for some time be offset by such benefits. These Governments are all finding increasing difficulty in balancing their budgets and in raising adequate revenue to meet their existing commitments. There can be no question of accepting extreme demands for capital or recurrent aid. Federation is a West Indian interest, and H.M.G. should not be expected to bribe the local Legislatures, by promises of lavish financial aid, to accept it. But it is natural, in West Indian circumstances, that even the most moderate political leaders should be anxious to know, before they finally commit themselves to participation in a federation, what financial help the region can expect from H.M.G. In general, we think that the S.C.A.C. recommendations under this head are sound and reasonable, and that we should adhere to them. The main difficulty here lies in the timing of the Conference. While we can be reasonably precise on the subsidiary matters of grant-in-aid and the cost of Federal Headquarters, we are not at present in position to be definite about future Development and Welfare assistance, to which the attention of West Indian delegations will mainly be directed. We have tried, in Annex V, to suggest the lines of a general statement on finance in terms as forthcoming as possible, but it would be misleading to suggest that it will satisfy any of the West Indian delegations.

10. It may prove impossible to reach agreement at the Conference on any form of federation, on the lines contemplated in the S.C.A.C. report and the point may therefore be reached when the delegates start to look about for some alternative line of action with the object partly of keeping the door open for federation at a later date and partly of avoiding too obvious an impression of failure in their main task. If

agreement cannot be reached on the main issue, it would be consistent with H.M.G.'s policy to encourage the delegates to seek ways and means of fostering closer association between the West Indian Colonies. Some suggestions in this direction are made in Part IV of the S.C.A.C. report. The most obvious action of this kind would be the establishment of a Customs Union, for which the necessary preliminary work has already been carried out and which merely awaits a decision in principle by the various Legislatures. It is hard to see what progress towards unification of the public services can be made in advance of a central political authority, but it might well be sensible to persuade the Conference to agree on the setting up of some body to explore the possibilities of improving and extending the existing machinery for mutual consultation and co-ordination of general policy between the British Caribbean Governments.

11. It is possible that, if the Conference fails in its main purpose, a proposal may be made by one or other of the delegations concerned for a limited federation of Trinidad and the Windward and Leeward Islands. Apart from the practical difficulties involved, this might prove an obstacle to the ultimate attainment of a wider federation. But in his 1945 despatch, Mr Oliver Stanley made it clear that H.M.G. did not regard proposals for limited federation as incompatible with the wider project, and it would clearly not be advisable to appear unsympathetic to any proposal for a limited Trinidad-Windwards-Leewards federation, if it should be pressed by one or more of the delegations from those Colonies. But this is not a question to which the Conference as a whole could give more than preliminary thought, and we think that, if the proposal is made, the right course is to suggest that a committee should be set up in the West Indies to examine the possibility of devising a practical scheme. This committee might consist of representatives of the various territories concerned under an independent chairman.<sup>5</sup>

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<sup>5</sup> The conference was held in London in April 1953, see *Report of the Conference on West Indian Federation held in London in April, 1953* (Cmd 8837, 1953) and *The Plan for a British Caribbean Federation agreed by the Conference on West Indian Federation held in London in April, 1953* (Cmd 8895, 1953).

### 335 CO 1027/38, no 50

[July 1953]

#### 'Latin American hostility to West Indian federation': briefing paper circulated by FO Information Policy Department<sup>1</sup>

The recent conference on West Indian federation has led to a certain amount of hostile comment in the Latin American press. The proposals for West Indian federation have been criticized and the continuation of British influence in the West Indies generally has once again been attacked.

2. The following have been the chief arguments used by the Latin American press against West Indian federation:—

- (i) Federation is merely a way of disguising the continuance of colonial domination. There is no intention of giving the West Indian Colonies real independence.

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<sup>1</sup> The paper was sent to British diplomatic posts in Latin America, to the British embassy in Washington and to the British Information Service in New York.

- (ii) It will lead to a frustration of "legitimate" Latin American ambitions (Guiana, British Honduras, etc.)
- (iii) It is not wanted by most of the local inhabitants.
- (iv) It is not a practical proposition (distances, differences in development, etc.)
- (v) A Federation with its increased economic power and low standard of living could be a serious competitor (e.g. for Cuba in the production of sugar).

3. Our object in countering these arguments should be two-fold:—

- (a) to justify the continuation of the West Indian colonies within the Commonwealth; and
- (b) to produce arguments in favour of Federation.

4. Operation (a) should be a continuing one. The following are the two main arguments which should be used:—

- (i) the inhabitants of the West Indies are different racially, linguistically and by political tradition from the rest of Latin America. We should quote statements by local leaders showing that (1) they consider themselves as British as well as e.g. Jamaicans. (2) They do not want to link themselves with Latin America.
- (ii) We should quote evidence showing that local leaders are satisfied with the considerable and growing amount of independence which they are getting. Moreover they want independence within the framework of the Commonwealth.

The very considerable degree of independence already enjoyed by the West Indian colonies should also be stressed.

As regards (b) a certain amount of caution is still required in spite of the undoubted success of the recent conference as it is not yet certain that the various legislatures will approve the proposals. The following arguments should, however, be used as far as possible:—

- (i) Complete freedom of the Colonies to join the Federation or not as they wish. Her Majesty's Government have encouraged the Colonies, but have not applied pressure in any way. The point to reiterate is that if Federation comes it will be because the West Indians themselves have decided that it affords the best prospects for their future. At all stages they will have made their own decisions—at the Montego Bay Conference in 1947, in the formulation of the Rance Report in local debate of its recommendations in the deliberations of the London Conference and finally in the local legislatures again.
- (ii) Federation is a necessary step to full self-Government;
- (iii) Quote evidence from local leaders to show that a substantial body is in favour of federation;
- (iv) Show the advantages as well as the difficulties of federation;
- (v) Use any arguments which may show that the Federation is no threat economically to its neighbours. In addition to making as much use as possible of statements by West Indians use should be made whenever possible of friendly United States comment regarding the progress of the West Indian colonies.

**336 CAB 129/63, C(53)261****30 Sept 1953****'British Guiana': Cabinet memorandum by Mr Lyttelton on the constitutional crisis**

A new constitution was introduced in British Guiana last April conferring adult suffrage, an elected House of Assembly and elected Ministers. Although formally introduced under the present Government, we were already committed to it by the previous Government, which accepted the recommendations of an independent constitutional commission. Similar constitutions had already been granted to Jamaica (in 1944) and Trinidad (in 1950). Any attempt to postpone a similar step for British Guiana in the circumstances would have had a very bad effect in British Guiana and the rest of the West Indies and I felt that I should not go back on the late Government's decision. However, at the elections at the end of April, the only organised party in the Colony, which was dominated by Communists, gained eighteen out of the twenty-four seats in the House of Assembly. Since last April British Guiana has had elected Ministers who are under strong Communist influences.

I was initially prepared to accept the verdict of the electorate and let the Party have its chance to govern the Colony, despite the risks involved, in the hope that the governor by tact and patience could win the Ministers away from the extremists in the Party and that the responsibilities of office would modify their views.

It is clear, however, that the Ministers have no intention of working the present constitution in a democratic manner nor have they any real interest in the good of people of British Guiana. They have taken every opportunity to undermine the constitution and to further the Communist cause. Typical of their actions has been the withdrawal of the ban on the entry of West Indian Communists, the moving of legislation to repeal the Subversive Literature Ordinance, the refusal to move a loyal address to Her Majesty on the first meeting of the House of Assembly or to send a delegation from the House to meet Her Majesty in Jamaica. They have been the moving force behind the strike which has paralysed the sugar industry of the territory for the past four weeks and which at one time showed signs of spreading to the whole country. Their actions have completely destroyed the confidence of the business community and all moderate opinion and the economy of the territory is well on the way to ruin. Their sole aim appears to be complete totalitarian dominance of the territory which they are seeking to achieve by the classical Communist technique of penetrating trade unions and local Government. Their leading figures are in close touch with the World Federation of Trade Unions in Vienna.

In these circumstances I have no doubt that a halt must be called and that we must take away the Ministers' powers, imprison the extremists and suspend the Constitution at the earliest possible moment. I propose to advise Her Majesty to make the necessary Orders in Council. Troops and emergency legal powers will be needed and may take some fourteen days to arrange. I am concerting the necessary arrangements with the Governor.

**337** CAB 128/26/2, CC 54(53)4

2 Oct 1953

**'British Guiana': Cabinet conclusions on the constitutional crisis**

The Cabinet had before them a memorandum by the Colonial Secretary (C. (53) 261) on the current situation in British Guiana.<sup>1</sup>

*The Colonial Secretary* said that the elected Ministers in British Guiana, who were under strong Communist influences, were taking every opportunity to undermine the constitution and to further the Communist cause. Some of them had been the moving force behind the strike which had paralysed the sugar industry, and they were evidently seeking to establish a totalitarian dominance over the territory by penetrating the trade unions and local government. They were in close touch with the World Federation of Trade Unions in Vienna. In these circumstances he had no doubt that it was necessary to take away the Ministers' powers, imprison the extremists and suspend the constitution at the earliest possible moment. His latest advice was that the situation was deteriorating daily; and the Governor now doubted whether more than 50 per cent. of the police could be relied upon. He himself felt, however, that if a British battalion arrived on the spot at an early date, the police would remain loyal. He therefore proposed that a battalion of the Royal Welch [sic] Fusiliers should proceed at once to British Guiana, from Jamaica, in a cruiser and two frigates. They would arrive off Georgetown on 9th October. The cruiser would have to lie 15 miles off the port and the frigates would land the troops. As soon as the troops had landed, the Governor would take action under emergency powers to imprison the extremists and suspend the constitution.

In discussion the following points were made:—

(a) In operations of this kind the risk of bloodshed was much less if overwhelming force was deployed at the outset. That consideration suggested that it would be preferable to send two battalions to Georgetown, rather than one. On the other hand, an additional battalion could not reach there before 20th October, and by that date the situation would have deteriorated further and the police might no longer be reliable.

(b) A supplementary force of one battalion could be brought to readiness in the United Kingdom and could sail with some of its vehicles in an aircraft carrier on about 8th or 9th October. The only battalion immediately available for this duty was at half-strength, but there were three full-strength battalions in the Infantry Brigade which was being held as a reinforcement for Egypt.

(c) No information of our intentions had yet been given to the Governments of other Commonwealth countries or of the United States. It was, however, proposed that the Government of Canada, which had important commercial interests in British Guiana, should be told of the plan twenty-four hours before it was put into operation. It was suggested that the Governments of Australia, New Zealand, the United States and possibly Venezuela, should also be told about twelve hours before the plan took effect. It was unlikely that there would be any adverse reactions in the United States, where anti-colonial sentiments would in this case be off-set by anti-Communist sentiments. The Governments of India, Pakistan and Ceylon should not be informed until the operation had begun.

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<sup>1</sup> see 336.

The Cabinet:—

- (1) Approved the Colonial Secretary's proposals, outlined in C. (53) 261, for suspending the constitution of the British Guiana.
- (2) Invited the Minister of Defence to arrange for a battalion of the Royal Welch [sic] Fusiliers to proceed at once to British Guiana, from Jamaica, with a naval force of one cruiser and two frigates; and to make all the necessary preparations to enable a further battalion to be sent at full-strength from the United Kingdom, in an aircraft carrier, if reinforcements proved to be needed.
- (3) Invited the Colonial Secretary to concert with the Foreign Secretary and the Commonwealth Secretary arrangements for informing other interested Governments.

### 338 CAB 128/26/2, CC 70(53)6

24 Nov 1953

#### 'British Honduras': Cabinet conclusions on a new constitution

The Cabinet considered a memorandum by the Colonial Secretary (C. (53) 329) on the forthcoming introduction of a new constitution in British Honduras.

*The Colonial Secretary* said that the new constitution had been based on the recommendations of the independent Committee appointed in 1947. Elections under it were due to be held in March 1954. He had thought it right to bring this to the Cabinet's notice as the situation in the Colony had some unwelcome similarities to that in British Guiana. There were, however, some significant differences, notably that there would continue to be an official majority on the Executive Council. The People's Party was violently anti-British and, though not known to be affiliated with international Communist organisations, was believed to be supported by the Guatemalan Government, which had Communist tendencies and had for many years pressed a claim to British Honduras. But it was by no means certain that the People's Party would gain a majority at the elections: there was a strong Roman Catholic element in the Colony which, though inclined to be anti-British, was strongly opposed to anything savouring of Communism. Even if the People's Party were successful at the elections, the situation was not likely to be as serious as that which had developed in British Guiana. The Governor could be given emergency powers; there would be an official majority on the Executive Council, and departmental responsibilities could be withdrawn from the elected members without a breach of the constitution: and the single company of United Kingdom troops now stationed in the Colony would be sufficient to preserve order and to deter any intervention from Guatemala. In these circumstances the Colonial Secretary recommended that no change should be made in the arrangements for introducing the new constitution. The dangers of deferring its introduction were certainly greater than those involved in allowing it to go forward in accordance with existing plans.

In discussion there was general agreement with the views expressed by the Colonial Secretary. Attention was, however, drawn to the argument in paragraph 8 (b) of C. (53) 329 that, if the introduction of the constitution were delayed, the United Kingdom Government would be suspected of having changed their liberal policy towards constitutional advance in the Colonies.<sup>1</sup> This consideration, it was

<sup>1</sup> In this paragraph it was argued that 'Deferment would undoubtedly have most unfortunate repercus-



suggested, should not prevent the Government from exercising due caution in guiding the evolution of Colonial territories towards independence or from exercising a restraining influence when circumstances warranted it.

The Cabinet:—

Agreed that there should be no modification of the plans for bringing the new constitution of British Honduras into operation in the spring of 1954.

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sions throughout the Colonial Empire, in particular in the West Indies. We should be suspected of having changed our liberal policy and that would lose us the valuable support we have had, especially from West Indian labour leaders, for our action in British Guiana. In all our statements about the suspension of the British Guiana constitution, we made it clear that this was in no way to be taken as an indication that we were departing from our liberal policy of encouraging political advance in Colonial territories' (British Honduras', Cabinet memo by Lyttelton, CAB 129/64, C(53)329, 21 Nov 1953).

### 339 CAB 129/68, C(54)164

17 May 1954

#### 'British Honduras': Cabinet memorandum by Mr Lyttelton on future policy

The People's United Party (P.U.P.) have gained an overwhelming victory in the elections held on 28th April, and won 8 out of the 9 seats. There was a very high poll, averaging over 70 per cent of the electorate, and the P.U.P. won 64 per cent of the votes cast. The P.U.P. thus have a majority of one in the Legislative Assembly, which will consist of a nominated Speaker (who has neither an original nor a casting vote), 3 officials, 3 nominated unofficials and 9 elected members.

2. We have now to consider whether to go on with the second stage of the constitutional plan. This involves the reconstruction of the Governor's Executive Council, so that it will consist of 3 *ex-officio* members and 6 members elected by the Legislative Assembly—4 from among the elected and 2 from among the nominated members. (This means that 4 P.U.P. members will be elected to the Executive Council.) The Executive Council will become the principal instrument of policy and the Governor will be required, except in an emergency, to act in accordance with its advice. The elected members, however, will not be designated Ministers or be given administrative charge of Government Departments.

3. The Governor proposes to appoint as nominated members of the Legislative Assembly 3 substantial citizens who can be relied upon to oppose any extreme measures sponsored by the P.U.P. Of these, 2 will have to be elected to the Executive Council and these members may be expected to vote with the 3 officials on any crucial issue. This will place the P.U.P. in a minority of one, and even if through illness or some other cause the voting was even the Governor as Chairman still retains a casting vote. It should thus be possible to carry on day-to-day administration without yielding to P.U.P. pressure and without recourse to the use of the Governors's reserve powers in the Executive Council.

4. I consider that the P.U.P. members can do relatively little harm in the Executive Council. Their presence there gives some chance, though it does not guarantee, that Government measures will be accepted by the Legislative Assembly without the constant use of the Governor's reserve powers. I do not think that we can very well deny the promised reconstitution of the Executive Council. To do so would precipitate an immediate crisis and we should be open to criticism for not having

given the P.U.P. a chance to co-operate. The Governor strongly argues that we should go ahead as planned, and I agree. I consider, however, that:—

(a) The P.U.P. leaders must first give definite and satisfactory assurances that they are prepared to co-operate in working the constitution. The Governor is confident that these assurances will be forthcoming.

(b) Representatives of the unofficial members of the Executive Council (not exclusively of the P.U.P. members) should be invited to visit London soon, accompanied by the Governor if he thinks this desirable for talks on the future progress and development of the Colony. This would give an opportunity of testing the willingness of the P.U.P. to co-operate and of reinforcing the Governor's efforts to win them over to a responsible attitude.

5. It is possible, perhaps even probable, that sooner or later the P.U.P. leaders will prove intransigent and that the constitution will break down. If that is so, and it becomes necessary to take action to substitute some other form of constitutional machinery, we shall be on strong ground to face criticism, having given the P.U.P. a fair chance to co-operate.

6. British Honduras is a country the size of Wales with a population of only 70,000. The real problem of the Colony is its economic development.<sup>1</sup> I feel that the political situation has been unduly played up in the Press, and we should try to put it in its true perspective.

7. I recommend that subject to receiving the assurances referred to in paragraph 4(a) I should announce in the House of Commons that the planned second stage of the constitution will go ahead.<sup>2</sup>

<sup>1</sup> cf BDEEP series A, R Hyam, ed, *The Labour government and the end of empire 1945–1951*, part IV, 374.

<sup>2</sup> Cabinet accepted this recommendation (CAB 129/27/1, CC 34(54)4, 20 May 1954).

## 340 CO 1031/1718, no 2

28 Oct 1955

### 'Full Commonwealth status for the Caribbean federation': minute by P Rogers<sup>1</sup>

The Department and I have discussed with Sir S[tephen] Luke<sup>2</sup> the question of the Caribbean Federation becoming in due course a full member of the Commonwealth.<sup>3</sup> I think it is fair to say that it has always been in the mind of everyone here that one day it should become such, but so far this has never been said publicly by a Secretary of State. Colonel Stanley's despatch of the 14th March, 1945 (Cmd.7120) referred only to "full internal self-government within the British Commonwealth". It was however referred to more explicitly by the Standing Closer Association Committee in its Report (Col. No.255 para. 17) thus "... we may place on record our considered and emphatic view that Federation, and only Federation, affords a reasonable

<sup>1</sup> As an assistant under-secretary of state, Rogers was responsible for the CO West Indian Dept (which was divided into two parts, 'A' and 'B') in 1955.

<sup>2</sup> Sir S Luke (KCMG 1953), assistant under-secretary of state, CO 1950–1953; comptroller for development and welfare in the West Indies and British co-chairman of Caribbean Commission, 1953–1958.

<sup>3</sup> 'The Department' refers to West Indian Dept 'A', CO. The record of the dept's meeting with Sir S Luke on 26 Oct 1955 is at CO 1031/1718, no 11.

prospect of achieving economic stability and through it that political independence which is our constant aim". There is no doubt that the prospect of full membership of the Commonwealth has been one of the most important reasons, if not the most important, why Federation has received such widespread support. But the issue has not so far been clearly defined by H.M.G. and we feel that the time has come for clarification.

There has been little understanding of the obligations of independence, although it is true to say that the assumption has always been that this would mean full Commonwealth membership, and not secession; but the relationship between the proposal for federation and complete political independence within the Commonwealth has not always been clear in the minds of the public in the West Indies, nor indeed in the U.K. and it is often assumed that promotion to this status will automatically accompany the achievement of Federation or follow close on its heels. Nor, again, does the West Indian public appear to have much appreciation of the obligations which attach to full membership of the Commonwealth. On the other hand, those political leaders who recognise the obligations are far from clear about the prospect of the Federation achieving full membership of the Commonwealth and are mostly inclined to think that the U.K. intends to keep them on leading strings for a long time to come. They are therefore more grudging on their immediate approach than they otherwise might be. In the ordinary way we could wait and let all this take its course, but there are, in the view of Sir Stephen (and all of us here agree with him), special reasons for considering this issue now. We are going through a very uneasy period over federation, when on the one hand it is at long last becoming tacitly accepted as inevitable throughout the West Indies while on the other political leaders are becoming concerned about its financial and administrative implications and (particularly in Jamaica) are trying to slow down the pace. On the other hand if the pace is slowed down too much that will give a further chance to the East Indians in Trinidad to try and wreck it altogether. With great difficulty we have nearly got to the point of agreement that there should be a final Conference in February next year, but we know that Mr. Manley<sup>4</sup> will have a number of proposals about adjusting the federal constitution to the present stage of political development in the more advanced West Indies constitutions, i.e. making it more advanced than is contemplated in the Federal Plan drawn up at the London Conference in 1953. We know too that this is likely to receive a great deal of support from delegates except those of Trinidad but we ourselves feel it is a bit premature at [the] outset. Our reason for thinking it is to be so is that we foresee that the first few years of Federation will be a difficult period administratively and politically, in which it will be vital to establish the federal machinery soundly i.e. they will be years on which administrative experience at the top may be of crucial importance. On the other hand, once Federation is properly established, we see no reason to expect that it will not then be politically capable of full independence.

In short, opinion in the West Indies, which has accepted federation, is not quite clear where it is leading and we may well face more difficulties than we need, because there has so far been no clear statement of aim e.g. the delegates to the Conference may well seek greater political independence at the outset than we think wise, because they are not confident of an early prospect of independence. Sir Stephen

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<sup>4</sup> N W Manley, chief minister of Jamaica, 1955–1959 and 1959–1962.

Luke tells us that the members of the delegation of the Commonwealth Parliamentary Association which recently toured the West Indies feel very strongly that quite soon H.M.G. should make a statement that the Caribbean Federation will be admitted to full membership of the Commonwealth within a relatively short period after it is set up. Sir Alan Burns<sup>5</sup> has told us more than once that a statement on these lines would be extremely valuable not only in the West Indies, but in the United Kingdom and the U.S.A. There is no doubt on the part of any of us that such a statement would have a galvanising and entirely favourable effect throughout the West Indies and, rightly timed, might well be decisive in achieving the success of the forthcoming Conference. There are, however, several snags. We recognise that admission to full membership is a matter for all the members of the Commonwealth, which it would seem premature to raise before a federation has even been set up. There is the financial difficulty, in that for five years at least and almost certainly for much longer, the Federation will not only be heavily dependent upon C.D. and W. monies, but will require grants-in-aid of administration for certain of its units. I am sufficiently old-fashioned to think that financial assistance of this kind is incompatible with full membership of the Commonwealth. It is true that we have the examples of, say, Jordan and Libya before us, as "independent" countries which receive such assistance in effect, but I cannot think that the interests of the Commonwealth are best served by suggesting that States of this order are suitable as full members of it. Indeed that would seem to me positively derogatory. In view of the financial uncertainties there is therefore even more than the usual difficulty and objection in fixing a timetable for the achievement of independence. Not only do we strongly dislike that on merit, but there is indeed the risk that if we seek to fix an early date for it, we run the risk of H.M.G. being accused of trying to deprive the West Indies of financial assistance before they are ready, i.e. of promoting Federation solely for their own financial benefit. That would stir up strong opposition to Federation in many quarters.

Nevertheless, in spite of the difficulties, we all agree with Sir S. Luke that it is very important that a statement of intention should be made. The only way that we see out of the financial difficulty is to make it clear to the West Indies that H.M.G. are not seeking either to deprive them of financial assistance prematurely, or to delay their independence. This can only be done by leaving the final move for full independence to the West Indies themselves. The Secretary of State's opening speech cannot avoid reference to the ultimate aim of Federation and I should like to see it clarified. The statement should, I think, be made at some length. It might start with a brief history of the moves towards Caribbean Federation onwards from Colonel Stanley's despatch and then explain candidly the difficulties which still have to be overcome and the very great deal of work which remains to be done before Federation is achieved. So far the speech would be very much down to earth and almost depressing. Then would come the peroration which would we hope lift the Conference out of the mass of detail and inspire them with a clear sight of the goal. The Secretary of State might state, while making it clear that he was *not* putting forward the subject of Commonwealth Membership for discussion as an item on the Agenda, that full membership of the Commonwealth was the goal towards which Federation was leading. Full Commonwealth membership would involve many

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<sup>5</sup> Sir A Burns, permanent British representative, UN Trusteeship Council, 1947-1956.

obligations, not least of which would be the Federation's ability to stand on its own feet financially. As the delegates would know, one of the great principles of the Commonwealth was mutual help and there was no reason why one member or group of members should not give financial assistance towards further economic development to other members (as in the Colombo Plan); but the Federation's ability to raise money on its own credit and to assume, to the extent involved by the geographical position, responsibility for defence and for its international relations would be pre-requisites for entry into full membership of the Commonwealth. It would be for the Federal Government in the first instance to satisfy itself that it had reached the stage when it could carry these burdens; when it was so satisfied, and decided to seek full Membership of the Commonwealth it would find H.M.G. ready to sponsor the application although of course the decision would involve the other Members of the Commonwealth as well. With this ultimate goal in mind the Delegates to the Conference might be reminded of the heartening degree of agreement already reached over the achievement of the more immediate goal of Federation and invited to press on from there towards taking the final decisions that would bring the Federation into being at an early date.

A statement on these lines would require prior consultation with the Treasury and the Commonwealth Relations Office. We do not think that there could be any objection to making this statement for the first time in the Conference rather than in Parliament, since there is no early intention of introducing a Bill for the purpose of conferring independence on the West Indies.

This minute has been agreed with the Dept, Mr McPetrie<sup>6</sup> and Mr Watt. Sir Stephen Luke agrees in general.<sup>7</sup>

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<sup>6</sup> J C McPetrie, assistant legal adviser, CO, 1952–1960.

<sup>7</sup> Lennox-Boyd accepted the proposal in this memo that he should make a statement on the meaning of independence and Commonwealth membership at the forthcoming conference on West Indian Federation (minute on file, CO 1031/1718, 8 Nov 1955). For the text of his statement, see 199. The Federation was established in 1958 and dissolved in 1962.

## 341 CAB 129/48, C(51)26

20 Nov 1951

'The situation in Malaya': Cabinet memorandum by Mr Lyttelton.

### *Annexes I & II*

I was invited (C.C.(51) 5th Conclusions, Minute 3) to submit a memorandum on the situation in Malaya. I have recently received an appreciation by the retiring Director of Operations, Lieutenant-General Sir Harold Briggs. This was considered by the British Defence Co-ordination Committee (Far East) and I attach in Annex I a summary of their conclusions.

A note on the present situation prepared in the Colonial Office is in Annex II: and a statement of the forces engaged in Malaya and the cost of their maintenance in Annex III.<sup>1</sup>

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<sup>1</sup> Not printed. The estimated expenditure in a full year was calculated upon the basis of maintenance costs and the extra cost involved in having the forces engaged in operations. Maintenance costs totalled £48.5 million (Royal Navy £1.7 million; UK Army £21.0 million; other forces £10 million; RAF and RAAF £15.8 million, of which £0.9 million was borne by Australia). The extra cost totalled £8.4 million (Royal Navy

While in Malaya<sup>2</sup> I propose to pay particular attention to the following aspects of the situation:—

- (a) How to reassure the planters and miners of our determination and ability to support them by all means in our power, and to bring the anti-Communist campaign to a successful conclusion.
- (b) How to secure the active co-operation of the Chinese, if necessary by a more forceful policy towards those who fail to “come off the fence”.
- (c) How to settle disagreements between the military and police authorities. This may involve the replacement of the Commissioner of Police.
- (d) How to improve the organisation and training of the police force.
- (e) Who should succeed Sir Henry Gurney<sup>3</sup> as High Commissioner for the Federation of Malaya and Mr. Malcolm MacDonald as Commissioner-General, South-East Asia.
- (f) How the division of responsibilities between the various authorities could be improved.

I will, of course, report fully to my colleagues on my return from Malaya.

#### Annex I to 341: Conclusions of the British Defence Co-Ordination Committee (Far East) (telegram dated 15 November 1951)

##### 1. Our main conclusions are:—

- (a) Although the Briggs Plan is fundamentally sound and has achieved a certain measure of success, the Communist hold on Malaya is as strong, if not stronger, today than it ever has been. This fact must be faced.
- (b) The crux of the problem is the winning of the confidence and loyalty of the bulk of the Chinese population to an extent that they are willing to join with us actively in the fight against Communist terrorism.
- (c) Confidence of the Chinese generally will not be gained until they feel safe from internal Communist pressure and external Chinese attack.
- (d) Confidence of the Chinese in their safety from internal Communist pressure will only be engendered if policy efficiency is improved.
- (e) We must take every necessary step to organise and train sufficient Chinese as settlement guards, police, members of jungle squads, etc.

2. The first priority is the reorganisation and build up of the police force. During this time, the ring must be held by the army, for which purpose it is assumed that no reduction in present strength will be made.

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£0.4 million; UK Army £1.5 million; other forces £1.0 million; RAF and RAAF £4.5 million).

An appendix to Annex III listed the forces expected to be engaged in the emergency operations of 1952–1953 and concluded: ‘It is difficult to estimate next year’s expenditure by the Federation of Malaya. In 1951 the extra cost to the Federation Government arising from the emergency and excluding the cost of services of a normal and permanent nature is £13.8m. The major part of this is in respect of police forces (£5.6m.) and resettlement of Chinese squatters (£4.8m.). The full costs to the Federation of all police, defence and Emergency measures is about £29m. (out of total Government expenditure of £66m.).’

<sup>2</sup> Lyttelton visited Malaya in Dec 1951.

<sup>3</sup> Sir H Gurney, high commissioner in Malaya, 1948–1951; assassinated in 1951.



3. The action required to be pressed forward in Malaya includes:—

- (a) The reorganisation of the police.
- (b) Expansion of the Chinese resettlement guards and the formation of the Chinese element of the police force.
- (c) Completion of the revision of the citizenship constitution.
- (d) Action to associate the Chinese with local government.
- (e) Improvement of conditions in the settlements.
- (f) Expansion of Chinese Affairs Department at the centre and in the field.

4. Action in which we press for assistance of the United Kingdom.

- (a) Selection and provision of the best available technical advice and professional leadership to achieve reorganisation and build up of the police force and its specialist agencies.
- (b) The provision of outstanding police lieutenants.
- (c) No reduction in the military forces at present in Malaya.
- (d) Support for the build up of the Malaya Regiment, in particular, British Officers.

Annex II to 341: The situation in Malaya: CO memorandum

The enemy is the Malayan Communist Party, which is almost exclusively Chinese. The "whole-time" enemy force, operating in the jungle and highly elusive, is only a few thousand strong; but there is an insidious and numerous underground operating wherever there is a Chinese element in the general population. This underground powerfully assists the main force and by the intimidation and murder of peaceable labourers and squatters is able to secure the supplies, shelter and information which that force requires. The 500,000 Chinese squatters until recently living in isolated areas, and without any form of police protection or any form of settled Government, have been the main source from which the Communists have been able to derive supplies. Almost equally vulnerable to Communist attacks has been the considerable number of estate labourers living outside any defended perimeter.

2. The intention of the Briggs Plan has been by isolating the regular bandit forces from the Chinese civilian population, to cut the enemy lines of communication, to break up the underground cells, and to force the enemy to fight harder for his very existence on ground of our own choosing. These tasks are primarily the affair of the Government and its police forces rather than of the military, and the military cannot be used in any decisive way until the enemy has been forced from his jungle fastness by lack of supplies and the police are able to provide the fullest information of enemy movements. Some 350,000 squatters have now been resettled—in itself a considerable administrative achievement—and progress in regrouping estate labour has also been made. The first stage of the Briggs Plan is thus nearing completion. The immediate problem now is to ensure that the new settlements, which had to be put up in the greatest haste are provided as a matter of urgency not only with adequate protection against direct attack and subversive infiltration but with fullest opportunities to become reasonably prosperous and contented communities, convinced of being much better off as the result of resettlement and willing, therefore, to give increasing and positive help to Government. Unless this is done we may have done

little more than present to the enemy an easy target for attack, infiltration and propaganda. This is not an enemy to be despised, and he has so far shown himself capable of matching every move of ours by a counter-move which, if unchecked, can vitiate the whole of our operations.

3. Simultaneously with this consolidation of the resettlement operation, must come a new drive to bring more of the Chinese population actively on to our side. After nearly 3½ years of warfare, we are still not within prospect of a definite break in the Communist ranks. Without active co-operation from the Chinese—not only from the leaders but from people of all classes—we shall not be able to secure any rapid conclusion to the conflict. While the Malays, to whom a Communist victory would mean Chinese hegemony in Malaya, have come forward in their tens of thousands to fight the enemy, the Chinese—although they have been the main sufferers at the terrorists' hands, having lost 1,200 civilians out of a total of 1,700 killed—have made no comparable response. The Malayan-Chinese Association has done excellent work, but its leaders are unlikely on present showing to rally the people openly behind them. The reasons for Chinese reluctance to show by deeds their abhorrence of the terrorists are not far to seek; they arise not only from Chinese tradition and character, but from events outside as well as inside Malaya. Previous attempts to compel Chinese co-operation have been largely abortive, and it was felt that a policy of sanctions against non-co-operators could not be adopted until we could offer those people a greater protection in their towns and villages. This we should now be able to do in greater measure, and though one may have considerable sympathy with the ordinary Chinese living in daily fear of Communist racketeers and assassins, there well may be scope for a more active policy. Some Chinese leaders do, in fact, now feel that the Government should increasingly issue instructions and enforce compliance instead of relying on voluntary co-operation. Certain Chinese leaders have also set on foot an organisation working within the Chinese community itself, whose object would be to stimulate a more positive reaction against Communism, and which will work in ways best suited to the Chinese mentality. The existence of this organisation is, at least for the present, of the highest secrecy. The Malayan Authorities have already outlined certain methods by which the desired objective may be furthered. It will, however, be necessary that any measures adopted should not be such as to give the appearance of a bias against the Chinese; that the sympathy of the Chinese community should not be alienated by unnecessary harshness; and that the Chinese should be convinced of our intention, and that of the other communities in Malaya, of admitting more freely to the rights of Malayan citizenship those who show their loyalty. The main advantages of increased Chinese co-operation would be an increased supply of information and more recruits to the uniformed police forces. It is difficult to police a country which is nearly half Chinese with a force which is 95% Malay, and which cannot speak the language of the peoples it purports to control.

4. Annex III shows the cost in man-power and money of the Malayan campaign. Malaya's United States dollar earnings in 1950 were \$350,000,000 out of total sterling area earnings of \$1,285,000,000 but rubber production has fallen substantially in the past year and some estates are now unworked because of terrorist activity. The vital replanting and maintenance is virtually at a standstill, and prospecting for tin was barely resumed after the re-occupation of the country when it had to be suspended because of the lack of law and order. The present output of tin cannot be maintained, let alone increased unless prospecting is resumed and fresh

reserves of ore discovered in the next year or two. There has recently been an intensification of Communist attempts to break the economy of the country by large scale and brutal intimidation of labour.

5. No one can foresee when the world situation may demand a reduction of the garrison, although in present circumstances such a move would be bound to have a most serious effect. The police force, which has undergone tremendous numerical expansion, is still far from adequate in organisation and training to meet its full responsibilities, and until a great improvement has been effected the maintenance of military forces at their present strength will be necessary. The British Defence Co-ordination Committee consider that no further reduction in the total number of army units can be made before Spring, 1953, at the earliest. Recently there have been acute differences of opinion in Malaya regarding police policy, and the Director of Operations has now been given direct authority over police administration and training. The Acting High Commissioner, with the agreement of the Commissioner-General, the Director of Operations and the Army Commander-in-Chief has also recommend that the Commissioner of Police should be asked to resign. The Inspector General of Colonial Police will visit Malaya with the Secretary of State and remain for some time to advise the local authorities on what measure of police reorganisation may be necessary.

6. Malay exasperation at the apparent inability of the Chinese to help positively in countering the continuing high level of terrorist activity is liable to produce a dangerous state of communal tension. This is another reason why we must strive to make the Chinese take an increasingly active part in fighting Communist terrorism. Their help is essential not only to bring the campaign to a more rapid conclusion but also to avoid serious communal disorders which would place a further and grievous strain on the British forces. Moreover if the emergency were to end without the active co-operation of the Chinese, the hope of building a single Malayan people might never be realised.

## **342 CAB 128/23, CC 10(51)2** **'Malaya': Cabinet conclusions**

22 Nov 1951

The Cabinet had before them a memorandum (C. (51) 26) by the Secretary of State for the Colonies on the situation in Malaya.<sup>1</sup>

*The Colonial Secretary* drew particular attention to the existing division of responsibility between the various British authorities in Malaya. One of the primary purposes of his forthcoming visit was to find means of securing stronger direction and more unified control of the campaign for restoring law and order. His present bias was in favour of concentrating in the hands of a single individual the powers of Governor-General and Commander-in-Chief. He would not, however, ask the Cabinet to take a final decision on this point until he had been able to see the conditions on the spot.

*The Chief of the Imperial General Staff*<sup>2</sup> said that, while the police and the military were already under unified command for operational purposes, he would favour more radical measures for unified control on the lines suggested by the

<sup>1</sup> See 341.

<sup>2</sup> Field-Marshal Sir W Slim.

Colonel [sic] Secretary. The situation in Malaya would not, in his view, be remedied until the civil administration was strong enough to ensure stable government.

*The Parliamentary Under-Secretary of State for Foreign Affairs*<sup>3</sup> said that, in adopting a more forceful policy towards the Chinese as recommended in paragraph (b) of C. (51) 26, care should be taken to avoid alienating the sympathies of Chinese communities elsewhere in South-East Asia. *The Colonial Secretary* said that this was largely a matter of timing: it would clearly be inexpedient to take a stronger line with the Chinese in Malaya until we could show that we were in a position to protect them from the bandits.

The Cabinet:—

Took note of C. (51) 26; and invited the Colonial Secretary to submit his further recommendations immediately after his return from his forthcoming visit to Malaya.<sup>4</sup>

<sup>3</sup> Lord Reading.

<sup>4</sup> On Lyttelton's recommendation following his return from Malaya, General Sir G Templer was appointed high commissioner and director of operations in Malaya.

### 343 CAB 129/52, C(52)165

16 May 1952

#### 'Constitutional reform in Hong Kong': Cabinet memorandum by Mr Lyttelton

Constitutional reform in Hong Kong was promised after the war and has been under discussion since 1946.<sup>1</sup> When I visited Hong Kong in December the Governor represented to me that in view of all the prospects which had been held out since that date the fact that there had been no progress towards reform was beginning to lead to agitation; that he would find it increasingly difficult to hold the position for much longer; and that the consequent restiveness in Hong Kong itself would be more embarrassing than any Chinese Communist propaganda which might be provoked by the publication of proposals which the Communists might attempt to deride. While in Hong Kong I was asked to receive a deputation on this matter and I stated that proposals for some constitutional advance were receiving my sympathetic consideration.

2. The present constitutional position is as follows. The Legislative Council consists of not more than nine officials and eight unofficials. Six of the unofficials are appointed by the Governor, three of these being Chinese; one is nominated by the Justices of the Peace and one by the Chamber of Commerce.

3. The main features of the proposals now under consideration are the introduction of an indirect elective system, with the grant of an unofficial majority in the Legislature. (An indirect rather than a direct elective system is because of the difficulty of arranging for a franchise limited to British subjects in the peculiar conditions of Hong Kong. No one who is not a British subject will of course be eligible for appointment to membership of the Council). The Council would then consist of four officials, five unofficials nominated by the Governor and six members elected by the Justices of the Peace, the General Chamber of Commerce, the Chinese

<sup>1</sup> cf BDEEP Series A, R Hyam, ed, *The Labour government and the end of empire 1945–1951*, part II, 172.

Chamber of Commerce and the Urban Council. The Governor would have the usual reserve powers. He is however satisfied that, on any conceivable voting combination of the unofficial members, Government could count on a majority of the Council to carry any measure of real importance.

4. These proposals were agreed on as long ago as the end of 1950, but were postponed early in 1951, at the request of the Foreign Office, on the grounds that, since they did not provide for a wide Chinese franchise, they might provoke a propaganda campaign at a time when the situation in the Far East was particularly serious, and when it was especially desirable to avoid giving the Central [sic] Peoples Government an excuse to raise the question of the retrocession of Hong Kong to China.

In view of the recent representations to me by the Governor the matter was taken up again with the Foreign Office, Commonwealth Relations Office, Ministry of Defence and Treasury, who are all interested in some degree, and all agreed that, for the reasons given in paragraph 1, the time had come to go ahead, in spite of the present unsettled situation in the Far East. The introduction of these reforms, involving as they do considerable drafting and consultation with the Hong Kong Government, will take several months and if, in the meantime, the situation in the Far East should deteriorate, they could again be deferred.

5. I recommend that we should proceed with constitutional reform in Hong Kong on these lines.<sup>2</sup>

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<sup>2</sup> Cabinet approved this plan (CAB 128/25, CC 54(52)6, 20 May 1952). Four months later, however, Lyttelton recommended that constitutional change should be delayed 'until conditions are more settled' ('Constitutional reform in Hong Kong', Cabinet memo by Lyttelton, CAB 129/54, C(52)298, 11 Sept 1952). Cabinet accepted his recommendation on 18 Sept.

### **344** CO 1022/86, no 3

3 Dec 1952

#### **'Political talk with General Templer': minutes of CO departmental meeting on future policy in Malaya**

General discussion took place about the political future of Malaya. *General Templer* said that he had called for proposals for the reconstitution of the Federal Legislative Council (still on a nominated basis, but with more attention paid to the distribution of seats geographically) by 1st July, 1953. He then outlined a tentative time-table for the development of self-government as he thought it might come about. Elections to town and local councils would get well under way during 1953. Elections for one State Council (presumably Johore) and one Settlement Council would take place in 1954, and the remaining States and Settlement might follow in 1955. A period of about two years consolidation would probably then be necessary before there could be Federal Legislative Council elections; these might come during the period 1956 to 1958. He imagined at least a further two years would elapse after this before there could be any form of national self-government with a proper cabinet. This would place the earliest possible date for self-government at 1960.

General Templer emphasised that there was no popular demand for the type of progress outlined above and no real desire for independence amongst any community in Malaya. The country lacked political leaders and there were no political parties

of the type required to operate successfully a parliamentary system. He mentioned particularly the political ineptitude of the Malays and said he was worried about the extremist pro-Indonesian trends in U.M.N.O. Communist penetration of the Malays was, he thought, one of the greatest of current dangers. He felt that the present need was for a strong Malayan centre partly with a non-communal platform. The only hope for leadership was from a handful of Malays now in senior Government positions.

It was generally agreed that there were many fundamental points requiring early consideration, such as the future position of the States and the Malay Rulers, the franchise for State and Federal elections, the policy to be adopted in delineating constituency boundaries, having regard to the communal issue; and the position of Singapore. General Templer felt that there would be advantage in having some definite constitutional goal at which to aim, and it was agreed that some form of "blue-print" for a self-governing Malaya should be drawn up by the end of 1953. This could at least be used as a cock-shy. As the visit of a constitutional expert to Malaya would undoubtedly lead to disharmony, it might be best if Mr. Hogan,<sup>1</sup> the Federation Attorney-General, were given a two or three months extension of his next home leave during which time he would be able to formulate his ideas in consultation with a constitutional expert. Mr. Higham<sup>2</sup> was consulting Sir K Roberts Wray about a suitable team-mate for Mr. Hogan.

<sup>1</sup> M J P Hogan (Kt 1958), attorney-general, Federation of Malaya, 1950–1955; chief justice, Hong Kong, 1955–1970.

<sup>2</sup> J D Higham, assistant secretary, CO, 1948–1952; seconded to Singapore as under-secretary 1953–1955, director of personnel, 1955–1957.

### **345** CO 1022/86

10 Dec 1952

#### **[Malaya]: minute by J J Paskin<sup>1</sup> on the question of closer constitutional association between the Federation of Malaya and Singapore**

This is one of the matters which General Templer wishes to raise at the meeting with the Secretary of State this afternoon.

As regards the production of a series of alternative "plans" for the future Constitution of the Federation, I agree that a combination of Mr. Hogan and Professor Wheare,<sup>2</sup> working in close conjunction with the department, would be the most profitable way of tackling this problem. The proposal is that Mr. Hogan should be given a short extension of leave for this purpose, though he would probably devote a good deal of time to it throughout the period of his leave.

Sir G. Templer also wishes to raise with the Secretary of State the question of closer Constitutional association between the Federation and Singapore. There was a good deal of discussion on this matter at a meeting of the Chiefs of Staff yesterday

<sup>1</sup> As an assistant under-secretary of state, Paskin was responsible for the Hong Kong and Pacific and South-East Asia Depts of the CO in 1952.

<sup>2</sup> K C Wheare, Gladstone professor of government and public administration, University of Oxford, 1944–1957.



afternoon. The Chiefs of Staff were most concerned at Sir G. Templer's statement that the prospects of closer association between these two territories had greatly receded during the 12 months since he has been in Malaya. The Chiefs of Staff thereupon decided that they themselves would embark upon a study as to the scope of unification which *they*<sup>3</sup> would like to see in South-East Asia, from the strategic point of view. (By this I understood them to mean a study on whether the aim should be a "South-East Asia dominion" including the Malayan *and* Borneo territories).

To my astonishment Sir G. Templer asked me, at the meeting of the C.O.S., whether there was any Colonial Office policy on the matter. I was quite taken aback by this question but I had to explain that from 1945 onwards it *has* been Colonial Office policy that there should be closer association between (a) the Federation and Singapore, and (b) the three Borneo territories; and that there was also a "hope" that there would ultimately be a union of the Malayan *and* the Borneo territories.

I then had to explain that it has always been the view of those on the spot that, as regards the Federation and Singapore, it would be necessary for the impetus to come from Malaya itself and that it would be for the authorities there to stimulate local unofficial opinion in the respective territories (by whatever means were thought best) to get closer together and if possible for themselves to formulate proposals.

I explained that the first attempt at getting local opinion moving in the right direction was the Commissioner-General's "Communities Liaison Committee", but that this Committee had now ceased to function. The most recent line had been the establishment of local branches of the Commonwealth Parliamentary Association, with a regional Association in Singapore, which would provide a meeting house for unofficial members of the Legislative Councils (including those from the Borneo territories).

Sir G. Templer said that this was all very well but, the way things were going, we might find that the Federation might be ready for full self-government *before* Singapore and the Federation were ready to get together. Had not therefore the time now come for some forthright declaration of policy from London which would jolt the local political leaders into taking this matter seriously? I replied that the advice from Malaya in the past had been on the lines that this would hamper rather than help; but that if he now felt that such a declaration *would* help, the proper course would be for him to get together with the Governor of Singapore and make a joint recommendation to the Secretary of State. Sir G. Templer's retort to this was a "surprised" question whether policy on this matter lay with the Secretary of State or with him and the Governor of Singapore?

Almost immediately afterwards Sir G. Templer made the comment that closer union between Singapore and the Federation would mean tearing up the present Federation Agreement<sup>4</sup> (which he himself has repeatedly told us could not be contemplated at present—or indeed that nothing should be done to make the Malays fear that any such move was in the wind).

The discussion was all very confused and in parts inconsistent, but it served to show how disturbed Sir G. Templer's mind is about the lack of progress in getting the two territories together.

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<sup>3</sup> Emphasis throughout in original.

<sup>4</sup> ie, the agreement of Jan 1948 which constituted the Federation of Malaya.

**346** CO 1022/200, no 3

[June 1953]

**'Political effects that a deterioration of the situation in Indo-China might have in British colonial and protected territories': CO memorandum<sup>1</sup>**

[Extract]

**1. Malaya**

It was noted in sub-para. (c) of FE(0)(53) 5th Meeting that any political study of this sort would be subject to military considerations which might well be paramount. This is clearly so in the case of Malaya, but only if Siam should go bad, ceasing to be a protective barrier for Malaya and bringing the threat of external Communist aggression right down to the Malayan frontier. So long as Siam remains secure from Communism and prepared to cooperate with the free world the potential dangers now being assessed are unlikely to materialise in full force.

The military consequences in Malaya of further deterioration of the situation in Indo-China have already been considered at length by the Chiefs of Staff. From the political point of view Sir G. Templer has recently described public morale in Malaya as greatly improved but still brittle. The tonic effect on the Malayan Communists of major Viet Minh successes in Indo-China would combine dangerously with the depressing effect which such successes would have on those in Malaya who now give active support to the Government.

On the other hand, the Communists would be encouraged not only to renew with fresh vigour their campaign of violence but also to intensify their efforts to subvert the mass of the people and especially to penetrate and corrupt the trade unions. On the other hand [sic], the concomitant decay in public morale would weaken the capacity of the people to resist these attacks and in particular would tend once more to set in motion among the Chinese the vicious spiral of collaboration with the Communists leading to Communist successes, increased collaboration and so on. The situation would deteriorate still further and more rapidly if, as might well happen, the economic life of the country were again seriously disrupted, with an accompaniment of unemployment, unrest among organised labour and enforced general retrenchment in social services and other fields. Above all, any substantial cut in the supply of rice from Siam, upon which the people of Malaya so largely depend to sustain life, would have a disastrous effect upon the great mass of Malays and Chinese alike, with results too obvious to require statement.

These damaging developments in the Federation would almost certainly be accompanied by dislocation of the Government's plans for political advance. Since the pressure of the Emergency began to fall off last year there have been many indications that Malaya was entering a period of increased political activity. The Federation Government are devoting particular attention to progressive political development and a committee representing all the substantial interests of the country has been set up to consider constitutional advance. In Singapore also the tempo of political development is quickening, and further measures of constitutional advance are under consideration. In both a fresh attempt is about to be made to draw

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<sup>1</sup> This memo was written in response to a request from the Far East (Official) Committee on 13 May 1953. It also dealt briefly with Hong Kong, noting that the main effect of a deterioration of the situation in Indo-China would be to put rice supplies at risk, which in turn would affect the colony's morale.

them together in closer political association. It is likely that in both territories the next year or two will be a formative period of great political importance. H.M.G.'s policy is to help the territories towards self-government but the small size and political division of Malaya, the racial problems arising from its plural society and its importance from the defence point of view will make the transfer of power a very delicate process. In the circumstances of Malaya H.M.G.'s policy will stand a much greater chance of success if external political influences are contained within the narrowest possible limits. If those influences are not sufficiently contained, and a threat from the north develops with a real force, with the possible consequences already described—a disaffected Chinese and a distressed Malay community—it is hardly conceivable that sound political progress can be maintained, and the alternative is likely to be a retrogressive rather than a static situation. At the very least the Government's policy of "Malayanisation" would become much more difficult of achievement: at the worst an open breach might develop between the majority of the Chinese community on the one hand and the Malays, Indians and Europeans, with a minority of the Chinese, on the other. . . .

### 347 FO 371/116915, no 12

[Feb 1955]

'United Kingdom aims in Malaya, and means by which they might be achieved, with special reference to defence': memorandum by Mr Lennox-Boyd<sup>1</sup>

The United Kingdom Government are openly committed beyond any possibility of withdrawal to two propositions about the political future of Malaya. First, they have undertaken to help Malaya along the road towards self-government as fast as is reasonably possible. Second, they have given assurances that, although they confidently hope that a self-governing Malaya would choose to remain within the Commonwealth, the choice would lie with her and she would be free to leave it if she wanted. Any attempt now to qualify these undertakings would be disastrous; indeed, our hopes of retaining Malaya as a stable and contented part of the Commonwealth both before and after self-government very largely depend upon our ability to convince the political leaders of the country, and its peoples as a whole, that we are entirely sincere in these protestations.

On the other hand, we must also do everything possible to make them realise that in our view the United Kingdom Government would betray their trust in the country, and leave it doomed to destruction from within and without, if they withdrew before certain conditions essential to successful self-government had been satisfied.

These are, first, that the Emergency must either be brought wholly to the end and its recrudescence rendered unlikely, or at least be reduced to the level of sporadic banditry such as is always liable to afflict a country with a political, economic and geographical character like that of Malaya. Since despite our best efforts we cannot ensure that even the more limited of these aims will quickly be achieved, progress towards self-government is bound to be slow, and it is conceivable that the grant of

<sup>1</sup> This paper was prepared by Lennox-Boyd in order to emphasise the British commitment to the defence of Malaya after independence (see part I of this volume, 65, note).

self-government would depend among other things upon agreement on both sides to special arrangements for United Kingdom help in dealing with what, if anything, still remained of the Emergency.

Second, the gap between the two main races in Malaya, the Malays and the Chinese, is still both wide and deep. A number of bridges have been thrown across it in recent years but it would have to be closed to a far greater extent than at present before we could be sure—and we must be sure—that there was little likelihood of self-government leading to serious communal strife. The outlook is not without promise and it should be possible to pass more confident judgment upon it in a few years' time when, as seems probable, the Alliance of the United Malays National Association [sic] and the Malayan Chinese Association has been tested as the party in power under the new constitution to be introduced this year.

Third, the economy and administrative fabric of the country must be sufficiently developed and stable to sustain the burden of self-government. Here the state of Emergency is again crucial since those conditions can hardly be attained so long as the country's resources remain committed to it on the scale of today. Relieved of that, Malaya's prospects are in other ways tolerably encouraging.

Finally, the grant of self-government would require agreement upon measures which would at once afford the country security against external aggression and provide the free world with the firm base for defence against Communist attack which it is now proposed to build up round and upon Malaya itself.

So long as we can persuade the Malayan political leaders of the complete honesty of our intentions there seems no reason why we should not also persuade them that satisfaction of these conditions is essential to their future welfare, including their hopes of successful self-government, and that the greater their co-operation in all matters of this kind, the more rapid and safe will be their advance.

In this context it is scarcely possible to exaggerate the importance of defence. Within the framework of A.N.Z.A.M. and the Manila Treaty,<sup>2</sup> the United Kingdom and other Commonwealth and foreign powers interested in defending South-East Asia against Communist subversion or aggression must build up a really powerful defensive system with Malaya as its centre and focus. This would have two massive advantages. First, nothing could contribute more to confidence that the Federation Government can and will destroy the Communist terrorists; such confidence would more than anything else help to produce the popular support without which the Government cannot bring the Emergency to an end; and given that support, the Emergency could be brought to an end quickly. Second, the creation of a massive system of defence based upon Malaya would serve to bring home to its peoples that they are surrounded by grave external dangers, while at the same time demonstrating to them that their friends in the Commonwealth and other non-Communist States are determined and able to protect them. The more these things were realised the more sober and co-operative should be the attitude of the Malayan political leaders and their followers towards the conduct of the Emergency, their political progress and the part which, when self-government came, they would still have to play in the defence of themselves and the rest of the free world in South-East Asia.

<sup>2</sup> ANZAM, denoting Australia, New Zealand and the Malayan area, was an arrangement for the co-ordination of services planning for the defence of air and sea communications. It dated from 1948. The Manila Treaty, signed in Sept 1954, established the South-East Asia Treaty Organisation (SEATO). See part I of this volume, 64.

**348** CAB 129/76, CP(55)81

20 July 1955

**'Federation of Malaya: constitutional development': Cabinet memorandum by Mr Lennox-Boyd**

The first elections to the Federal Legislative Council in Malaya will take place on 27th July and will result in a Council with a small majority of elected members.

2. All the major political parties contesting the elections have already committed themselves to secure the establishment of some sort of Commission to examine the constitution with a view to recommending a rapid advancement towards self-government.

3. It is certain that after the elections pressure for such an advance will mount rapidly and, unless the initiative is first taken by us, it will lead to extravagant and competitive claims by political leaders for early self-government, taking no account of the fact that the Federation of Malaya will for some time to come be quite unable without outside help to defend itself against external aggression, to maintain internal security or even to balance its budget. It is therefore important to anticipate this development and to bring the leaders of political opinion in the Federation to face the need to make satisfactory arrangements to ensure their survival against hostile forces before they proceed to the more congenial task of discussing the next stage of development towards internal self-government. If we do not make the next move, others will, with really embarrassing consequences.

4. The constitution of the Federation of Malaya is embodied in an Agreement between Her Majesty and the Rulers of the Malay States. I suggest that the next step should therefore be to negotiate the substance of a new agreement incorporating satisfactory arrangements about certain fundamental points. The negotiations might take place between a team from the United Kingdom representing Her Majesty as one of the principals and a team representing the Rulers as the other principal. The leaders of political opinion in the Federation could participate as advisers to the Rulers. The objects of the talks would not be to negotiate any new constitution, but to incorporate in a new agreement satisfactory arrangements to cover the following points, before there is any further discussion of advance towards internal self-government.

(a) *Her Majesty's Government responsibilities for the defence of the Federation.* It is clear that the Federal Government will not be able to provide or pay for the forces necessary to protect it, unaided, from external aggression for many years to come, if ever. We should, therefore, seek from the Rulers a reiteration of their desire that we retain this responsibility; and to enable us to fulfil it when Malaya has become internally self-governing, the Rulers and their advisers should be asked to agree to provide the necessary facilities and to guarantee these by incorporation in the new agreement. This part of negotiations would in effect result in a form of agreement covering the establishment of United Kingdom military bases in the Federation.

(b) *The maintenance of internal security in the Federation.* The threat to the internal security of the Federation arises from the physical features of the country, partly from the plural nature of its society, but mainly from its close proximity to Communist China and its satellites, combined with the existence in the Federation of a large Chinese population. This imposes an unusually grave security threat



which requires larger forces to meet than the Federation Government will be able to provide for some time to come. It will, therefore, be necessary for us to give some assistance, at least in the transitional period before self-government: and it would be desirable to incorporate in the new agreement a clear and definite statement on the extent and manner of this assistance.

(c) *Reconsideration of the financial relationship between Her Majesty's Government and the Federation.* It is clearly incompatible with even internal self-government that we should continue virtually to underwrite the financial position of the Federation generally and certain specific programmes, in particular those for education and the replanting of rubber. It is necessary to reach some settled agenda on the extent of our financial assistance. The objective of such an agreement should be to ensure that any assistance which has to be given during the period of transition towards self-government can be tapered off during that period. Full self-government and financial dependence are not compatible and even if it might eventually be necessary in the special circumstances of Malaya to devise some means of assistance after full internal self-government has been granted, no such suggestion will be made to Malayan leaders at this stage. It is also necessary that there should be specific agreement in regard to any further financial assistance which may be necessary to finance development projects during the transition period. In the absence of such formulæ and agreement it must be expected and that there would be irresponsibility by the Federal Government in financial matters.

(d) *The relationship of Her Majesty's Government in the United Kingdom to the Federation.* This would determine the status and functions of the High Commissioner and his authority and responsibility in relation to such matters as defence and external affairs.

Opportunity might also be taken to seek agreement on two other issues in the course of these talks.

(e) *A Malayan nationality.* The present citizenship laws are unsatisfactory in that they deny citizen's rights to large sections of the Chinese community and they stand in the way of the possibility of a satisfactory agreement with China on the subject of dual nationality. They also tend to admit as subjects of the United Kingdom and Colonies persons whose loyalty to the Crown is doubtful. There might, therefore, be great advantage in the recognition of a special Malayan nationality. This is a matter of such importance that it could properly be the subject of negotiation between Her Majesty's Government and the Rulers at the highest level.

(f) *The composition and terms of reference of a Constitutional Commission.* If agreement were reached on the points enumerated at (a) to (e) above, then there would seem to be no good reason why proposals for further constitutional change, with a view to a further measure of self-government within a limited field, should not be worked out by a body consisting mainly of Malaysians, with the addition of some expert advice about constitutional forms. In other words, the way should be clear for the appointment of a Commission to review the remaining points of the constitution as incorporated in the present Agreement and to make recommendations which would then be likely to be acceptable to us without putting us in the embarrassing position of having to reject popular demands on the grounds of security and defence.



5. The further constitutional change envisaged in the preceding paragraph could properly embrace the question of the constitutional position of the Rulers in a democratic form of government based on universal suffrage—a question that could only satisfactorily be solved by local discussion and agreement.

6. It is very desirable that the idea of negotiating the framework for further constitutional change towards self-government should be put to the Rulers and accepted by them at an early date. To leave the matter until there is strong pressure for the early appointment of a Commission to consider these changes, or until Malay nationalism has gathered further momentum or until the Emergency has petered out and is no longer a present threat to the security of Malaya, might prejudice the satisfactory outcome of negotiations in regard to British bases and the fundamental issues of responsibility for external and internal defence. I therefore propose to discuss this matter during my forthcoming visit to the Federation with the Conference of Rulers and the elected Ministers of the new Federal Government and to try to reach agreement with them in principle on the need for such high-level talks.

7. I invite the agreement of my colleagues to the following propositions:—

- (a) that we should seek to secure a new agreement with the Rulers, with the safeguards for the future I have set out above, before discussing any further advance towards internal self-government; and
- (b) that I should discuss this proposal with the Rulers and with leaders of political opinion in the Federation during my forthcoming visit to Malaya.

### 349 CAB 128/29, CM 25(55)8

21 July 1955

#### 'Malaya': Cabinet conclusions

The Cabinet considered a memorandum by the secretary of State for the Colonies (C.P. (55) 81)<sup>1</sup> seeking approval for the basis on which the Colonial Secretary should begin to discuss with the Rulers of the Malay States a revision of the present arrangements governing the constitutional position in Malaya.

*The Colonial Secretary* said that there were a number of fundamental points on which he proposed to have preliminary discussions with the Rulers of the Malay States and leaders of political opinion in the Federation, in the course of his forthcoming tour. The points on which it was essential for the United Kingdom to keep the initiative in the development of plans for self-Government in Malaya were:—

- (i) the United Kingdom Government's responsibility for the defence of Malaya;
- (ii) the maintenance of internal security in the Federation;
- (iii) reconsideration of the financial arrangements with the Federation;
- (iv) the relationship of the United Kingdom Government to the Federation;
- (v) the question of a Malayan nationality, and
- (vi) the question of setting up a Constitutional Commission.

<sup>1</sup> See 348.

In discussion, the following points were raised:—

(a) Malaya was relatively prosperous at present and it should be made clear to its people that, if their aim was full self-Government, they must as a corollary make every effort to pay their own way. If, as seemed likely, we were to be obliged to provide them with considerable financial assistance for a long period, we should endeavour to ensure that the future security of our commercial interests in Malaya was safeguarded. Our financial stake in the Federation was one of the buttresses of the sterling area.

(b) It was suggested that we should not miss any opportunity of strengthening the link between Singapore and Malaya. The present position under which the two areas were constitutionally on a different footing was anomalous. On the other hand, unification with Singapore would weaken the status of the Rulers.

(c) Australia and New Zealand had both now agreed to keep troops in the area in peacetime and should be kept informed of the progress of the Colonial Secretary's negotiations. It was also desirable that the South-East Asia Collective Defence Treaty Powers should be kept informed.

(d) The present relationship between the Governor of Singapore and his new Chief Minister (Mr. Marshall) was unsatisfactory and had been brought to a head by two motions tabled in the Singapore Chamber for the following day. *The Colonial Secretary* said that he hoped that Mr. Marshall would remain in office until he arrived in Singapore.

The Cabinet:—

(1) Approved the proposals in C.P. (55) 81, subject to the points made made in discussion.

(2) Invited the Colonial Secretary, in consultation with the Commonwealth Secretary and the Minister of State for Foreign Affairs, to arrange for the Governments of Australia and New Zealand and the South-East Asia Collective Defence Treaty Powers to be kept informed, as necessary, about the progress of his discussions on constitutional development in Malaya.

## 350 CAB 131/16, DC(55)26

25 July 1955

### 'The internal security situation in Singapore': COS memorandum for Cabinet Defence Committee

As a result of the civil disorders in Singapore in June of this year<sup>1</sup> the British Defence Co-ordination Committee, Far East have reported on possible developments in the internal security situation in Singapore up to the end of 1955. We attach at Annex<sup>2</sup> the salient points of the report.

2. Since the report referred to above was prepared by the British Defence Co-ordination Committee, Far East, we have been informed of the possibility of Mr. Marshall and his Ministers resigning. In the worst case this could lead to the situation envisaged by the British Defence Co-ordination Committee, Far East in which British Forces would have to be called upon to restore law and order. These

<sup>1</sup> A reference to the labour and student disturbances fomented by Lim Chin Siong and the militant wing of the pro-communist People's Action Party.

<sup>2</sup> Not printed.

forces would be required quickly, in considerable strength and probably for a protracted period. Because of the need for speed they would have to be drawn from those engaged in anti-terrorist operations in Malaya and reinforcements provided from outside the theatre to maintain pressure on the terrorists.

3. We would furthermore wish to emphasise the great strategic importance of Singapore and that any deterioration in the situation there is likely to have serious repercussions throughout South-East Asia.

4. As a precautionary measure we instructed the British Defence Co-ordination Committee, Far East to assess in consultation with the Governor of Singapore the minimum reinforcements from outside the theatre which would be required should the situation outlined above develop.

5. There [sic] assessment has now been received and is that:—

(a) If disturbances in Singapore take on an inter-racial turn the reliability of the mainly Malayan Police Force may be affected and as much as two Infantry Brigades, plus two Armoured Car Squadrons might be required to restore order.

(b) If there is no inter-racial strife and the police remain reliable, as they are at present, one Infantry Brigade and one Armoured Car Squadron will be required.

6. We recommend that the Defence Committee take note of the military implications of any serious deterioration in the internal security situation in Singapore and request Ministerial authority to put troops in the United Kingdom at short notice should the necessity arise.<sup>3</sup>

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<sup>3</sup> The memo was signed by J Harding, W F Dickson and Mountbatten of Burma.

## 351 CAB 128/29, CM 28(55)3

15 Aug 1955

### 'Singapore: constitution': Cabinet conclusions

[In Aug 1955 there was a constitutional crisis in Singapore. Hopkinson, minister of state at the CO, wrote in a Cabinet memo that the government was faced with a choice between 'a refusal to make concessions with what the Colonial Secretary has described as "bloody and disastrous consequences" and meeting the demand for constitutional advances fast enough to keep the peace and retain a guiding influence over developments' ('Singapore: constitutional crisis': Cabinet memo by Hopkinson, CAB 129/76, CP(55)97, 10 Aug 1955).]

The Cabinet had before them a memorandum by the Minister of State for Colonial Affairs (C.P. (55) 97) reporting the result of the discussions which the Colonial Secretary had held during his first visit to Singapore on 1st August and indicating the lines on which the Colonial Secretary wished, subject to the Cabinet's approval, to handle the further discussions which he was to have with the Chief Minister of Singapore on his return there on 16th August.

In discussion the following general points were made:—

(a) The Colonial Secretary was anxious to keep the Chief Minister in power. If his Government fell, it would probably be necessary to face a period of direct rule involving serious disorders.

(b) It should be borne in mind that Singapore and Malaya were the last important Colonial territories to be granted this measure of self-government. They were also

the only Colonial territories left in a part of the world where other territories had gained their independence. As against this, it was pointed out that Singapore and Malaya enjoyed a far higher standard of government and administration than other countries in South-East Asia: in none of those other countries had real elections yet been held. We should not be induced by fear of adverse world opinion to move more rapidly towards the grant of full internal self-government than was in the interests of the people themselves.

(c) It was suggested that, when once a Colonial territory had been given a measure of responsibility, fairly rapid progress towards the grant of a full internal self-government was inevitable. On this view it was arguable that, so long as responsibility for defence, internal security and foreign relations was retained in our hands, it was not to our advantage to delay the transfer of full responsibility for other matters.

(d) There was general support for the view that it was too early to talk of revising a constitution which had only been granted a few months before. While showing ourselves reasonable we must avoid the appearance of precipitate retreat under pressure. Certainly the Cabinet could not commit themselves to an undertaking to revise the constitution in the direction of the grant of full internal self-government without being informed of the precise respects in which this would differ from the constitution recently granted and their implications.

(e) The Cabinet were reminded that it had been found necessary to revise at an early stage the constitutions first granted to the Gold Coast and Nigeria. They were also informed that the Colonial Secretary was proposing to broach with the Federation of Malaya proposals for modifying their relations with the United Kingdom Government on defence and finance. It would be advantageous if similar arrangements were made with Singapore. This might, however, involve reviewing, and indeed revising, the constitution of Singapore in order to get the binding arrangement on defence facilities which was desirable. Against this it was argued that it should be possible to make satisfactory arrangements about defence without amending the constitution, under which defence was a reserved subject.<sup>1</sup>

On the specific proposals outlined in C.P. (55) 97 the following conclusions were reached:—

(i) No objection need be raised to the proposal that the Governor should in future accept the advice of the Chief Minister on all matters relating to the appointment and dismissal of Ministers and Assistant Ministers, and the allocation of duties between, them, subject to the reservations suggested in paragraphs 3 and 4 of Appendix B of C.P. (55) 97 regarding the allocation of subjects to *ex-officio* Ministers and the appointment of assistants to them. It could also be agreed that the Governor would in future accept the advice of the Chief Minister regarding the establishment and composition of committees of the Council of Ministers, though retaining the right to insist that such committees should include any Ministers whom he considered to be directly affected by their work.

(ii) The Colonial Secretary might also agree, in the last resort, that the Governor

<sup>1</sup> It is clear from this record of discussion that there was disagreement in Cabinet, with Lennox-Boyd arguing for faster and more wide-ranging transfer of responsibility than some ministers felt able to accept. It was at about this time that Salisbury wrote to Eden: 'Alan shows signs of giving way all along the line' [on Singapore] (letter from Salisbury to Eden, PREM 11/874 [Aug 1955]).

should in future accept the advice of the Chief Minister about the prorogation of the Legislative Assembly. This concession should not, however, be made unless it proved necessary in the last resort in order to prevent a breakdown of the negotiations. Even then it must be subject to the Governor's power to over-ride Ministers in the interests of public faith, public order or good government. The Colonial Secretary should in no circumstances agree that the Governor should be required to accept the advice of the Chief Minister on the dissolution of the Legislative Assembly.

(iii) The changes outlined in the two preceding paragraphs should be made by means of formal instructions to the Governor, in which the reservations mentioned would be incorporated. They could not be made by means of a "liberal interpretation" of the constitution. They required, in fact, an amendment of the constitution; and, although it would be inexpedient to propose any amendment at the present time, they should in due course be incorporated in the next revision of the constitution.

(iv) The Colonial Secretary might propose that Singapore Ministers should visit London next summer for discussions, but in making this invitation he should avoid any language which might imply a commitment to revise the constitution. An appropriate formula would be "to discuss the situation in the light of a year's working of the constitution."

(v) The Colonial Secretary should endeavour to secure that any agreed statement on his negotiations should include a recognition by the Singapore Government that the present constitution was a great step forward and given goodwill was fully workable, and an expression of the sincere intention of that Government so to work the constitution.

The Cabinet:—

(1) Invited the Minister of State for Colonial Affairs to inform the Colonial Secretary of the Cabinet's conclusions as recorded in paragraphs (i) to (v) above.<sup>2</sup>

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<sup>2</sup> Cabinet went on to discuss plans for reinforcing the British troops in Singapore if this became necessary. Selwyn Lloyd, the minister of defence, told Cabinet that a battalion could be sent from Hong Kong and that further reinforcements could be sent from the Middle East in the longer term.

## **352 CAB 134/1202 CA(56)3**

**7 Jan 1956**

**'Conference on constitutional advance in the Federation of Malaya':**

**memorandum by Mr Lennox-Boyd for Cabinet Colonial Policy Committee<sup>1</sup>**

**[Extract]**

### *General approach*

4. We must be prepared to go a very long way with the delegation on the fundamental question of political advance, and to do so with a readiness from which we may reasonably hope to derive all the advantages that can flow from establishing an atmosphere of goodwill and understanding early in the Conference. If we do not approach this major issue boldly we will in the end be driven back upon our final positions in an atmosphere which will do no good to our future relations with the

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<sup>1</sup> Lennox-Boyd submitted this memo in preparation for the London conference on Malaya which was held between 18 Jan and 9 Feb 1956. The full text is reproduced in BDEEP series B, A J Stockwell, ed, *Malaya*.

territory. It is scarcely possible to exaggerate the strength of feeling in the Federation about self-government; and the Alliance could hardly be in a stronger position to pursue it. It was the main plank in their election campaign, and as a result they were swept into power with victory in 51 of the 52 constituencies for the Legislative Council. There is, of course, still a wide gulf between the Malay and Chinese races, and no one could to-day say with any confidence how or when it will be bridged. This may well give rise to grave problems when the territory becomes self-governing, but meanwhile we must accept the fact that the two races are completely united in the demand for self-government and that we no longer have anything to gain by arguing that relations between them must be more firmly and harmoniously established before self-government can be granted. Another, more immediate, problem is the settlement of the considerable differences of outlook between the Rulers and the politicians. I propose not to let myself be made a party to any disputes which may emerge between them during the Conference, and to insist that relations between the Rulers and the political leaders in the Federation are essentially matters which they must settle among themselves.

5. But the decisive consideration is that the Alliance can claim that in seeking self-government they demonstrably enjoy the enthusiastic support of practically the whole country. (Apart from the Sultan of Johore, few, it any, of those who may believe otherwise would dare to say so.) It would also be difficult to offer any conclusive refutation of the argument which the Alliance would almost certainly use, should it seem necessary, that, probably with some continuing help from us in a number of ways, the Federation is as well equipped for self-government as the wholly independent Asian countries by which it is surrounded. Few of them are face to face with anything like the same problem of Communist violence and subversion, but I see no effective counter to the answering argument that a determined Malayan Government with full responsibility for their own internal affairs could deal more successfully with the Communists than a "Colonial" régime running a country anxious to be rid of it. In this connection it is significant to recall that our recent statement that we no longer regarded the continuation of the shooting war at its present sort of level as an obstacle on the road to self-government had an excellent effect upon the Alliance Ministers and public opinion generally and was a real blow to the Communist terrorists. The indications are that, if we accept the Alliance view on this, we shall be able to secure satisfactory agreements on defence and other issues of particular concern to us. If, on the other hand, we do not go far enough with them on the question of self-government, we shall in all probability not only fail to secure such agreements but also find ourselves faced with a refusal to co-operate in the administration of the Government and a serious deterioration in internal security. We know that the Chief Minister has in his possession signed letters of resignation from all members of his party who are also members of all councils from the Legislative Council downwards. Without them, none of the councils could in practice survive. These letters have only to be dated and submitted to produce a situation in which the High Commissioner would be forced to assume direct administration of the affairs of the territory. Moreover, the sympathies of nearly all local members of the public service and police, the great majority of whom are Malays, would lie with the Chief Minister and his colleagues. Faced with a hostile public, at least unco-operative and perhaps quickly turning to active opposition, we should find ourselves benefitting only the Communists; and sooner rather than later we should



have to concede in the most unhappy circumstances what we could earlier have granted with an air of generosity, the support of world opinion and the promise of loyal co-operation. The tide is still flowing in our direction, and we can still, ride it; but the ebb is close at hand and if we do not make this our moment of decision we shall have lost the power to decide. Not far off the French have shown us what can happen if such a tide is missed. . . .<sup>2</sup>

<sup>2</sup> Following approval by the Cabinet Colonial Policy Committee, the memo from which this extract is taken was submitted to Cabinet as a Cabinet memo (CAB 129/79, CP(56)12). The precise date of the Cabinet memo cannot be ascertained as the document has not been made available at the PRO.

### 353 CAB 128/30/1, CM 4(56)3

17 Jan 1956

#### 'Malaya': Cabinet conclusions on policy to be pursued at the London conference on constitutional advance

The Cabinet considered a note by the Colonial Secretary (C.P. (56) 12) covering a memorandum outlining the policy to be pursued at the forthcoming Conference on constitutional advance in Malaya.

*The Colonial Secretary* said that the main lines of the policy which he proposed to follow had already been approved by the Colonial Policy Committee. There were three particular points to which he wished to draw the Cabinet's attention. As regards *internal security*, he expected the Malayan leaders to press that the local Government should have administrative control over the local military forces, as well as the police, operational control remaining with the Director of Operations. The High Commissioner and his advisers had recommended that this request should be granted, subject to an undertaking that residual control over internal security and control over security intelligence would continue to rest with the High Commissioner until the end of the present emergency. In addition, until full self-government was attained, the High Commissioner would have authority under his existing powers to reject the advice of local Ministers on questions of internal security.

As regards *defence*, it had been felt that we should be in a stronger position at this stage, than when full self-government was about to come into effect, to obtain guarantees covering our right to continue to maintain forces in the Federation both for its defence and for meeting our obligations under ANZAM and SEATO. He would attempt, therefore, in the forthcoming negotiations to reach agreement on a broad formula which would embrace these guarantees.

On the question of a *constitutional commission*, it was now known that the Malayan leaders would ask that the commission should be empowered to prepare plans for full self-government as well as for the intervening stage of internal self-government. The stage of full self-government would not be reached before 1959. This timetable would not, however, be advanced by empowering the constitutional commission to prepare a scheme for full self-government, for the preparation of the scheme and of plans for putting it into operation would be a lengthy task. He understood that the Malayan leaders, if their proposals in regard to the constitutional commission were accepted, would not seek for any major changes in the Federation Agreement during the intervening period. The High Commissioner would therefore

retain his residual powers under the Agreement until full self-government had been introduced.

The Malayan leaders proposed that the constitutional commission should be composed of members from outside Malaya: they contemplated a commission of four members drawn from the United Kingdom, Canada, Australia and India.

The Cabinet's discussion turned mainly on the question whether this opportunity should be taken to attempt to obtain appropriate guarantees to safeguard the future of our economic interests in Malaya when the stage of full self-government had been reached. On this, it was pointed out that the Malayan leaders could not be expected to enter into an agreement limiting their freedom of action in such matters as taxation after full self-government had been attained, and that safeguards of the kind we sought would be of little value if a Government wishing to pursue a discriminatory policy towards United Kingdom or foreign interests were eventually to come into power in Malaya. On the other hand it was argued that the protection provided by formal undertakings would be of value even if a time came when Malaya was governed by less conservative elements. Moreover, Malaya would continue to depend on the United Kingdom and other Commonwealth countries for her defence for an indefinite period, and it was reasonable that this dependence should be associated with an assurance that our economic interests in Malaya would continue to be respected. It was agreed that further consideration should be given to the possibility of securing some assurances on this point in the course of the forthcoming negotiations.

The Cabinet:—

(1) Approved, subject to the point recorded in Conclusion (2) below, the proposals for constitutional advance in Malaya contained in C.P. (56) 12.

(2) Agreed that an attempt should be made in the forthcoming negotiations to secure assurances to safeguard the future of United Kingdom economic interests in Malaya.

(3) Invited the Chancellor of the Exchequer, the Colonial Secretary and the President of the Board of Trade<sup>1</sup> to consider, in consultation, the form and scope of the economic safeguards which might be sought.

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<sup>1</sup> Mr P Thorneycroft, president of the Board of Trade, 1951–1957.

## **354** CAB 128/30/1, CM 9(56)7

8 Feb 1956

### **'Malaya': Cabinet conclusions on the agreement reached at the London conference**

*The Colonial Secretary* reported to the Cabinet that the agreement reached in the Conference on Constitutional Advance in Malaya was due to be signed that afternoon. The agreement contained satisfactory assurances on external defence, internal security, finance and the position of expatriate officials. It would also incorporate assurances regarding the future of United Kingdom economic interests in Malaya. The Departments concerned had agreed that it would not have been practicable to safeguard these interests by binding undertakings, and the business community in Malaya had not urged that undertakings of this nature should be secured.

It had been agreed that Lord Reid,<sup>1</sup> who had consented to act in that capacity, should be the Chairman of the Constitutional Commission. This would include representatives from Australia, Canada, India and Pakistan, together with a second representative from the United Kingdom. The terms of reference of the Constitutional Commission would not be published until they had been approved by the Cabinet and by the Council of Rulers. It was foreshadowed that, when Malaya achieved full self-government, the exercise of sovereign functions would rotate among the Rulers in turn. The fact that Her Majesty was Sovereign of the Straits Settlements of Malacca and Penang had presented some difficulty in this connection, but the terms of reference of the Constitutional Commission would contain a formula making it clear that The Queen's position would be in no way prejudiced by the arrangements foreshadowed. He had agreed, in deference to the wishes of the Malayan leaders, that the report of the Conference should express a hope that the Constitutional Commission would complete their task in time for full self-government to be brought into effect by August 1957.

The Cabinet:—

(1) Took note of the Colonial Secretary's statement.

(2) Invited the Colonial Secretary to circulate a written report on the results of this Conference.<sup>2</sup>

<sup>1</sup> Lord Reich, lord of appeal in ordinary, 1948–1974.

<sup>2</sup> Malaya achieved independence within the Commonwealth in Aug 1957 and concluded a defence agreement with Britain in Oct 1957. For detailed documentation, see BDEEP series B, A J Stockwell, ed, *Malaya*.

## 355 CAB 129/80, CP(56)85

23 Mar 1956

'Singapore': Cabinet memorandum by Mr Lennox-Boyd on policy to be pursued at the forthcoming London constitutional talks

### *Introduction*

I am to begin constitutional talks in London on 23rd April with Mr. Marshall, the Chief Minister, and an all-Party delegation from Singapore.

2. The talks are in fulfilment of the undertaking given to Marshall last August that we would consider the situation in the light of a year's working of the constitution. The events leading up to this undertaking were recorded in the appendix to C.P. (55) 162, and in greater detail in C.A. (55) 3 which was later circulated to the Colonial Policy Committee.

3. Marshall visited London last December to discuss the agenda for the constitutional talks and to press for certain interim concessions. At Appendix A<sup>1</sup> is the statement issued at the end of his visit, which sets out what was agreed.

4. I now seek my colleagues approval for the general line to be taken at the talks next month.

### *The background*

5. The talks will begin in a highly charged atmosphere of emotional demands for "independence" from rival politicians of limited political experience and varying

<sup>1</sup> Appendices not printed.

allegiances. Some analysis of the political situation in Singapore is therefore essential to a proper perspective of [sic] the problems.

6. Singapore, with its 80 per cent. Chinese population, is as politically conscious and self-conscious as any part of Asia. The politicians representing its million and a quarter people look round at India, Burma, Indonesia and Indo-China and (disregarding the unsophisticated Borneo territories) see Singapore as the last remaining stronghold of "Colonialism" in the new Asia, now that Malaya itself has the promise of full self-government. All political parties are caught up in the floodtide of Asian nationalism and anti-colonialism. No politician can command a following without "Merdeka"—"freedom"—as his watchword, or defeat his rivals save by outbidding them in promises and protests. The moderates as always are small in numbers and ineffective in impact.

7. This much is common form in the mid-20th Century and part of an inevitable historical process. In Singapore it is made doubly difficult to handle by the precarious balance of political parties and by the levantine approach and almost psychopathic personality of the Chief Minister. The elections a year ago under the present constitution, instead of producing the reasonably responsible Chinese middle-class Government for which the constitution has been designed, threw up an assortment of political parties, all "anti-colonial," all in varying degrees Left wing, and a surprised and unprepared Marshall found himself head of a mildly Socialist "Labour Front" Government supported by a bare majority of the elected members of the Assembly (13 out of 25). Since the two defections have reduced his support to a minority of the elected members, with the presence of 3 official and 2 of the nominated members giving the Government no more than equality of numbers with the Opposition in the Legislative Assembly. Of Marshall's 16 supporters, 13 are Ministers. The Opposition is led by a brilliant Westernised Chinese, Lee Kuan Yew,<sup>2</sup> of Extreme Left-wing sympathies, though professed anti-Communist. He took a double first at Cambridge. He is not a fluent speaker in Chinese which limits his appeal to the masses. Behind him is the more sinister figure of Lim Chin Siong, a shrewd and tough young Chinese who speaks little English and is undoubtedly a Communist sympathiser. Both these men will be members of the delegation next month: and they and their followers are reputed to be leaving Marshall in power until after the April talks in the hope that he will there obtain greater concessions than they could themselves. They would then contrive to remove Marshall and inherit the concessions. An analysis of the political parties and the composition of the Legislative Assembly is at Appendix B.

### *The central issue*

8. We are unlikely to have in advance of the talks any more precise indications of what the delegation will demand than the present generalities issuing from Singapore about their desire for "independence" or "dominion status." Marshall was recently in Switzerland for his health and asked for a private talk with me in London. I avoided this, on the grounds of my preoccupation with an imminent visit to Cyprus, since it was clear that had I given him any indication of what Her Majesty's Government might agree to in the April talks (which was what he was after, and which I was not in any case prepared to give without consulting my colleagues) he would have used the

<sup>2</sup> Lee Kuan Yew, prime minister of Singapore, 1959–1990.

intervening period to build up such pressures and develop such arguments as he could against anything I said which did not suit him. He took offence at not being seen, and is apparently taking the line that since I will not be open with him, neither he nor the delegation will disclose their position on any subjects in advance of the discussions.

9. "Independence" for Singapore is a delusion. A trading centre and port, however important, at the mercy of world economics, with a large [sic] population and no natural resources, could have no viable place as a full member of the Commonwealth or as a State on its own. Marshall's own idea of "dominion status," which he calls the "positive approach" and which was suggested to him by Nehru, is that Singapore should be given full self-government within the Commonwealth in April 1957 and at the same time should hand back to Her Majesty's Government, of her own freewill, responsibility for external affairs and defence. Marshall would thereafter expect Singapore to have the status and treatment of other Commonwealth countries, though he also wanted Her Majesty's Government to have the right to resume control if the Communists came into power. This is—other considerations apart—a logical absurdity and would I am quite sure be unacceptable to other members of the Commonwealth.

10. I do not believe we could accept any proposals of this kind, however framed or disguised, which limited our direct responsibility solely to external affairs and defence (and Marshall has throughout said he does not wish to interfere with the base) because they would leave responsibility for internal security entirely in local hands. I am satisfied that, whatever temporary peace might be bought by handing over control of the police, we ought not do so at the present stage. The reasons speak for themselves. The subversive threat is serious and we must be able to ensure that firm action is taken when necessary, and this depends in the last resort on British troops since there are no local forces: Marshall's precarious Government could at any time be succeeded by a violently Left-wing combination: there would be a general exodus from the police if we handed it over and its morale and effectiveness would be gravely affected: if we later were forced to resume control our police force would by then be emasculated and the remnants of doubtful loyalty: and the maintenance of law and order is vital to the security of the base itself, so that a continuing authority in internal security matters is essential to our defence interests.

11. It must be recognised that the Conference could break down over a refusal to concede independence or "dominion status." If it did, Marshall would almost certainly resign, and we should be faced with the prospect of an alternative Government in Singapore which might rapidly prove unacceptable to Her Majesty's Government. There might then be no choice but to suspend the constitution and to replace it by what Marshall has already fatalistically prophesied would be "rule by British bayonets." Such action would be bound to be met with widespread disturbances in the Colony which would concern our friends, and from which our enemies would profit to the full. It might also disturb the present cordial understanding with the Federation of Malaya. But it is a course which—even if we were not drawn into it by a failure at the Conference—may always be forced upon us in the unstable circumstances of the Colony, and for which we must be prepared.

12. It is therefore important to ensure that if this drastic and unwelcome step had to be taken our case before the world is as solidly based as possible, and our goodwill is established beyond doubt. And to do this we must in my view show that we have

gone as far as our vital strategic and economic interests permit towards meeting the desire of the people of Singapore to manage their own affairs. Further steps to this end are necessary because:—

- (i) Singapore, though enjoying high comparative standards of culture and education, now lags far behind the interim constitutional arrangements in Malaya, even without Malaya's promise of full self-government within the Commonwealth at an early date.
- (ii) The present constitution is patently capable of useful revision. The Legislative Assembly is too small—it leaves the present Government with three backbenchers. And while the constitution gives the substance of government into local hands it retains officials on the Council of Ministers whose ability to participate in the exercise of power is extremely limited, but whose presence is seen as evidence of a desire to perpetuate in some degree the "Colonial" form of Government.

13. In all these matters we must take account of our own view of where Singapore's future lies. It seems clear to me that, sooner or later, Singapore must reunite with the Federation of Malaya unless we are prepared to see it become an independent Chinese outpost at the strategic heart of South-East Asia.

It has long been our policy that Singapore and Malaya should be reunited, but that this should come about by agreement between themselves and not under pressure from Her Majesty's Government. This policy would have its dangers if it were implemented too quickly, but the Chief Ministers of the two territories (after a refusal by Tunku Abdul Rahman<sup>3</sup> to consider asking the Constitutional Commission for Malaya to make provision for it) have recently agreed that it should not be further considered until after the next stage in the Federation has been completed.

### *Proposals*

14. I therefore propose that I should endeavour to prevent the Conference breaking down over the issue of "independence" by trying to negotiate with the delegation the fullest measure of self-government consistent with reserving to the Governor control over external affairs, defence, and internal security. This would involve:

- (i) An enlarged Assembly of, say, 50 members.
- (ii) An all-elected Council of Ministers, and 3 officials (Chief Secretary, Financial Secretary and Attorney General) being withdrawn from the Legislative Assembly. This would in turn mean:—
  - (a) A reconsideration of the position of the Chief Secretary, who might possibly become Deputy Governor.
  - (b) The substitution of a Minister of Finance for the Financial Secretary.
  - (c) The retention of the Attorney General as an official outside political control (though Marshall is known to wish to make this a political appointment) with full responsibility for the initiation, &c., of prosecutions.
- (iii) The creation of some special machinery for handling the reserved subjects: I

<sup>3</sup> Tunku Abdul Rahman, chief minister of Malaya, 1955–1957; prime minister, 1957–1959, 1959–1963; prime minister of Malaysia 1963–1970.



have in mind that the control of these subjects should be reserved to the Governor in his discretion, but that he would have a small Committee of Ministers to assist him in discharging his responsibilities. Legislation would normally be enacted by the Legislative Assembly and introduced by the Chief Minister, but the Governor would have the power to promulgate laws affecting these reserved subjects in his own discretion, subject to reference back to the Secretary of State in case of local disagreement.

(iv) I also propose that I should endorse our previous statements of policy, that reunion with Malaya represents the logical and most satisfactory future for Singapore, and I would hope that the possibility of Singapore finding her fullest self-government as part of a larger Federation of Malaya might help to deflect the delegation from their illusory demands for immediate independence. A watertight defence Agreement with the Federation (on which local negotiations are due to start shortly) would provide a basis for securing our defence requirements in Singapore in the event of reunion.

15. There are three other matters I must mention.

(i) I would propose that any arrangements reached at the Conference should be dependent on our securing a proper and equitable scheme of compensation for the members of Her Majesty's Overseas Civil Service serving in Singapore, and on their being fairly treated in the process of Malayanisation. A recent report by a local committee on this subject is a vindictive and short-sighted document.

(ii) I would like to do something to meet the intense desire of Marshall and others to get rid of the word "Colony." It would help materially and might be indispensable towards agreement if we could do so. I would like to explore with my colleagues most concerned the possibility of Singapore being designated the "State of Singapore," without this implying any general policy towards the smaller territories.<sup>4</sup> This name (and it need have no special significance other than a local pertinence) would be in harmony with the possible later conjunction of Singapore and the existing States of the Federation of Malaya: and this circumstance might itself justify the new title.

(iii) Mr. Marshall's proposals for a Singapore citizenship have been by agreement postponed for consideration at the Conference. He is anxious to secure the allegiance to Singapore of the 200,000 local Chinese who were not born there, and who are technically aliens, and who claim that naturalisation involves too many difficulties of expense and "face" for them to apply for it. Mr. Marshall wanted to create a local citizenship by local legislation but (apart from not obtaining the support of his Malay colleagues) he is unwilling to accept the fact that this would not give those concerned any nationality other than the Chinese nationality they already have and would consequently not secure either the travel documents or the protection of Her Majesty's posts abroad which the Chinese seek. This problem is under discussion between my Department, the Foreign Office and the Home Office. I do not think my other colleagues need to be troubled with it unless these discussions show this to be necessary. It may also be held in suspense if it is agreed at the talks that any agreement should look towards a later link-up with Malaya, since premature legislation about citizenship in Singapore in advance of a solution

<sup>4</sup> See 203-204.

of the same problem in Malaya might prejudice successful reunion of the two territories.

16. I am sorry that, in the circumstances explained earlier in this paper, it is not possible to submit proposals in any more detail for the approval of the Cabinet. I believe, however, that the proposals I have made in this paper cover what will be the principal issues in the forthcoming talks, and I invite my colleagues to approve them.

### **356 CAB 129/80, CP(56)97**

14 Apr 1956

**'Singapore': Cabinet memorandum by Mr Lennox-Boyd on the London talks; Mr Marshall's proposed 'Heads of Agreement' and the UK reponse**

In C.P. (56) 85<sup>1</sup> I endeavoured to set out in a preliminary way the issues confronting us at the forthcoming Singapore talks, in advance of discussion with the Governor and information about the exact proposals the delegation from Singapore was likely to make.

2. I have now discussed these matters with the Governor and have received from Mr. Marshall, the Chief Minister, a copy of the memorandum and a copy of the "Heads of Agreement" which he and his associates propose to submit to the Conference. These are attached at Annexes A and B.<sup>2</sup> The memorandum argues by comparisons with some of the smaller Member States of the United Nations that Singapore cannot be denied independence on grounds of size: that independence will rally the people against Communism which under the present régime can masquerade as anti-Colonialism: and that Britain's strategic interests can be safeguarded, and need be no obstacle to independence for Singapore. To those who wish to believe, it is a plausible document.

3. The "Heads of Agreement"—largely the work of Sir Ivor Jennings,<sup>3</sup> Master of Trinity Hall, whom Marshall has appointed as his constitutional adviser for these talks—propose the complete sovereign independence of Singapore and purport to include safeguards for United Kingdom interests *within* the structure of the independent Government by the establishment of a Defence Council consisting of four local representatives and four United Kingdom representatives, under the Chairmanship of the senior United Kingdom representative. The Chairman has no casting vote and in the event of parity of votes any proposal would be lost. The Singapore representatives therefore have a complete veto on all proceedings. This Defence Council is empowered to demarcate the areas within which Commonwealth forces may be stationed, and may discuss any questions relating to the defence, external relations (other than trade and commerce) or internal security of Singapore. The Government of Singapore may call upon the Defence Council for assistance from the armed forces of the Commonwealth for the maintenance or restoration of order, and such forces shall be placed at the service of the Government of Singapore.

4. Thus the demands to be made of us at these talks have at the last minute emerged clearly. They amount to no less than independent sovereignty for Singapore with a façade of consultation on external affairs, defence and internal security,

<sup>1</sup> See 355.      <sup>2</sup> Annexes not printed.      <sup>3</sup> Sir I Jennings, master of Trinity Hall, Cambridge, 1954–1965.

without the retention of any executive power in United Kingdom hands. The United Kingdom Government are to be responsible for external defence and to be allowed to maintain such forces as are necessary in Singapore for this purpose "until other arrangements are made by agreement between the Government of United Kingdom and the Government of Singapore," though the United Kingdom Government are to have only a limited and advisory influence on foreign policy. Her Majesty's Government are required to sign a blank cheque to place British armed forces at the disposal of the Singapore Government for internal security purposes when that Government decide they need them.

5. I have discussed these proposals with the Governor, who is now home. In sum, his view is that in setting Singapore on the road to self-government in 1946 and by the concessions granted since then we have begun a process which cannot now be halted. He considers that the forces of nationalism and "anti-Colonialism" alive in Asia and stimulated by the democratic processes we have introduced into the Colony have now too great to hold on the mass of the population to enable us to call a halt without the gravest consequences. He regards Marshall, unstable and emotional as he is, as the only political leader in Singapore who has a chance to rally popular support against Communism and who can meet on terms of ability and popular appeal the leaders of the extreme Left-wing groups. He believes that, under present conditions, in so far as there is any hope of establishing a firmly based democratic and anti-Communist elected Government in Singapore, it lies in backing Marshall, but he emphasises that this hope is a slim one at the best and that it must be regarded as a gamble. If the talks break down there are likely to be very grave disorders and continuing turbulence which would require a repressive form of Government. He can restore order and maintain it with strong military aid (particularly if the loyalty of the Malay policemen and soldiers remains steadfast) for about a year at any rate. During this period, however, he would expect a substantial dislocation of our base and port and trading facilities through strikes and possibly sabotage, although economic necessity would probably force many people back to work after a period. More important, he holds that a breakdown on grounds which could be represented by our enemies as a refusal by Britain to live up to her promises of Colonial emancipation might forfeit goodwill amongst the people of Singapore, and it would provide the well-organised subversive Communist elements there with a valuable weapon in playing on frustrated nationalism and anti-Europeanism. This could mean that our chances of winning the minds of the people to our side in the war against Communism would be completely lost. From the point of view of Singapore as a Colonial territory there appears to be no constructive advantage in this position, and against the general background of the East today, absolutely no political future.

6. He therefore considers that we should go as far as possible to meet the present demand from Singapore. The majority of his advisers hold that the forces set loose in Singapore are so strong that we should in the last resort agree to independence, if a reinforcement clause can be accepted and agreements about the bases reached. The Governor agrees that this conclusion has the greatest possible force, if no more than local considerations are taken into account, because of the necessity of securing the goodwill of the Asian people; but he recognises that wider Commonwealth, free-world and strategic considerations may override the complete devolution of power at this stage, and that only Her Majesty's Government can decide whether they

should do so. He is concerned that the decision should be taken with full knowledge of the consequences which may follow a breakdown and that, if there is a breakdown, it should only come after we have demonstrated to the delegation, in a way which we can show to the world, our good faith in conceding early and very widely increased self-government with nomenclature marking a significant change from normal Crown Colony status. He emphasises, however, that further constitutional advances now, with the inevitable "Malayanisation" of the Police and Public Service which must follow, would make it increasingly difficult in practical terms for Her Majesty's Government to resume the direct government of the Colony at some time in the future. He considers that, grave as this risk is, it should be accepted in an endeavour to reach agreement at the Conference on the basis of a very advanced form of self-government.

7. The Governor believes, none the less, that Marshall will not accept less than full internal self-government, with the trappings of independence and may well not accept anything short of independence itself. If he does not secure this, he has publicly and frequently committed himself to resignation, and if he carries out his promise, he will, in association with the extreme Left-wing leaders, be able to bring about disorders and a political stalemate which would necessitate a suspension of the constitution the effects of which, as already indicated, offer no political future or constructive adaptation to the changing conditions in the East.

8. The Governor has expressed his view specifically from a local standpoint and in terms of Colonial policy, and within those limits I am bound to acknowledge their force. We cannot but recognise that over the last ten years Asian nationalism has created such pressures that it would be idle to think we could control them at will. At the same time Her Majesty's Government have to take grave account of the importance of Singapore as part of the defence system of the free world and as the logistic base for Commonwealth troops in the Federation of Malaya. The Chiefs of Staff have set out their views clearly in D.C (56) 8. They regard Singapore as indispensable as a naval, military and air base to the support of allied forces in the Far East. They are emphatically of the opinion that under no circumstances must Singapore be given its independence except possibly as a member of the Federation of Malaya. They consider that even if we remained responsible for external defence and had the right to bases in Singapore, under arrangements giving Singapore independence, we should have no more than paper safeguards and should be in Singapore only so long as it suited the Chinese. They conclude that we should aim at a policy of union with Malaya when both sides are ready for it, and until then give Singapore full powers of self-government "other than internal self-government and the direction of prosecutions, defence, foreign affairs, franchise and of nationality." They state that the transfer of control over internal security should not take place until Singapore has adequate local forces to prevent a Communist takeover and to maintain law and order without outside aid. (I shall refer later in this paper to the question where control over internal security at present lies.)

9. Sir Robert Scott, the Commissioner-General for the United Kingdom in South-East Asia, has expressed views which largely coincide with those set out by the Chiefs of Staff. He, however, considers that, if there is to be a crisis, the price for its temporary postponement would be unacceptably high and that we should stand firm on what we regard as our minimum requirements in Singapore and accept the consequences now before the policy of Malayanisation has denuded the administra-

tion and the police of the European officers without whom a resumption of power by Her Majesty's Government would be very difficult.

10. Nor can we leave out of account the effects of any action we take in Singapore on the Federation of Malaya. The agreements reached with the representatives of Malaya in January have left us with a notable combination of goodwill in Malaya and good prospects of the happy continuation of the British connection after Malaya achieves independence. I asked the Higher Commissioner for his assessment of the effect in Malaya of the various decisions which might emerge from our talks in Singapore. He considers that at present Malay opinion in the Federation is more solidly and strongly against any form of political association with Singapore in the immediate future than perhaps ever before. This is a combination of fears—first, of Chinese numerical superiority endangering Malay supremacy, second, that association may delay independence for the Federation, and third, the fear of the spread of Communism from Singapore. Since the London Conference, the stand of Tunku Abdul Rahman, the Chief Minister, against Communism has been much more outspoken than before and has strengthened the already very strong anti-Communist outlook of the majority of Malays. The High Commissioner agrees that the logical future of Singapore lies with the Federation but considers it illusory to assume that union with the Federation offers the prospect of political stability for Singapore or will necessarily save her from the clutches of Communist China. Much would depend on the form any ultimate union between Singapore and the Federation took and in his view it is too early to say whether the balance of advantage will lie in favour of ultimate union or against it. He considers that if there were a break in Singapore there would not necessarily be a violent reaction in the Federation, provided the leaders were satisfied that the break was temporary and was necessary to prevent Communism gaining control, and provided that it took place in such a way that Asian face as such was saved. The Governor of Singapore has commented on this assessment to the effect that, while he has sympathy with the Federation's problems, Singapore cannot be put aside just because it is an embarrassment. It remains our responsibility.

11. I have tried above to set out the main lines of thought of those who have, by reason of their office, to speak from a particular standpoint. I do not regard these views as contradictory so much as illustrative of the different aspects of what is a single and intractable problem. It seems to me that the first decision we must take is whether we could contemplate the grant of independence to Singapore within the framework now proposed by the Singapore delegation, provided we secured better arrangements for safeguarding United Kingdom interests, and removed some of the more objectionable provisions. A refusal may mean the breakdown of the Conference and the consequences which will flow therefrom. These are indeed serious. Singapore has all the elements of another "Cyprus" and a refusal could quickly lead to a "Saigon" situation in the Island with our scattered defence facilities the targets for strikes and sabotage and our own people living behind barbed wire. Her Majesty's Government might well incur the odium of the neighbouring Asian States and our future in Singapore would be gloomy. Communism will be at work in fertile soil under any repressive form of government, and will increase its hold proportionately with the length of direct rule: so that a resumption of democratic government will become progressively more difficult.

12. Despite these risks my own view is that we cannot at this stage concede



complete independence. Not only have we a responsibility to ensure that Singapore does not become a prey to the Communist advance in Asia, and to see that its incomparable facilities are available for the defence of the free world but we also have a responsibility towards Australia and New Zealand. South-East Asia is the front line for their defence and I think we would have their support and that of the Americans in refusing a complete handover, just as they and the Americans would feel let down if we sought now to concede to Singapore an independent sovereign existence.

13. I am equally convinced however that, if we are to refuse this demand, it is a matter of supreme importance that it is refused in a context which sets our principles and policy in that favourable light which is their due. I consider that we should bend every effort to reach agreement with the delegation at some level which stops short of independence and I do not accept the contention that if we are to have a row we should have it and get it over. The sort of row that hangs over this Conference is not the row which can be got over, and if we are to have it then it must be so contrived that it does the least damage to our cause with world opinion generally, with middle-of-the-road opinion in this country and in particular with opinion in Asian countries. I consider therefore that we must go a long way in what we offer to the delegation so that if there is a break we can publish what we were prepared to concede and secure the approval of the world of our liberality. Our proposals should also be such that, in the event of a break in Singapore, we can state that our offer remains and thus encourage at least some sections of opinion in Singapore to accept the position, even if they will not rally openly to our cause.

14. I must, however, at this point make clear the present position in regard to the control of internal security in the Colony. The present Constitution of Singapore makes the Council of Ministers collectively responsible for the formulation of policy and the Governor can only act against their advice by the use of his reserve power to override them—which in the conditions of Singapore means an immediate constitutional crisis and the resignation of the Ministers. Internal security thus falls squarely within the collective responsibility of the Council of Ministers under the *present* Constitution and it is unrealistic to speak in terms of “handing over” control of internal security. The advantage we enjoy in the present Constitution is that it provides that internal security (and defence and external affairs) must be in the hands of official Ministers and this means that the traditional police chain of command through the Chief Secretary to the Governor is retained and keeps the Governor in full day-to-day touch with the internal security situation. He has the tactical advantage of being able to concert privately with the Chief Secretary the handling of police matters in the Council of Ministers. In previous consideration of this problem it has not been fully recognised how far internal security has in practice already become a matter for the Council of Ministers collectively: we must recognise that nominal control has already to a large extent been handed over although, because the Chief Secretary is the responsible Minister in the Council of Ministers, the police are still attacked locally as being the instrument of Colonialism.

15. Inter-departmental discussion is still going on about the form of Constitution which we might offer in place of “independence.” I would propose to take the line at the Conference that Singapore cannot by its nature as a commercial city with no true natural resources be regarded as in the same category as the traditional Colonial territory moving towards self-government; that like Malta it has special characteristics which call for special and unique treatment. The task of the Conference will be to



work out some special and imaginative arrangements which will meet both the local desire for the independent conduct of their own affairs, the strategic requirements of the free world, and the special part which Her Majesty's Government will still have to play in the affairs of Singapore in defending it against Communist subversion. I have in mind a scheme something on the following lines:—

- (i) Singapore would cease to be called a colony: it would have a special title, *e.g.*, “the State of Singapore” or “the Free City of Singapore.”
- (ii) We might have to contemplate a change in the title of Governor (*e.g.*, possibly to that of High Commissioner).
- (iii) The *ex-officio* members of the Assembly would be withdrawn.
- (iv) The number of elected members would be increased from twenty-five to fifty and the nominated members abolished.
- (v) The three *ex-officio* Ministers (Chief Secretary, Financial Secretary, Attorney-General) would be withdrawn from the Council of Ministers which would become fully elected, provided suitable arrangements were made to ensure the complete independence of the Attorney-General from local politics and the safeguarding of his responsibility for the initiation of prosecutions.
- (vi) The removal of the *ex-officio* Ministers from the Council of Ministers (without which it is impossible for us to claim that we are offering Singapore full *internal* self-government) brings us at once to the question of the control of internal security. I have already pointed out the degree to which internal security is in the hands of the present Council of Ministers with its elected majority. I think, therefore, that we must be prepared to agree that police matters are transferred to the portfolio of the Chief Minister and that we must establish some different machinery which will secure to us the essentials of what we have at present by way of control. I have in mind the establishment of a separate “Defence Council” or “Security Council” under the Governor, on which Ministers, a Deputy Governor (the present Chief Secretary), local Service Chiefs and the Commissioner of Police would sit and which would be responsible for discussing external affairs and defence where they affected the local Government, and the operational aspects of internal security as a joint responsibility. The Governor would have to have reserve powers enabling him to take command in internal security matters whenever he saw fit and to call in troops. Troops would only operate under his orders and at any time they were called in he would assume control of the police. The Commissioner of Police would have direct access at all times to the Governor in his capacity of Chairman of this Council and the Governor would be responsible for senior police appointments until a genuinely independent Police Service Commission with executive powers had been appointed. This is only an outline of the line I would like to follow and the exact form of the arrangements would depend on our negotiations.
- (vii) Some arrangements would be made to give local Ministers the right to conduct local negotiations on trade matters and to enable them to play a part in the external affairs of the territory.
- (viii) We may be pressed to accord the title of Prime Minister to the Chief Minister. I do not myself see that we could let the Conference break down on this point.

16. Of all the Colonial conferences in recent times these forthcoming talks seem

to offer the least possibility of preparing and agreeing a definite and precise United Kingdom line beforehand. Much will depend on how far the Singapore delegation remain united during the talks, and on actual negotiations over the Conference table. Though I have indicated above the lines on which I would like to work, I seek from my colleagues a very general authority to negotiate an agreement which has these essential characteristics:—

- (i) it does not concede complete independence, *i.e.*, sovereignty;
- (ii) it goes as far as possible towards meeting the demands of the people of Singapore, provided it leaves us in a position to resume effective control if things go wrong.

This is indeed going a long way and may even then not prevent a breakdown. It will, however, give us the best possible case to put to the world, it would help to avoid the complete sacrifice of local goodwill if properly presented, and it might hold the position until the later coming together of Singapore and the Federation.

### 357 CAB 128/30/1, 29(56)5

17 Apr 1956

#### 'Singapore': Cabinet conclusions on policy to be pursued at the London talks

The Cabinet had before them a memorandum by the Colonial Secretary (C.P. (56) 97)<sup>1</sup> outlining the course which he proposed to follow in the forthcoming conference on constitutional development in Singapore, and a report by the Chiefs of Staff (D.C. (56) 8) on the strategic aspects of this problem.

*The Colonial Secretary* said one of the difficulties in the forthcoming discussions was the insecure position of the Chief Minister, Mr. Marshall, whose Government had only a bare majority of the elected members in the Assembly. In a conversation with a member of the British Embassy staff in Cairo on his way to London, Mr. Mashall was reported to have said that the talks might well break down on the question of internal security arrangements and that such a breakdown would not be without its advantages, since he recognised the danger of the Communists gaining control in Singapore and regarded imperialism as preferable to Communism. In the event of a breakdown of the Conference it was important that we should be able to defend to world opinion the proposals which we had put forward. We should, therefore, be ready to go some way to meet the demands of the Singapore Delegation. In paragraph 15 of his memorandum he had outlined the proposals which he was prepared to make. The most important of these was the means of retaining adequate control over internal security. The proposal of the Singapore Delegation was that internal security should be transferred from the Chief Secretary to the Chief Minister, and that a Defence Council, consisting of four United Kingdom representatives and four representatives of the Government of Singapore, should be established under the Chairmanship of the Governor. The Governor would not, however, have a casting vote, so that in effect the Singapore representatives would be able to veto any proposals which came before the Council. It was impossible to accept this proposal

<sup>1</sup> See 356.

and he had, therefore, set out in paragraph 15 (vi) an alternative plan. Under this, the control of the police would be transferred from the Chief Secretary to the Chief Minister, but there would be a Defence Council, under the Governor, comprising some of the elected Ministers, a Deputy Governor (the present Chief Secretary), local Service Chiefs and the Commissioner of Police, which would be responsible for discussing as a joint responsibility such questions of external affairs and defence as affected the local Government and the operational aspects of internal security. The Governor would have reserve powers enabling him to take command in internal security matters whenever he saw fit and to call in troops. The Commissioner of Police would have direct access at all times to the Governor, who would be responsible for senior police appointments until a genuinely independent Police Service Commission with executive powers had been appointed.

In discussion the following points were made:—

(a) *The Chief of the Imperial General Staff*<sup>2</sup> said that the views of the Chiefs of Staff on the strategic aspects of this problem were set out in D.C. (56) 8. They wished to emphasise two points. First, Singapore could not achieve independence except through federation with Malaya. Singapore was too small and too vulnerable to maintain a separate existence, and there was a serious risk that it would turn into a Communist satellite. Secondly, our control over internal security in Singapore should not be abandoned until we were satisfied that Singapore had raised and trained adequate police and military forces to prevent the Communists gaining control. It would be unwise to rely on Mr. Marshall's claim that the Government of Singapore would be able to raise adequate local forces within a short period; for such local forces were unlikely to be efficient. There had already been a perceptible deterioration in the morale of the Singapore police force during the last six months: if it deteriorated further, greater use would have to be made of British troops in restoring law and order. The local Commanders-in-Chief considered that we should retain administrative control of the police, but that the elected Ministers should be more closely associated with police activities.

(b) Singapore was becoming increasingly important as a naval base. For financial reasons it would probably be necessary to amalgamate the Far East and the East Indies Fleets, and Singapore was the only base from which the combined theatres of operation could be adequately covered.

(c) The present Commissioner of Police in Singapore was in favour of the proposed transfer of responsibility for the police from the Chief Secretary to the Chief Minister in order to make the elected Ministers accept more responsibility for the police. Under the present arrangements the elected Ministers could dissociate themselves from any unpopular police action.

(d) A policy of increased Malayanisation of the police in Singapore had already been approved. Under the proposals of the Colonial Secretary the Governor would, however, retain the power to appoint all senior police officers until an independent Police Service Commission had been established. A similar arrangement was being adopted in Malaya. It should be possible to ensure that the Commission was not subject to pressure from elected Ministers.

(e) Under the proposals in paragraph 15 (vi) as at present drafted the Governor would only have reserve powers to intervene in internal security matters in an

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<sup>2</sup> Sir G Templer.

emergency. It would be preferable that the proposed Defence Council should be empowered to deal effectively at all times with such aspects of internal security as might affect the defence interests of the United Kingdom and other Commonwealth Governments.

(f) The future of Singapore was of importance to the Commonwealth as a whole and particularly to Australia and New Zealand. It might be desirable that Australia and New Zealand should be represented on the proposed Defence Council. This possibility could be kept open by providing that the Council should include Service chiefs of Commonwealth forces in the area.

The Cabinet:—

(1) Took note of the views of the Chiefs of Staff as set out in D.C. (56) 8 and stated in the course of discussion.

(2) Invited the Colonial Secretary, in consultation with the Lord President, the Commonwealth Secretary, the Secretary of State for War,<sup>3</sup> the Parliamentary Secretary, Ministry of Defence,<sup>4</sup> and the Chief of the Imperial General Staff, to amend the proposals for the future control of internal security in Singapore (paragraph 15 (vi) of C.P. (56) 97) on the lines indicated in the discussion.

(3) Invited the Colonial Secretary to obtain the views of the Commissioner-General, South-East Asia, and of the British Defence Co-ordinating Committee, Far East, on the amended version of paragraph 15 (vi) of C.P. (56) 97.

(4) Invited the Commonwealth Secretary similarly to obtain the views of the Australian and New Zealand Governments on the amended proposals.

(5) Agreed to resume at their next meeting their discussion of the course to be followed at the forthcoming conference on constitutional development in Singapore.<sup>5</sup>

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<sup>3</sup> Mr A Head, S of S for war, 1951–1956.

<sup>4</sup> Lord Carrington, parliamentary secretary, Ministry of Defence, 1954–1956.

<sup>5</sup> At the London conference of Apr–May 1956 Marshall failed to win the concessions he sought. He resigned from the prime ministership in June. Singapore became independent with Lee Kuan Yew as prime minister in Sept 1963, and was a constituent state of Malaysia until 1965.

# Index of Main Subjects and Persons

This is a consolidated index for all three parts of the volume. It is not a comprehensive index, but a simplified and straightforward index to document numbers, together with page references to the Introduction in part I, the latter being given at the beginning of the entry in lower-case roman numerals. It is designed to be used in conjunction with the summary lists and chapter headings of the preliminary pages to each volume-part. It provides a quick finding-aid to the main references to the principal subjects (countries and broad themes) and the leading British policy-advisers and decision-makers. As far as persons are concerned, only in the case of key figures (Eden, Lennox-Boyd, Lyttelton and Macmillan) are the entries subdivided by subject; a preceding asterisk indicates inclusion in the Biographical Notes at the end of part III. Where necessary (eg, in particularly long documents), and if possible, paragraph numbers are given inside round brackets. The following abbreviations are used:

- A – appendix or annex
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