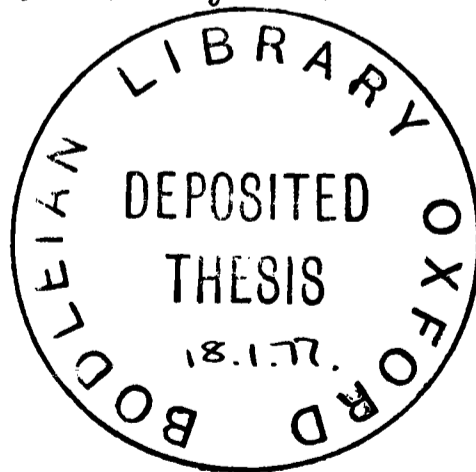


PRELUDE TO DECOLONISATION IN WEST AFRICA:  
The Development of British Colonial Policy, 1938-1947

by

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## ABSTRACT

This study sets out to examine the development of British colonial policy towards West Africa between the years 1938 and 1947. It is primarily a study of the so-called 'official mind' of British colonialism because, as the sources indicate, the nationalists were mainly excluded from the review process. It has been decided to begin the thesis with the Colonial Secretaryship of Malcolm MacDonald. With the assistance of the West Indian Crisis, which propelled the colonial issue into the political arena in Britain, and Hailey's African Survey, which set out the deficiencies of British rule in Africa, MacDonald was supplied with the political lever and the requisite guidelines for him to successfully initiate a review of colonial policy in 1938. In particular MacDonald wished to see resolved the potential contradictions which existed in Britain's colonial policy. As he put it, "Important decisions may have to be taken in order to prevent Native Authorities on the one hand and Legislative Councils on the other from developing along divergent lines with undesirable results".<sup>1</sup> This theme dominated the British West African policy review until 1947, by which time constitutions designed to effect such a harmony had either been implemented or announced.

Three stages may be discerned in this review. The first occurred between 1938 and 1943, during which time the review was primarily a Colonial Office affair. There were, however, external pressures on the

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1. C0554/116/33501/68: MacDonald, cypher telegrams to the Governors of British West Africa, 18 December, 1939.

Office during this period. For example, after the signing of the Atlantic Charter, American pressure resulted in the Colonial Office coming to grips with the meaning of its avowed policy of self-government for the colonies. Also, as a result of pressure from the Governors of the Gold Coast and Nigeria, the Office conceded the principle of African representation on Executive Councils. Nevertheless, until 1943, the Colonial Office remained basically in control of the policy review. At the end of this period, in addition to the above mentioned developments, the Office had produced a blueprint for the political advancement of West Africa. The ultimate goal for this region, as it was for the bulk of the Empire, was eventual internal self-government, and, having rejected the notion of federation for British West Africa, this principal was to be extended on the basis of existing colonial boundaries. The machinery by which this aim was to be achieved was set out in a five stage plan produced by the West Africa Division in the summer of 1943. This scheme was based on a series of reports compiled by Lord Hailey who had been commissioned by MacDonald to investigate native administration policy and the question of the future political development of the African colonies. The proposed plan retained the theory of indirect rule, although it restricted this system to the realm of local government. Most important it suggested that the native administration system could be integrated into the parliamentary institutions that had been created in Africa through a system of regional councils, composed of Native Authorities, which would act as electoral colleges for the legislatures. The main thrust of the plan, however, was on local government, and, in this regard, the Native Administrations were to be modernised. Similar developments were to occur in those areas which had been granted municipal governments. In the first stages of

this programme powers were to be steadily devolved to the local and regional levels. As for the legislative councils, which formed the apex of this system, questions such as the granting of the unofficial majority were to be delayed as long as possible. In fact, no developments were envisaged at this level until such time as the local and regional levels were functioning and had thus indicated the powers which were to remain central. Barely had these plans been circulated in the Colonial Office when Governor Burns informed the Office of his intention to revise the Gold Coast Constitution. This even effectively ended the first stage in the policy review.

Stage two in the review lasted from the summer of 1943 until 1945/46. In this phase the long-range schemes that the Colonial Office had been trying to develop were suddenly foreshortened to the drafting of constitutional instruments for immediate adoption in West Africa.

The Gold Coast's lead was followed immediately in Nigeria, and, as a result of the constitutional developments in these two colonies, what might be called a constitutional model was developed for British West Africa. Designed to harmonise the development of Native Authorities and Legislative Councils in the same territory, this model was basically consistent with Hailey's recommendations. As such it contained elements drawn from both Native and European political institutions, and it operated on three levels. At its lowest tier, the model was concerned with local government, and, in this regard, it employed Native Administrations and, in the urban areas where indirect rule did not function, municipal governments. The intermediate level also contained two elements. On the one hand were regional councils which, in essence, were rather contrived bodies composed of Native Authorities. These regional councils were

mainly advisory in capacity, although there were provisions for some financial and legislative powers to be devolved to them. In addition, they had an integrative function to perform because they were to act as electoral colleges and were to nominate Native Authority representatives to the Legislative Council. On the other hand, there were a series of urban constituencies which, by democratic process, were to elect representatives to the Legislative Council. Finally, at the apex, came the Legislative Council itself which, if the intermediate tier functioned as planned, was fully integrated with the native administration system. In theory it was a scheme which resolved the problem identified by Hailey and MacDonald in 1938. Moreover, it was a solution which took the theory of indirect rule to its logical conclusion, and, indeed, to its ultimate expression. Between 1943 and 1945 this programme was adopted in theory by Sierra Leone and the Gambia. However, because of the relative lack of political development in the hinterlands of these colonies, little of the programme had been implemented by 1947.

As the pressures of constitution-mongering receded the Colonial Office was given the opportunity of turning its hand once again to more theoretical matters. During 1946 and 1947 the whole question of native administration policy came up for discussion. As a result of this debate the theory of indirect rule, upon which all four British West African constitutions were based, was rejected in favour of local government along the English model. In addition, the Colonial Office drafted a four stage programme by which representative and then responsible government was to be conceded. The era of decolonisation had been ushered in, and it did so at a time when the Colonial Office still dominated the policy-making process.

### ACKNOWLEDGEMENT

First and foremost I would like to express my gratitude to the Canada Council without whose financial assistance the last four years simply would not have been possible. Similarly, I would like to thank the Manitoba Government for one not inconsequential bursary.

Turning to personalities, I would like to begin by expressing my appreciation to two of my 'living sources', Mr. Malcolm MacDonald and Sir Alan Burns, who kindly granted me interviews. A major vote of thanks, of course, is due my supervisor, Dr. Colin Newbury. The same applies to Dr. Freddie Madden and Professor Robinson who respectively supervised my first and last terms at Oxford while Dr. Newbury was on sabbatical.

In addition, I am greatly indebted to a host of people at Linacre College, Summertown House, Rhodes House, the British Museum, and the Portugal Street and Ashridge Branches of the Public Record Office.

This acknowledgement would not be complete without a thank you to my wife Jackie: for her perseverance, her assistance in transcribing notes, typing chapters, etc., and her fund of sympathy when Clio was about to overwhelm. And, I would also like to acknowledge my infant son Trevor whose early rising ensured that I was at work when the sun rose!

Finally, on behalf of Jackie and myself, I would like to thank beautiful Oxford, and indeed England, for three and a half delightful and memorable years.

## PROLOGUE

During the Second World War a series of constitutional reforms were initiated in British West Africa which, according to Michael Crowder, "marked the beginning of the era of decolonisation".<sup>1</sup> Indeed, in the Gold Coast, Nigeria, and the Gambia new constitutions were promulgated shortly after the war; while in Sierra Leone draft constitutional proposals were announced. In addition, by 1947, all four of these territories had made the decision to admit Africans to their executive councils. Referring specifically to these reforms Crowder has written that "these constitutions proved to be the prelude to a rapid series of constitutional reforms which brought Ghana self-government within six years and independence within twelve, and Nigeria independence within fifteen years".<sup>2</sup> With the official files relating to the planning and development of these reforms now open to public scrutiny it is at last possible to trace the development of these measures, and it is to this task that this study is devoted.

As Ken Post has noted the years 1920 to 1945 in British West African historiography have not been dealt with adequately.<sup>3</sup> By examining the period 1938 through 1947 this study attempts to redress in part this state of affairs. The year 1938 has been selected to begin this work for three

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1. Michael Crowder, West Africa Under Colonial Rule (London: Hutchinson and Co. Ltd., 1968), p. 504.
  2. Ibid.
  3. Ken Post, "British policy and representative government in West Africa, 1920-1951", in Gann and Duignan (eds.), Colonialism in Africa: Volume 2: The History and Politics of Colonialism, 1914-1960 (Cambridge: Cambridge University Press, 1970), p. 31.

major reasons which combined give weight to the argument that it was a pivotal year for British colonial policy. First, 1938 was the year in which a new Secretary of State for the Colonies took office. As will be seen Malcolm MacDonald<sup>1</sup> provided much of the incentive which set the Colonial Office thinking along new lines. Secondly, 1938 was the year of the disturbances in the British West Indies. This unrest propelled the colonial issue into the political arena in Britain. Moreover, it profoundly worried the Colonial Office which thereafter began to pursue a more dynamic policy. And, thirdly, 1938 saw the publication of Lord Hailey's African Survey.<sup>2</sup> This monumental work played a very subtle role in the redirection of British colonial policy. As a critique of existing policy it led the Colonial Office to raise new questions, while, as a virtual encyclopedia of Africana, it provided the Office with much of the factual information necessary for a reformulation of policy. Thus, 1938 was a year in which a new Colonial Secretary, with the assistance of the West Indian Crisis and Hailey's African Survey, was supplied with the political lever and the requisite guidelines for him to successfully initiate a review of colonial policy. At the other end of the spectrum the year 1947 was selected to terminate the study for two main reasons. First, by that year the review precipitated by MacDonald had reached its culmination in a series of constitutions or constitutional proposals which were designed to remedy the defects in colonial policy that were identified back in 1938. Secondly, 1947 was itself a point of departure. In that year the Local Government Despatch, which effectively began the era of

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1. Biographical notes of all major characters are to be found in Appendix I.
  2. Lord Hailey, An African Survey: A Study of the Problems Arising in Africa South of the Sahara (London: Oxford University Press, 1938).

decolonisation, was issued. With the publication of this document the theory of indirect rule, which hitherto had been the accepted theory of administration in British West Africa, was rejected in favour of local government along the English model. Finally, in addition to these two arguments might be added the fact that the official files of the Colonial Office, upon which this study is based, are not available after the end of December, 1946.

With regard to geographical considerations it has been decided to adopt a cross-territorial approach in order to obtain a more balanced view of policy formation. British West Africa was administered by a regional desk in the Colonial Office, and, as a result, it is often difficult to appreciate what was happening in one colony without reference to one or more of the other British West African colonies. To take but one example, it will be seen that the decision to admit Africans to the Nigerian Executive Council cannot be fully comprehended unless events in the Gold Coast are taken into consideration.

Basically, this study is an examination of the so-called 'official mind' of British colonialism. This approach has been taken in complete awareness of Andrew Cohen's theory that constitutional progress is the product of interrelated pressures. As Cohen put it:<sup>1</sup>

The truth is that constitutional progress has depended on neither the action of governments nor on the pressure of local opinion, but on both. It has taken place as a result of what I propose to call interrelated pressures - on the one hand the pressure exerted through the actions and policies of the British Government, the Governments in the Territories, and public and parliamentary opinion in Britain, and on the other the pressure of nationalists and other opinions and attitudes in the Territories themselves. These pressures

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1. Andrew Cohen, British Policy in Changing Africa (London: Routledge & Kegan Paul, 1959), pp. 36-37.

are of course not necessarily always exerted against each other; often they are complementary. Sometimes one or the other is, so to speak, in the ascendent, and it then supplies the motive force. Things work best when they are both operating effectively.

However, from the evidence available, it becomes clear that, during the period when the legislation under consideration was being drafted, the 'imperial' side of this equation was in the ascendent. In fact, in West Africa, the nationalists were mainly excluded from the review process. This situation was due to two main factors. First, the policy review was not the product of any specifically West African grievances. Rather it was conceived in London in the aftermath of the West Indian disturbances, and it sought to anticipate difficulties such as had arisen in the Caribbean. In addition, it sought to eradicate certain anomalies in British administration policy in Africa which had come to the attention of Colonial Office theorists. Secondly, in British West Africa nationalism had not yet reached proportions whereby it had to be taken in as an active partner in the planning process. Indeed, at the outset of the period under discussion British West African nationalism was characterised by one authority as follows:<sup>1</sup>

it has not proceeded beyond the ideals of early Victorian radicalism; its ambition is a larger representation in the legislature, and a greater share in Government employ; it seems to make little appeal to the uneducated or rural element.

Moreover, throughout the war, nationalism remained a basically docile force in British West Africa. As one resident observer recorded:<sup>2</sup>

It is significant that, at no time during the war, not even in the bleak winter of 1941-2, has there been any

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1. Lord Hailey, "Nationalism in Africa", Journal of the African Society, Vol. 36 (April, 1937), pp. 140-1.
  2. Meyer Fortes, "The Impact of the War on British West Africa".

movement of political unrest in West Africa. Even the most extreme African critics of the colonial Governments have never thought of the war as an opportunity of getting rid of the "British yoke".

To cite a more recent commentator on the state of the nationalist movements in British West Africa at the end of the Second World War, there was not "a truly organised nationalist movement seeking self-government" in the Gold Coast until August, 1947, when the United Gold Coast Convention was formed.<sup>1</sup> As for Nigeria, "During the period 1945 to 1951, the struggle for independence was largely a verbal one. Newspaper agitations, petitions, violent verbal threats in political rallies and meetings were the weapons the nationalists employed to put pressure on the colonial government".<sup>2</sup> Meanwhile, in Sierra Leone, the nationalist movement remained 'moderate' until the late-1940's, when the initiative passed from the Creole to the Protectorate elite.<sup>3</sup> Finally, in the Gambia, "neither organised pressure groups nor party politics emerged . . . until 1951".<sup>4</sup> As a result, at least until 1947, the review process in West Africa remained firmly in British hands.

In approach the thesis is essentially narrative as, in the first instance, it seeks to document a series of reforms and shifts in policy which hitherto have not been dealt with adequately. Indeed, a serious study of the various forces at work in the Colonial Office which resulted in these reforms has not been possible until recently because the official sources have been classified.

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1. Olajide Aluko, "Politics of decolonisation in British West Africa, 1945-1960", in Ajayi and Crowder (eds.), History of West Africa, Volume Two (London: Longmans, 1974), p. 629.

2. Ibid., p. 636.

3. Ibid., p. 644.

4. Ibid., p. 649.

The first four chapters of the thesis deal with what this study has identified as the first phase in the planning process; that is to say the period from 1938 until the summer of 1943 when planning was primarily a Colonial Office affair. The first chapter is introductory and attempts to identify the impetus behind the policy review initiated in 1938. In addition this chapter will reveal that the Colonial Office was acutely aware of the institutional duality of its policy in Africa, and the fact that, if this dualism was not rationalised, then the native administration systems and the parliamentary systems it had fostered in the same territories on this continent might develop along divergent lines. This question was considered of fundamental importance by the Colonial Office and its resolution dominated the British West African constitutional debate throughout the war. In chapter two the thesis examines, in the light of the impact of the Atlantic Charter, the legacy of official policy statements proclaiming self-government as the ultimate goal of British colonial policy. As will be seen, under American pressure the Colonial Office's view of self-government came into sharper relief. By 1943 the Office had come to define this goal as internal self-government; a fact which made the rationalisation of native administrations and parliamentary institutions in the same territory even more imperative. The Hailey mission, which was established by the Colonial Office to investigate native administration policy and the question of the future political development of the African colonies, and its application by the Colonial Office is the subject of chapter three. It will be seen that the findings of this mission became the

basis for planning in the Colonial Office. Moreover, in the case of British West Africa, the Hailey Reports became embodied in a memoranda which represented the Office's first attempt at a long-range scheme for political advance in this region. Only in one area was the Colonial Office pressured into formulating policy in advance of the over-all scheme that was being developed on the basis of the Hailey Reports. As will be seen in chapter four, pressure from the Governors of the Gold Coast and Nigeria resulted in the concession of African representation on the Executive Councils of British West Africa. But, with this single exception, the initiative in planning rested with the Colonial Office until the summer of 1943.

When, in August, 1943, Governor Burns informed the Colonial Office of his intention to revise the Gold Coast Constitution a new phase in the planning process opened in West Africa. During this stage the long-range schemes that the Colonial Office had been trying to develop were suddenly foreshortened to the drafting of constitutional instruments for immediate adoption in West Africa. As a result, new constitutions were promulgated in the Gold Coast, Nigeria, and the Gambia, while in Sierra Leone draft constitutional proposals were published. Chapter five is devoted to the development of the Burns Constitution; a constitution which introduced representative government to the Gold Coast. In chapter six our attention is focused on Nigeria where the drafting of the Richards Constitution is examined. This constitution, it should be noted, introduced the principle of the unofficial majority and laid the basis of the federal system in Nigeria. In addition it should be added that both these constitutions, through

the creation of a series of electoral colleges which were to elect representatives of the Native Administrations to the Legislative Councils, attempted to provide a solution to the question of how the native administration systems and the parliamentary systems of British West Africa were to be harmonised. Finally, in chapter seven, constitutional developments in the Gambia and Sierra Leone are examined. As will be seen, between the years 1943 and 1945, both these dependencies came to accept in theory the constitutional model which had been evolved in the Gold Coast and Nigeria. Moreover, it will be argued that it was only due to the relative lack of Westernization in these colonies, and more particularly in the hinterlands of these colonies, that resulted in a lengthy delay in the implementation of this policy.

The thesis ends with a lengthy epilogue which reveals that by 1946 the pressures on the Colonial Office resulting from the demands of the West African and other constitutions had begun to recede, and that consequently the Office was able to turn once again to more theoretical matters. Indeed, during 1946 and 1947, the whole question of native administration policy came up for discussion, and, as a result of this debate the theory of indirect rule, upon which all four British West African Constitutions were based, was rejected in favour of local government on the English model. The age of decolonisation had arrived, and it did so while the imperial side of the decision-making equation was still in the ascendent.<sup>1</sup>

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1. Although the general thesis of this study argues that constitutional change in British West Africa in the period 1938 to 1947 was essentially metropolitan in origin; it does not reject the notion that there were local factors which contributed to this process. However, for reasons of scale, it has not been possible to investigate this area. Such an investigation will undoubtedly prove fruitful, but it is unlikely to alter this study's general thesis.

## CHAPTER I

### A SEETHING OF THOUGHT

When Malcolm MacDonald assumed the post of Secretary of State for the Colonies in 1938, he did so for the second time in three years. As a result of the experience he gained from his first very brief term as Colonial Secretary in 1935, MacDonald returned to the Colonial Office convinced that Britain's colonial policy would have to undergo a thorough revision. Indeed, it had been his intent to pursue such a course in 1935, but his premature transfer to the Dominions Office resulted in a lengthy delay.<sup>1</sup> This situation was rectified in 1938, and the Colonial Office entered a period of critical self-examination which was precipitated by MacDonald who had called for a 'seething of thought'<sup>2</sup> on the colonial issue.

This is not to suggest that MacDonald brought with him to the Colonial Secretaryship any new diagnosis of the colonial situation. Indeed, his concern may be seen as a reflection of the awareness which had grown up in Colonial Office circles during the 1930's of the deficiencies of British colonial policy in general and British native administration policy in Africa in particular. But, what MacDonald did bring with him was a determination to tackle these problems. In addition, he brought with him a clearly defined view of the ultimate objective of British colonial policy.

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1. Interview conducted with Malcolm MacDonald, 8 October, 1974.

2. CO847/17/47135: F.J. Pedler, minute, 23 November, 1939.

From the outset MacDonald made explicit his views on the ultimate objective of British colonial policy. As he put it in his address to the Colonial Service Summer School of 1938.<sup>1</sup>

What is the main purpose of the British Empire? I think it is the gradual spread of freedom amongst all His Majesty's subjects, in whatever part of the earth they live . . . .

The spread of freedom in British countries overseas is a slow-sometimes painful-evolutionary process. The pace varies from place to place, according to local conditions. There may even, sometimes, be inevitable setbacks. But over the generations the evolutionary process goes on. In some countries the process has already reached completion. The Dominions are already completely free, each of them equal in status with Great Britain herself, each of them clothed with all the constitutional rights and powers of fully sovereign nations.

That same spirit guides our administration of the Colonial Empire. Even amongst the most backward races of Africa our main effort is to teach these people to stand always a little more securely on their own feet. In spite of the great variety of conditions and of circumstances we can, I think, say with confidence that the trend is towards the establishment of the various colonial communities as self-supporting and self-reliant members of a great commonwealth of free peoples and nations. The objective will be reached in different places at different times and by many different paths. Before it is reached there may be rearrangements of political divisions; units at present separate may continue, others may be split into component parts. The important thing is to ensure so far as possible that whatever changes are necessary should be so affected as to be in harmony with the general aim.

But it will be generations, perhaps even centuries before that aim is accomplished in some cases. In the meantime we are, in greater or lesser degree, responsible for government over a vast space of the earth and over a multitude of peoples.

The degree to which this view was a departure with previous statements of

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1. CO323/1858 Part II/9057/1A: "Extract of a Speech by Malcolm MacDonald given at the University of Oxford Summer School June-July 1938".

policy was immediately recognisable. As MacDonald himself has reflected<sup>1</sup>, "I recall Professor Coupland coming up to me afterwards and shaking me warmly by the hand and saying "You're the first Secretary of State who has made that absolutely clear". Indeed, contrary to what Albertini has written<sup>2</sup>, this was the first time that a Colonial Secretary had declared Dominion Status to be the object of British colonial policy. It was a belief which, a year later, MacDonald voiced in clear terms in the House of Commons:<sup>3</sup>

In the case of the Dominions, this evolutionary process of gaining freedom has been completed. But there is no division of Imperial policy. We cannot have one policy for the Dominions and a totally different policy for the Colonies - the fundamental principle is the same. We seek that at any given time the peoples of the Colonial Empire shall enjoy the maximum practicable amount of freedom.

But MacDonald might well have been thwarted in his endeavour to initiate a review of colonial policy had the year 1938 not been a propitious one for such a re-evaluation. Two major events occurred in that year which placed the deficiencies of British colonial rule in sharp relief, and in actual fact transformed them into a political issue in the United Kingdom. The first of these events concerned the riots which took place in the British West Indies, while the second related to the publication of Lord Hailey's African Survey.<sup>4</sup>

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1. MacDonald Interview.

2. R. von Albertini, Decolonization: The Administration and Future of the Colonies, 1919-1960 (New York: Doubleday, 1971), pp. 170-171; states that the first such statement was made by Viscount Cranborne, in the House of Lords, 3 December, 1942.

3. Hansard, 30 November, 1939.

4. Lord Hailey, An African Survey: A Study of the Problems Arising in Africa South of the Sahara (London: Oxford University Press, 1938).

It was as a result of the failure of British colonial policy in the West Indies that the colonial question made one of its rare appearances in British politics. But, the adverse publicity which the Colonial Office received as a consequence was turned to advantage for, as Malcolm MacDonald later observed, the West Indian situation contributed greatly to the pressures for colonial reform. In MacDonald's words:<sup>1</sup>

This West Indian crisis helped me enormously to get not only my advisors . . . in the Colonial Office to look with great favour on a fairly urgent review, but I think that it also helped me to get such Ministerial colleagues as I needed to say, "Yes, this has become a political question which is quite critical and we must go into it in an energetic way". . . . so the West Indian Crisis stimulated interest in House of Commons circles, in Civil Service circles, in the Colonial Office, in Whitehall, and among members of the Cabinet, and therefore speeded up, I think, the sort of movement which I was hoping to push anyways.

But the failure of British colonial policy in the West Indies did more than merely intensify the pressures of a re-examination of policy. In actual fact the collapse of law and order in the British West Indies added a sense of urgency to what otherwise might have been a somewhat academic exercise. This urgency was the product of the great fear that those concerned with colonial affairs had of political unrest. In particular it was thought that unless reforms were initiated then the difficulties experienced in the West Indies could be anticipated in other parts of the Empire. Lord Hailey echoed this fear when he wrote, in a confidential report on political conditions in Sierra Leone, that it was

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1. MacDonald Interview.

"only necessary to recall the recent history of the West Indies to realize the ease with which a population such as the Creoles can be aroused to violent ebullitions of feeling".<sup>1</sup> Thus, to again quote Hailey, one of the major objects of a revised colonial policy was to ensure that "dissatisfaction is as far as possible expressed in 'constitutional' methods, and takes channels other than those which lead to permanent racial estrangement".<sup>2</sup> The 'Warning from the West Indies',<sup>3</sup> was very clear.

The role played by the African Survey in the revision of Britain's colonial policy was of extreme importance. Indeed, as a compendium of information on a wide range of African social and economic problems, and as a critical commentary on colonial rule in Africa the Survey provided the ensuing debate on colonial policy with much of its factual and intellectual content. The Colonial Office itself was quick to recognise the importance of this work, and no less than one hundred and thirty excerpts were taken from the Survey and placed in the files for future reference.<sup>4</sup>

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1. CO847/ 22Part I/47100/8: "Native Administration Comparative Survey - Report by Lord Hailey - Sierra Leone". Draft report, undated typescript, Para. 54. This remark was subsequently omitted in the 1944 confidential reprint of this report: Native Administration and Political Development in British Tropical Africa (London: H.M.S.O., 1944). This report is discussed more fully in Chapter III.
  2. CO847/21/47100/1: "Report by Lord Hailey to the Secretary of State for the Colonies, 1941. Native Administration and African Political Development", Paragraph 28.
  3. W.M. MacMillan, Warning from the West Indies: A Tract for the Empire (London: Faber & Faber, 1936); reprinted with a new Preface by Penguin, 1938.
  4. CO847/14/47002: F.J. Pedler, minute, 17 May, 1939.

In terms of its impact the African Survey cannot be underestimated. As the following quotation<sup>1</sup> testifies, it made a significant contribution to the development of the new colonial development and welfare policy initiated in 1940.

Together with your Commissioner's Report [Moyne], this Survey played a chief part in leading up to the new Colonial Development and Welfare Policy. The allocation of £500,000 a year for research particularly due to Lord Hailey's recommendation.<sup>1</sup>

In the political sphere the Survey's impact was equally as profound, although its tangible results were not so immediate. For example, the Survey pointed out that a policy based on indirect rule, but dedicated to 'self-government based on representative institutions' would come to grief unless detailed studies were initiated with a view to making the two systems more compatible.<sup>2</sup> As will be seen this theme was taken up by Secretary of State MacDonald, and became a central issue in the deliberations which followed on the future political development of Africa. MacDonald himself has freely acknowledged his debt to Hailey. In his words, "especially when his conclusions and comments fitted in with the sort of questions I wanted to raise and have fresh answers given I used his material".<sup>3</sup>

The new direction of British colonial policy was first discerned in the economic and social sphere. It was a policy which Hailey endorsed fully for he believed that political progress could only be made if a

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1. CO847/21/47100/1: Eastwood, minute, 14 February, 1941.
  2. Hailey, African Survey (1938), pp. 1639-1940.
  3. MacDonald Interview.

sound social and economic basis was established. As he informed his English audience:<sup>1</sup>

The British people must realize that we ought to be more liberal in our attitude to the need for financing colonial development . . . . It is all very well for Great Britain to hold out to the African the priceless boon of Self-Government. We had to fight for our liberties ourselves, and perhaps we find it a little difficult to believe that the path to health, happiness, or perhaps even heaven, does not lie in the possession of a vote.

This was also the opinion of the West Indian Royal Commission Report, the so-called Moyne Report, which looked into the disturbances in the West Indies.<sup>2</sup> Moyne's recommendations were a mixture of economic and political reform. In the case of the former he recommended that a million pound West Indian Welfare Fund be established in order to finance agrarian reform, reduce unemployment, and to promote housing, education and welfare services. Meanwhile, in the political sector, he recommended increased participation by the people in the work of government. Given the seriousness of the West Indian situation these were recommendations that could not be ignored. But, as has been pointed out, the lesson of the West Indies could not be restricted to the Caribbean. The Economist, in an article demanding 'a centrally directed colonial policy' which would be furnished with 'generous funds for development' warned that the "Troubles in the West Indies have disclosed the dangers of this negligence

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1. Lord Hailey, "Some Problems Dealt With In The African Survey", International Affairs, (March, 1939), p. 201.
  2. Great Britain, Cmd. 6174: "West India Royal Commission 1938-1939. Recommendations" (London: H.M.S.O., 1940); the complete report was not published, because of security reasons, until 1945, see Cmd. 6607: "West Indian Royal Commission Report" (London: H.M.S.O., 1945).

[i.e. the lack of economic development], and they are implicit in the details of the African Survey".<sup>1</sup> As a result, a more general policy was conceived and embodied in the Colonial Development and Welfare Act of 1940, which Crowder has described as the "most significant change in government policy in this period".<sup>2</sup>

The Colonial Development and Welfare Act of 1940 was indeed a radical break with past tradition. Whereas the Act of 1929 was drafted with a view to stimulating the British economy during the Depression<sup>3</sup>, the 1940 Act was aimed at the actual development of the colonies themselves. As Malcolm MacDonald put it when he defended the legislation in Parliament:<sup>4</sup>

The bill we are discussing this afternoon breaks new ground. It established the duty of tax-payers in this country to contribute directly and for its own sake towards the development in the widest sense of the word of the colonial peoples.

Moreover, he declared, "Our object under this legislation is to develop the colonies so that as far as possible they become self-supporting units". To this end the Act provided five million pounds per annum for development projects and a further five hundred thousand pounds for

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1. "Africa's Need", The Economist (12 November 1938), pp. 318, as quoted in Albertini, Decolonization, p. 113.
  2. Crowder, West Africa Under Colonial Rule, p. 502.
  3. For further details of the 1929 Act see George C. Abbott, "A Re-examination of the 1929 Colonial Development Act", Colonialism and Underdevelopment in East Africa: The Politics of Economic Change 1919-1939 (London: Heinemann, 1973) Chapter 4: "British Unemployment and Colonial Aid"; and E.R. Wicker, "Colonial Development and Welfare, 1929-1957; The Evolution of a Policy", Social and Economic Studies, Vol. 7, No. 4 (December, 1958), pp. 170-191.
  4. Hansard, 21 May, 1940.

colonial research.

Unfortunately, circumstances combined to delay the introduction of this Act by almost two years. Privately,<sup>1</sup> MacDonald has indicated that he began to consider a colonial development bill immediately upon becoming Secretary of State in 1938. His personal timetable was geared to the preparation of a bill during the summer of 1938, and the submission of this bill to Parliament in the autumn of that year. However, the Munich Crisis intervened. This delay was followed by one resulting from a Treasury directive which was issued restricting new expenditures. The bill was re-drafted in December, but Treasury opposition continued and the legislation was withheld. Also, at this time, the Palestine situation came to the forefront, and consumed a great deal of the Colonial Office's time. Finally, there was the outbreak of war with Germany which diverted attention from MacDonald's proposed act. After the declaration of war MacDonald approached the Prime Minister and argued that his development scheme should not be postponed because of the war. Furthermore, he argued that such a scheme might well be turned to advantage for it would be a means of ensuring colonial support during the war. With the backing of the Prime Minister MacDonald was then able to circumvent the Treasury's opposition, and the legislation became law in 1940. However, it seems clear that had the international and financial situation not been so grave the Colonial Development and Welfare Act of 1940 might well have become law in 1938. In this respect it would seem that the recommendations of the Moyne Commission were not as instrumental in creating the Colonial Development and Welfare Act of 1940 as some have assumed.<sup>1</sup>

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1. MacDonald Interview.

2. Crowder, West Africa Under Colonial Rule, p. 502.

Meanwhile, advances were being made at the Colonial Office on the political front. One of the first suggestions made for the political development of British West Africa was federation. As will be recalled, MacDonald himself had warned at the Oxford Summer School that there might have to be some 'rearrangements of political divisions' in order that the goal of self-support could be achieved. The logic behind this declaration was that colonies, such as the Gambia, which were too small to be economically viable, were also too small to be politically viable. Therefore, the only salvation for such territories was for them to be amalgamated into a larger unit which would be self-supporting, and thus capable of self-government.

Lord Lugard was among the people consulted on this issue. In his confidential memorandum on the closer union of British West Africa he concluded:<sup>1</sup>

that no scheme of Federation or Union under a Govr. Genl. (whether combined or not with his Governorship) would at present time either relieve the Colonial Office of work, effect any economy in staff, or be effective in promoting co-operation and progress.

He based his conclusion on the view that the various colonial governments would guard their realms of influence, and thus thwart the ultimate objective. Also, he noted the fact that the territories were not conterminous thus making unification almost impossible.

At the Colonial Office itself a West Africa Committee, under the chairmanship of the Parliamentary Under Secretary of State, Lord Dufferin, was created to investigate the matter. Its interim report<sup>2</sup> reveals that

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1. CO554/122/33642: Lugard to Lord Dufferin, 20 November, 1939.
  2. CO554/122/33642: West African Committee Interim Report, 22 December, 1939.

this committee had decided almost unanimously against federation. As the report put it, "The concept of a Unitary State of 'British West Africa' is, according to witnesses, a theoretical abstraction". Indeed, the report argued further that

A West African Federation would be an artificial creation, not the outcome of the natural growth of political consciousness in the four Colonies. It is only recently that the Africans of e.g. Nigeria have begun to acquire a consciousness of political unity as 'Nigerians': to superimpose the idea of unity as 'British West Africans' would set back the present healthy growth of Colony-pride.

If, however, it was decided to pursue this course the committee stated that some sort of federal government would have to be adopted.

Lord Hailey was not in agreement with these suggestions.<sup>1</sup> He felt that amalgamation would be possible in West Africa, especially given the development of technology, and, in particular, air communications. Furthermore, he felt that the amalgamation of government services, such as forestry, medicine, etc., would make for greater administrative efficiency and reduce costs. However, he was opposed to including Nigeria in any scheme of amalgamation as he felt it was a large enough unit to stand on its own. But, he did argue that a federation of the Gold Coast, Sierra Leone, and the Gambia should be considered.

The Interim Report of the West African Committee was submitted to the British West African Governors for comment. The first to reply was Governor Bourdillon of Nigeria. In his despatch he agreed wholeheartedly with the view expressed by the committee.<sup>2</sup> Governor Jardine

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1. C0554/125/33642: Lord Hailey to Secretary of State, 9 January, 1940.

2. C0554/125/33642: Bourdillon to Secretary of State, 11 March, 1940.

of Sierra Leone replied likewise.<sup>1</sup> Jardine also addressed himself to Hailey's memorandum, and rejected his conclusion that a union of Sierra Leone, the Gambia, and the Gold Coast should be considered. However, he did put forward his own view that a more limited union, that between Sierra Leone and the Gambia, might be considered. Were such a union to be affected he recommended that the new colony should have a single governor and legislature, and that both should be located in Freetown. The Gold Coast reply was received from Governor Hodson in late April.<sup>2</sup> Hodson saw no difficulty in administering Sierra Leone and the Gambia as a single colony, and in putting forward this view he drew upon his experience as a former Governor of Sierra Leone. However, he saw no advantage to be gained from a general federation of West African colonies. In fact, he had a serious objection to such a policy for he believed that the net result would be for the economic level of the Gold Coast to be depressed to the level of the less wealthy West African dependencies. The Gambia was the last to reply.<sup>3</sup> In his despatch Governor Southorn declared himself opposed to any federation, whether of a general or more limited nature. Southorn argued that the Gambia's future was intimately linked with the river which it controlled, and he thus recommended closer co-operation with the surrounding French territories. Furthermore, he declared that it would be impossible for the Gambia to surrender its legislature.

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1. C0554/125/33642: Jardine to Secretary of State, 3 April, 1940.
  2. C0554/125/33642: Hodson to Secretary of State, 25 April, 1940.
  3. C0554/125/33642: Southorn to Secretary of State, 21 May, 1940.

In the face of such opposition the matter was allowed to lapse. As a result, the first major decision taken during the period under consideration which affected the future of British West Africa was made, namely, that political developments were to take place on the basis of existing colonial boundaries, and not on the basis of a federated territory.

At the same time that it examined the feasibility of federation for British West Africa the Colonial Office began to examine what Hailey termed the 'most difficult problem of all' for the political development of the region.<sup>1</sup> As Hailey saw it, the constitutional evidence available indicated that responsible self-government was the ultimate goal for this region. However, in order to achieve this goal the existing native administration policy would have to be modified. In Hailey's words:<sup>2</sup>

The principles of indirect rule, if not in competition with the ideal of self-government by representative institutions, are at all events so alien to it as to suggest that native institutions must be materially modified if they are to fit into any scheme involving an elected parliament.

This theme was adopted by Malcolm MacDonald who, in calling for a 'seething of thought' on the colonial issue, hoped to resolve this question.

The reconciliation of the potential contradictions which existed in British colonial policy in West Africa became a central feature in the constitutional deliberations which were to follow. Therefore, it is necessary to examine in some detail the institutional nature of

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1. Hailey, African Survey (1938), pp. 250-253.

2. Ibid., p. 1640.

British rule in West Africa before proceeding to document the recognition by those interested in colonial affairs of the fact that this duality might lead to complications in the future.

The cornerstone of British administration in West Africa was the policy commonly known as indirect rule.<sup>1</sup> Although initially developed in Nigeria the underlying principles of indirect rule<sup>2</sup> came to be

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1. A comprehensive bibliography of works relating to indirect rule is beyond the scope of this study, therefore only the most important volumes on the subject are cited below. Prime among these is Lord Hailey's Native Administration in British Africa, Part III: West Africa: Nigeria, Gold Coast, Sierra Leone, Gambia (London: H.M.S.O., 1951) which remains the most comprehensive study of indirect rule in this region. For the basic documents one would have to consult Lord Lugard himself: The Dual Mandate in British Tropical Africa, 5th edition with introduction by Margery Perham (London: Frank Cass & Co. Ltd., 1965), and the Political Memoranda: Revisions of Instructions to Political Officers on Subjects Chiefly Political and Administrative, 1913-1918, with introduction by A.H.M. Kirk-Greene (London: Frank Cass and Co. Ltd., 1970). For the restatement of indirect rule as indirect administration see Donald Cameron, The Principles of Native Administration and Their Application (Lagos: Government Printer, 1934). The work of Margery Perham is also of interest and importance. See her Native Administration in Nigeria (London: Oxford University Press, 1937), and "A Re-Statement of Indirect Rule", Africa, Vol. VII (1934), pp. 321-334. For historical accounts see A.H.M. Kirk-Greene, The Principles of Native Administration in Nigeria: Selected Documents 1900-1947 (London: Oxford University Press, 1965); Michael Crowder, West Africa Under Colonial Rule; I.F. Nicolson, The Administration of Nigeria, 1900 to 1960: Men, Methods and Myths (Oxford: Clarendon Press, 1970); and R. von Albertini, Decolonisation: The Administration and Future of the Colonies, 1919-1960 (New York: Doubleday, 1971).
2. Much confusion surrounds the terminology of indirect rule thus it is necessary to define our terms from the outset. To begin with the term 'indirect rule' will be employed to describe the form of colonial rule which relied upon traditional authorities for the discharge of local government functions. More-or-less synonymous with this term is 'native administration' which to borrow Kirk-Greene's definition (Principles of Native Administration, p. 30), is defined as "the general process of administering all areas in Africa outside those administered by the Township Ordinance". 'Native Authority' is taken to refer to the actual offices

embraced throughout British West Africa. The inspiration behind the adoption of this form of native administration was purely pragmatic and financial, and, as John Flint has shown, was pioneered in Africa by Sir George Goldie and the Royal Niger Company. As Flint has put it:<sup>1</sup>

Indirect rule was not dreamed up in a historical vacuum, it was the logical consequences of British policy in the 1880's and of the protectorate system. The inspiration for the idea of ruling through the African chiefs and Emirs lay in the company's [Royal Niger] poverty both in men and money. Goldie's genius lay in fitting these limitations, which in other areas could lead to administrative chaos and nullity, into a consistent theory of administration.

However, the credit must go to Lord Lugard for the transformation of this form of indirect rule by chartered company into a system of colonial rule.

In conception Lugard's system of indirect rule was interventionist.<sup>2</sup>

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(normally a chief or chief-in-council) constituted by the various Native Administration or Native Authority Ordinances implemented in British West Africa. 'Native Administration' on the other hand refers to the actual administrative apparatus established by the aforementioned ordinances.

1. John Flint, Sir George Goldie and the Making of Nigeria (London: Oxford University Press, 1960), p. 94.
2. At this juncture it is necessary to note the different ways in which the development of indirect rule has been interpreted by scholars. Kirk-Greene has divided the development of this theory into three distinct stages. The first phase saw the origin of the theory and its "hardening through the years into dogma". During stage two indirect rule was 'liberalised' by Sir Donald Cameron and restated as 'indirect administration'. Finally, in stage three, the theory was replaced by the "British concept of local government". See Principles of Native Administration, pp. 3-4, and 28. Lord Hailey sub-divided what Kirk-Greene termed phase one even further. In his view indirect rule during this period "passed through three stages, first of a useful administrative device, then that of a political doctrine, and finally that of a religious dogma". See "Some Problems dealt with in An African Survey", International Affairs (March/April, 1939), p. 202. Michael Crowder provides us with an alternative model. In his analysis stages one and two of Kirk-Greene's model correspond to what he calls the transition in policy from 'non-interventionist' to 'interventionist' indirect rule. See West Africa Under Colonial Rule, pp. 217-221.

This fact becomes evident in the very first memo of the Political Memoranda where Lugard set out the broad objectives of his policy:<sup>1</sup>

The British role here is to bring the country all the gains of civilisation by applied science (whether in the development of material resources, or the eradication of disease,&c), with as little interference as possible with Native Customs and modes of thought.

Having stated the goal of his policy, Lugard then proceeded to articulate its principles. It was a task which he accomplished with such precision that one of the major authorities on native administration has termed the Political Memoranda as the "supreme source for the study of indirect rule".<sup>2</sup>

Near the end of his chapter on native administration Lugard summarised the principles of indirect rule. These principles were basically twofold: "To rule indirectly through the Native Chiefs . . .", and "To maintain and develop all that is best in the indigenous methods and institutions of Native rule . . .".<sup>3</sup>

This support of traditional authorities was the essential ingredient in Lugard's scheme. Indeed, the prime directive in the Memoranda read:<sup>4</sup>

The de facto rulers who after the British conquest . . . had been reinstated . . . and all other de facto Chiefs who had been recognised by Government, were to be supported in every way and their authority upheld.

Moreover, "it was the duty of a Resident to rule through the Chiefs, to endeavour to educate them in the duties of rulers, to seek their co-operation

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1. Lugard, Political Memoranda, Third Edition, p. 9.

2. Kirk-Greene, The Principles of Native Administration, p. 11.

3. Lugard, Political Memoranda, Third edition, pp. 3-7-8.

4. Ibid., p. 297.

and to maintain their prestige". However, Lugard made it clear that these rulers were not to be conceded sovereign rights. As he argued, "The Native Chiefs thus recognised were not to be regarded as independent rulers. They were the delegates of the Governor . . .". Indeed, in the last analysis, a chief was required to comply with Government directives. The Dual Mandate put it in this manner:<sup>1</sup> "advice on matters of general policy must be followed, but the native ruler issues his own instructions to his subordinate chiefs and district heads - not as the orders of the Resident but as his own".

This, in essence, was Lugard's system of indirect rule. But, as Michael Crowder has pointed out<sup>2</sup>, it was a system which could have its spirit altered fundamentally according to how one interpreted the advisory role which the colonial administrators were to assume. If, for example, this role was to be interpreted as passive, then the form of indirect rule was transformed from interventionist to non-interventionist, from dynamic to static. Lugard's successors interpreted indirect rule in just this manner, and, as a result, indirect rule entered a phase of ossification.

Under men like Girouard, Bell, and particularly Sir Charles Temple, indirect rule was redefined in Northern Nigeria. These men treated the Native Administrations as though they were quasi-independent states, and encouraged minimal interference in their internal affairs by colonial administrators. Kirk-Greene has described the supporters of these views as<sup>3</sup>

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1. Lugard, Dual Mandate, Fifth Edition, p. 201.
  2. Crowder, West Africa Under Colonial Rule, p. 218.
  3. Kirk-Greene, Principles of Native Administration, p. 11.

the rigid school of thought of the 1920's, with its insistence on the rationale of indirect rule as the protection of the native against the disintegration that would, they sincerely believed, result from too rapid a contiguity with western civilisation.

As Temple has been considered the epitome of this school of thought, his philosophy may be taken as representative.

Temple served as Chief Secretary in Northern Nigeria between 1910 and 1913, and as Lieutenant-Governor of the territory from 1914 to 1917. He was thus in an admirable position to affect colonial policy in this region. In his writings he revealed himself as a propagandist for minimal interference with traditional institutions. Indeed, his advice to colonial administrators was<sup>1</sup>

to create a situation resembling as far as possible that which existed, or might be imagined to have existed, were a thoroughly able, well-meaning, liberal-minded Emir ruling over a unit untouched by foreign influence.

This non-interventionist philosophy resulted, as Crowder has pointed out, in a reluctance "to depose Emirs except in extreme and obvious cases of misrule".<sup>2</sup> Consequently, the situation arose where the Native Administrations, and especially those of Northern Nigeria which were the show pieces of indirect rule, began to develop along autocratic lines. In fact, they actually began to militate against modernisation.

Temple's departure from Lugard's interpretation of indirect rule is seen most clearly in the clash that erupted between these two men over the question of Native Treasuries.<sup>3</sup> Whereas Lugard believed that the

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1. C.L. Temple, Native Races and Their Rulers (Capetown: 1918), p. 67.
  2. Crowder, West Africa Under Colonial Rule, p. 221.
  3. Margery Perham, Lugard: The Years of Authority 1898-1945 (Hamden Connecticut: Archon Books, 1968), pp. 474-484.

Treasuries should contribute their funds directly to a central treasury, which would in effect maintain the subservience of the Native Administrations, Temple believed that the Native Treasuries should be more-or-less autonomous. The Colonial Office decided in favour of Temple<sup>1</sup>, and, as a result, a centrifugal characteristic was added to native administration policy. This tendency later became manifest in the belief that the Native Authorities had 'inherent rights', and that the ultimate object of British rule was the return to these agencies, at some future date, of their sovereignty. It was a goal which Temple anticipated.<sup>2</sup>

I see no reason whatsoever he wrote, to take the more organised Filane Emirates and Yoruba Chieftainates as examples, why some of the more advanced communities should not enjoy many of the advantages of self-government today, and why powers equal to those wielded in respect to the management of internal and domestic affairs by the Self-Governing Colonies could not, if the policy of Indirect Rule should be consistently and intelligently applied, be granted to such units within one or two generations. In the case of those groups which are less advanced today the process will take longer, but that is all the difference.

This interpretation, however, was fundamentally different from that of Lugard which regarded the Native Authorities strictly as organs of local government.

These developments in turn precipitated a critical response<sup>3</sup>, and led

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1. Michael Crowder, The Story of Nigeria (London: Faber and Faber, 1973), p. 246.
  2. Temple, Native Races and Their Rulers, p. 79.
  3. For some representative works critical of this form of indirect rule see W.R. Crocker, Nigeria: A Critique of British Colonial Administration (London: George Allen and Unwin Ltd., 1936); R.S. Rattray, "Present Tendencies of African Colonial Government", Journal of the African Society (January, 1934); W.M. Macmillan, "The Government of Crown Colonies, the Development of Self-Government", Political Quarterly (1938); and Africa Emergent (London: Faber & Faber Ltd., 1938); and R. Coupland, The Empire in These Days: An Interpretation (London: Macmillan & Co. Ltd., 1935).

to an attempt to liberalise indirect rule. The key figure in this process was Donald Cameron, the former Governor of Tanganyika, and, the Governor of Nigeria from 1931 until 1935.

Cameron had begun to formulate his theory of 'indirect administration' as early as 1925, while he was still in East Africa.<sup>1</sup> These views were expanded more fully five years later when he produced an important memorandum on the principles of native administration for the Tanganyika Territory<sup>2</sup>, and they found their ultimate expression in the Nigerian memorandum he prepared on the same subject.<sup>3</sup>

Margery Perham has indicated that Cameron's work was basically "a restatement of the principles of indirect rule laid down by Lord Lugard".<sup>4</sup> Indeed, upon assuming the Governorship of Nigeria, Cameron reacted quickly against what he termed the 'feudal autocracies', the

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1. Kirk-Greene, Principles of Native Administration, p. 39, fn. 106. States that these views were expressed first in Tanganyika Circular Number 50 of 1925, which was later appended to the draft copy of the Native Authority Ordinance published in 1926. It was also included in the Annual Report for Tanganyika, 1925. This document and subsequent statements by Cameron on native administration in Tanganyika, was circulated in the Gold Coast during the late-1920's, and it was a contributing factor to the Gold Coast Government's decision to transform indirect rule in that territory from the non-interventionist to the interventionist variety. For further details see Robert Lewis Stone, "Colonial Administration and Rural Politics in South-Central Ghana, 1919-1951" (Cambridge: Ph.D. Thesis, 1974), p. 96, fn. 3.
  2. Donald Cameron, Principles of Native Administration and Their Application, second edition (Dar Es Salaam: Government Printer, 1930).
  3. Cameron, Principles of Native Administration, 1934.
  4. Perham, Native Administration in Nigeria, p. 334.

"Native Administrations which are reactionary and repressive in their tendencies, in some instances depending for their authority on fetish and superstition for the most part".<sup>1</sup> As he continued:

the judgement that I have been able to form is that in some measure we have departed from the intention and principles of Lord Lugard in this respect; particularly drifting into the habit of mind - I use the word 'drift' with intent - in drifting into the habit of mind that a feudal autocracy of this kind is the be-all and end-all of Indirect Administration.

Cameron began by advocating a policy of support for traditional political institutions. However, he carefully qualified the type of traditional authority which he considered acceptable. In his opinion, support could only be extended to an "authority which according to tribal tradition and usage has in the past regulated the affairs of each unit of native society and which the people of today are willing to recognise and obey".<sup>2</sup> The words 'recognise and obey' were the operative words in Cameron's definition, and he rejected the notion that anthropological exercises should be conducted in order to locate the traditional authorities which the people 'must at some time have obeyed'.<sup>3</sup>

If a measure of popular support was meant to militate against the autocratic tendencies that had crept into some of the Native Authorities, the same was true of Cameron's advocacy of a conciliar form of government. It was his firm belief that "Where the authority is vested in a council no question of the ascendancy of an autocrat should arise". Moreover, he argued that no tribal head was 'constitutionally an autocrat' for his

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1. Cameron, Principles of Native Administration, 1934, p. 13.

2. Ibid., p. 7.

3. Ibid.

powers were 'circumscribed by native tradition and custom'. However, where these traditional restraints had fallen into disuse they would have to be ascertained and revived.<sup>1</sup>

When it came to the role that indirect rule was to play in African society Cameron was quick to reaffirm Lugard's interpretation of it as a form of local government. According to Cameron's definition<sup>2</sup>, it was a system

designed to adapt for the purposes of local government the tribal institutions which the native peoples have evolved for themselves, so that the latter may develop in a constitutional manner from their own past, guided and restrained by the traditions and sanctions which they have inherited, moulded and modified as they may be on the advice of British Officers, and by the general control of those officers.

It was a system which was, to again use Cameron's words, 'a means and not an end'<sup>3</sup>, and its object was "to grant our higher civilisation upon the soundly rooted native stock".<sup>4</sup>

By defining indirect rule in this manner Cameron set himself against those, like Temple, who regarded the Native Authorities as potential self-governing bodies. Indeed, he argued strongly against the Balkanisation that such a policy would entail.<sup>5</sup> As for those who believed that the Native Authorities possessed an 'inherent right' to rule Cameron declared that "the Authority itself must understand that it has no right to its place and powers unless it renders proper service to the State".<sup>6</sup>

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1. Cameron, Principles of Native Administration (1934), pp. 15-16.

2. Ibid., p. 1.

3. Ibid., p. 7.

4. Ibid., p. 5.

5. Ibid., p. 4.

6. Ibid., p. 26.

The Colonial Office's acceptance of this restatement of indirect rule meant a return to an interventionist form of native administration, and, during the 1930's this policy was systematically applied throughout British West Africa. Although this task may sound straightforward, it was not so, for in applying the principles of indirect rule to West Africa the Colonial Office was confronted with a bewildering array of traditional political systems to which this theory had to be adapted. Thus, while theoretically simple, in practice indirect rule was amazingly heterogeneous.<sup>1</sup>

The need to cater for this diversity had been made abundantly clear in Nigeria where an attempt had been made to establish a relatively uniform system of native administration. The model employed for this purpose was based upon British experience with politically sophisticated areas in the North such as the Hausa States of Sokoto, Kano Bornu, and Zaria. These states had highly developed forms of administration, systems of direct taxation, and, most important, readily discernable leaders who could be designated 'Native Authorities'. However, elsewhere in Nigeria authority was not so easily identified. Indeed, even in the North, with people such as the Tiv<sup>2</sup>, difficulties were encountered. In the Western

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1. Hailey's Native Administration in British Africa remains the best description of this very complex state of affairs. A more brief account is to be found in J.B. Webster and A.A. Boahen, The Growth of African Civilisation: The Revolutionary Years in West Africa Since 1800 (London: 1967), Chapter 17: "West Africans and Indirect Rule".
  2. David Craig Dorward, "The Development of British Colonial Administration Among the Tiv, 1900-1949", African Affairs, Vol. 68, No. 273 (October, 1969), pp. 316-333.

and Eastern Regions the problems were even more formidable. Here a failure to appreciate the true nature of political authority led to a situation where Native Authorities were imposed. For example, in Western Nigeria Lugard mistakenly equated the position of Oba with that of a Hausa Emir. The promotion of such persons to Native Authorities, and the subsequent attempt by these Authorities to collect taxes led to bitterness and bloodshed.<sup>1</sup> Moreover, it led to the fostering of a system contrary to tradition, a system which one Nigerian Governor described as "a thinly disguised form of direct administration by British Officers".<sup>2</sup> In Eastern Nigeria authority was even more diffuse, and the attempt to impose chiefs led to greater difficulties.<sup>3</sup> As in the case of the Western Region the result was unrest and the outbreak of violence such as occurred in Aba in 1929. Thus it was that Cameron declared, when he came to the Governorship of Nigeria in the mid-1930's, that only Native Authorities 'which the people of today are willing to recognise and obey' could be appointed. Consequently, by the outbreak of the Second World War, indirect rule in Nigeria came to mean anything from rule by a single Emir in the North to rule by a broadly based clan or village council in the East.

The introduction of the Nigerian form of indirect rule to the rest of British West Africa took place during the mid-1930's. This action was taken in order to rationalise a native administration policy which was

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1. Crowder, Story of Nigeria, pp. 246-249.
  2. Governor Clifford as quoted in P. Igbafe, "British Rule in Benin 1897-1920: Direct or Indirect" Journal of the Historical Society of Nigeria, Vol. III, No. 4 (June, 1967), p. 716.
  3. For details see A.E. Afigbo, The Warrant Chiefs: Indirect Rule in Southeastern Nigeria 1891-1929 (London: Longmans, 1972).

either laissez-faire<sup>1</sup>, direct<sup>2</sup>, imposed<sup>3</sup>, or a combination of these features.

In the Gold Coast native administration policy was of the laissez-faire variety, except for Ashanti which was under direct administration. The laissez-faire approach in the Gold Coast led to a non-interventionist form of rule. Indeed, it resulted in a situation where the Government had little or no control over the appointment and dismissal of chiefs, and no constitutional basis for intervention in the internal affairs of the Native Authorities. Moreover, because of the recognition extended to the chiefs in the various treaties which collectively defined native administration policy in this colony, there was speculation that the Gold Coast chiefs actually possessed 'inherent rights'.<sup>4</sup> During the 1920's, what with the growth of the educated elite and nationalism in the Gold Coast<sup>5</sup>, the Government was forced to strengthen the position of the chiefs. Consequently, it was not until 1936, when the Native Treasuries Ordinance was introduced, that interventionist indirect rule was initiated. And it was not until 1944, when the Native Authority and Native Courts Ordinances were passed, that the colonial authorities were able to exercise control over the

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1. Crowder, West Africa Under Colonial Rule, p. 221.

2. Ibid., p. 230.

3. Ibid., p. 226.

4. Hailey, Native Administration in British Africa, pp. 201-202.

5. For details see David Kimble, A Political History of Ghana: The Rise of Gold Coast Nationalism, 1850-1928 (Oxford: Clarendon Press, 1963).

Native Authorities in the manner that they did in Nigeria. But, as was the case in Nigeria, this control was exercised through agencies that the people would respect and obey. Thus, when indirect rule replaced direct administration in Ashanti, the Prempeh, who had been deposed at the time of pacification, was allowed to return, and the Ashanti Confederacy Council was re-established and designated the Native Authority for the territory.<sup>1</sup>

Native administration policy in Sierra Leone was basically laissez-faire, although it is true that the Government did possess the power to depose chiefs.<sup>2</sup> However, as Kilson has pointed out, this system was geared mainly to the preservation of law and order, and therefore it was incapable of dealing with the socio-economic forces that were being felt in the Protectorate by the early-1930's.<sup>3</sup> Thus, between 1933, when the Protectorate Ordinance was implemented, and 1937, when the Tribal Authorities Ordinance and the Chieftom Tax Ordinance were passed, native administration policy in Sierra Leone was reconstituted along interventionist lines.

In the Gambia a system of imposed chiefs, similar to that adopted in Eastern Nigeria, was the basis of native administration policy. However, unlike Nigeria this system flourished, for as Crowder has noted 'such an

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1. For details of the restoration of the Confederacy Council see Chapter XV of William Tordoff's Ashanti Under the Prempehs, 1888-1935 (London: Oxford University Press, 1965).
  2. Crowder, West Africa Under Colonial Rule, p. 225.
  3. Martin Kilson, Political Change in a West African State: A Study of the Modernization Process in Sierra Leone (Harvard University Press, 1966), p. 18.

imposition was not alien'.<sup>1</sup> This state of affairs lasted until 1933, when a Nigerian-style Native Administration Ordinance was issued. This Ordinance was coupled with a pair of political memoranda, based on Cameron's 1926 Tanganyika Memorandum, which placed native administration policy in the Gambia firmly in the interventionist tradition.<sup>2</sup>

Although interventionist indirect rule had by the end of the inter-war period become the basis of local government policy in British West Africa, there was one important exception to this rule. In those urban areas where tribal authority had broken down or never existed indirect rule was simply not possible, thus it was found necessary to resort to a form of municipal government. The areas so affected were those coastal townships which had long contact with Europeans and relatively large educated populations: that is to say, the four capitals of British West Africa; Lagos, Bathurst, Freetown, and Accra, as well as Cape Coast and Sekondi in the Gold Coast. In form these municipalities varied considerably. Most were like Lagos and possessed few powers and minimal African representation. On the other extreme was the Freetown City Council which existed between 1893 and 1925, and which was granted fairly extensive powers and an elected African majority. But, the fact remains that during the inter-war period municipal government remained something of an aberration in the native administration policy.

As can be seen British colonial policy was quite consistent at the local level in British West Africa. Indeed, it is not until one examines the central political institutions of these colonies that the duality of

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1. Crowder, West Africa Under Colonial Rule, p. 226.

2. Hailey, Native Administration in British Africa, p. 336.

British colonial policy becomes apparent. At this level the political superstructure of Crown Colony Government was placed atop the edifice of indirect rule. Although not necessarily incompatible with indirect rule the legislative and executive councils established under this system represented a different philosophy of political development to that of the native administration policy. As will be seen, by the outbreak of the Second World War, the Colonial Office had come to the conclusion that sooner or later it would either have to choose between these systems or find some method whereby they could be harmonised.

The history of the development of the legislative and executive councils in British colonial history is well known<sup>1</sup>, and it is not necessary to repeat it here. However, it is necessary to have some appreciation of the constitutional framework of British West Africa at the outset of the period under consideration.

Next to the Governor the most important political institution of Crown Colony Government was the Executive Council. In the case of British West Africa these institutions were constituted by similar constitutional instruments and were thus more-or-less identical.<sup>2</sup> Indeed, they all shared two major features. First, they were similar in composition. That is to say that their membership was restricted primarily to the heads of Government departments and other senior Colonial Service officers. Secondly, they were delegated identical functions. In this regard they

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1. See Martin Wight, The Development of the Legislative Council 1606- 1945 (London: Faber & Faber, 1946), and H.V. Wiseman, The Cabinet in the Commonwealth: Post-War Development in Africa, the West Indies, and South East Asia (London: Stevens & Sons Ltd., 1958).

2. Further details on this subject are to be found in Chapter IV: "The Seeds of Cabinet Government?".

were limited to a purely advisory role to the Governor, and were thus denied any right to initiate legislation.

On the other hand, the Legislative Councils of British West Africa were delegated a wide range of powers and were of a more representative character.

Although empowered to legislate for the 'peace, order, and good government' of the territories under their jurisdiction the Legislative Councils were subject to constitutional limits on their power. For example, the Legislative Council Orders-in-Council stated that:<sup>1</sup>

ordinances were not to affect treaty rights; they were to respect native laws relating to civil relations except in so far as 'the same may be incompatible with the due exercise of His Majesty's powers and jurisdiction or clearly injurious to the welfare of the said natives'; they were not to prejudice matters which were at the moment sub judice; nor were they to be repugnant to any imperial order in council.

In addition, the Governor's Instructions enumerated a list of matters which could only be legislated upon with the Secretary of State's permission.

This list included:<sup>2</sup>

divorce, grants of land or money to the Governor, currency or the issue of bank notes, the powers of banking associations, the imposition of differential duties, the making of treaties with foreign powers, the discipline of the armed forces, the prerogative, the rights and property of British subjects not residing in British West Africa, the trade of shipping of the United Kingdom and its dependencies, and finally any ordinance which differentiated against those who were not of European birth or which contained provisions to which royal assent had already been refused.

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1. Joan Wheare, The Nigerian Legislative Council (London: Faber & Faber, 1950), p. 39.
  2. Ibid., pp. 39-40; and Wight, Development of the Legislative Council, pp. 152-153.

The final area in which the Council's powers were regulated was finance. In this regard, each colony had to submit all estimates of revenue and expenditure to London for approval.<sup>1</sup>

In terms of their memberships the Legislative Councils of British West Africa were also similar. Indeed, with the exception of the Gambia, all were constituted with an official majority and an unofficial, but partly elected, minority.

The first territory in British West Africa to be granted elective representation was Nigeria.<sup>2</sup> By the provisions of the so-called Clifford Constitution a Legislative Council composed of twenty-seven officials and nineteen unofficials was established. Of these unofficials four, three to represent Lagos and one to represent Calabar, were to be elected. However, the franchise for this process was restricted to adult males who were either British subjects or natives of the Protectorate who had resided in the territory for a minimum of twelve months, and who had a minimum annual income of one hundred pounds.

Sierra Leone followed the Nigerian example in 1924. The Legislative Council so established in that year was composed of twelve officials and ten unofficials.<sup>3</sup> Of the ten unofficials two were Europeans representing commerce, two were nominated to represent the Colony, three were Paramount Chiefs nominated to represent the Protectorate, and three were elected by

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1. Wight, Op. cit., pp. 153-154; and Wheare, Op. cit., p. 40.
  2. For details see Wheare, Nigerian Legislative Council, Chapter II: "The Constitution of 1922"; and Tekena N. Tamuno, Nigeria and Elective Representation 1923-1947 (London: Heinemann Books, 1966).
  3. Kilson, Political Change, Chapter 7: "The Making of the 1924 Constitution".

a Colony electorate. The three constitutencies established under this scheme were to represent the two urban areas of Freetown and Sherbro, as well as the rural area of the Colony. As for the franchise, it was to be given, in the urban areas, to all adults with a yearly salary of one hundred pounds, or to persons who were owners or occupants of premises with an annual rent of at least ten pounds. In the rural constituency these qualifications were reduced to sixty and six pounds respectively.

A year after the Slater Constitution had come into effect in Sierra Leone a new constitution was promulgated in the Gold Coast.<sup>1</sup> In the reconstituted Legislature fifteen official members sat alongside fourteen unofficials. Of the unofficial representatives, three were directly elected: one each from Accra, Cape Coast, and Sekondi. The franchise for the electors of these members was restricted to those adults of these townships who occupied premises of a rateable value of six pounds per annum. Of the remaining unofficials five were Europeans. Two of these represented mercantile and mining interests and were elected by their own professional organisations. The remaining three were nominated by the Governor. Finally, there were six African members which were to be elected by the newly established Provincial Councils. These Provincial Councils were the distinctive feature of the new constitution. Three such councils

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1. For further details see Martin Wight, The Gold Coast Legislative Council (London: Faber & Faber, 1947), Chapter II: "The Constitution of 1925"; and Kimble, Political History of Ghana, Chapter XI: "The Construction of the Legislative Council 1850-1928".

were established, one for each of the three regions of the Gold Coast Colony.<sup>1</sup> The basic function of the Provincial Councils was to act as electoral colleges for the Legislative Council. Indeed, each Council elected two of its number to positions on the Legislative Council. As the Provincial Councils were but a collection of Native Authorities the members they sent to the Legislature were all chiefs. As will be seen this novel feature was to assume prominence in the reforms under consideration.

The final territory under consideration, the Gambia, possessed a Legislative Council with an official majority and an unofficial, but wholly nominated, minority.<sup>2</sup> By the late-1930's the unofficial segment of the Council had come to be composed of one representative of the business community, two nominated African members representing the Christian and Moslem communities, and one African member nominated by the Bathurst Urban District Council. It was not until after the Second World War that the elective principle was extended to the Gambia.

These then were the salient features of British administration in

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1. At this juncture a small note should be made concerning the jurisdiction of the legislative councils under consideration. In the case of the Gold Coast, the Council legislated only for the area known as the Colony. Ashanti and the Northern Territories were placed under the direct authority of the Governor in Executive Council. In Nigeria the Legislature's authority extended beyond the Colony and embraced the Eastern and Western Provinces of the Protectorate. The Northern Province, however, remained under the control of the Governor. Meanwhile, in Sierra Leone and the Gambia the Legislative Council legislated for both the Colony and Protectorate. For details see Wight, Development of the Legislative Council, p. 155.
  2. For details see Harry A. Gailey, Jr., A History of the Gambia (London: Routledge & Kegan Paul, 1964), pp. 185-6.

West Africa. Basically, this policy was erected upon the traditional political systems of the areas involved, but it was capped with infant parliamentary institutions. Thus, two lines of development existed. The question therefore arose: How were the potential contradictions between these two systems to be resolved?

In his attempt to solve this problem which had been identified by Hailey and others Secretary of State MacDonald drew upon the expertise of authorities both inside and outside the Colonial Office. As he later recalled:<sup>1</sup>

I appointed a little committee of unofficial advisors, a little group who used to come periodically at my invitation to discuss problems with me as Secretary of State, and I think with some of my, in that case, top officials present, to express their views to me, and I listened to them and no doubt was influenced by them as well as by my official advisors a great deal before I took decisions on policy, not afterwards.

The most important of these meetings took place at the Carlton Hotel in October, 1939, where, for the first time, the question of the future political development of Africa was discussed at length.<sup>2</sup> This meeting is extremely important because it both documents the views in currency at that time, and reveals clearly that the institutional dualism inherent in British colonial policy in Africa was recognised as being at the very heart of the matter.

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1. MacDonald Interview.

2. CO847/17/47135: "Future Policy in Africa: Record of a Discussion Held at the Carlton Hotel on 6th October, 1939". All subsequent references in this section are to this document. At this meeting the Colonial Office was represented by MacDonald, the Marquess of Dufferin and Ava, Sir Cosmo Parkinson, Sir John Shuckburgh, Sir Henry Moore, Sir Edmund Brocklebank, A.J. Dawe, and F.J. Pedler. The unofficials invited to this meeting included Lugard, Hailey, Professors Coupland and Hancock, Dr. Julian Huxley, and Margery Perham.

MacDonald himself began the proceedings by informing his audience that the fact that the meeting had been called "did not signify that any important change in policy was being inaugurated". Having established that he sought the views of those assembled merely for his personal edification MacDonald turned the discussion to the question of political development. As the transcript records, he raised the basic question:

Where indirect rule is the recognised policy it is time we got a clear idea of what we are aiming at. We should also have a clearer idea as to how the development of Native Authorities and of Legislative Councils in the same territories was to be harmonised.

MacDonald felt that this question would have to be examined in depth, and that only when 'the necessary knowledge was available' would it be possible to frame the 'ultimate objectives' of British colonial policy.

Lord Lugard was the first to address himself to these remarks. He put forward the view that parliamentary institutions were not suited to the African. As he saw it, the goal to which colonial policy should have been directed was the gradual formation of central councils based on the precepts of indirect rule.

While refraining from making any concrete recommendations, Lord Hailey restated the problem, and injected a note of caution into the proceedings. According to the transcript he

felt that the African Governments were in a very dangerous political position. They were always being pressed to increase the powers of existing legislature, for example by conceding elected majorities. Such a step would be irretraceable. He had never seen any attempt to square native administration as we see it now with the development of parliamentary institutions. Any investigation of this question must assume that the ultimate goal is self-government. But must we assume that the form of self-government should be Parliamentary?

This was indeed the central question.

Professor Coupland believed that greater African representation on the legislative councils should have been conceded, and that Africans should have been admitted to the executive councils. He argued for a programme of immediate constitutional reform in order to gain the support of the educated elements in the colonies. Failure to follow such a course would result, as he believed the Indian example clearly illustrated, in the alienation of the intelligentsia. Hailey retorted that this course could only be followed if this was the direction in which the native political institutions were to be developed, and he wondered if it might not be better to seek alternative means of integrating the Native Administrations. Coupland agreed and noted that he had been referring only to those areas in the Gold Coast and Nigeria where the intelligentsia was entrenched and where the Government was already committed to parliamentary institutions. He did suggest, however, that there was no reason why the Native Administrations should not be brought into the orbit of the Legislative Councils.

Margery Perham recognised that institutionally African politics were developing on two levels. In her words:

There was the plane of the tribes which corresponded to realities. Then there was the plane of our big state system imposed artificially from above. We have related the Africans to the big state through the Legislative Councils and through the Civil Service. On the tribal plane political education through indirect rule is slow. Meanwhile, on the plane of the big state the intelligentsia are very rapidly acquiring political consciousness and naturally wish to capture the big state system. We shall probably give in to them too soon. We ought to try to connect the two planes by setting up large regional councils of native administrations. The object of this should be to speed up the political education of the native authorities and to head off the intelligentsia from the state system.

She did concede however, that the regional councils, if developed

would for some time be as artificial as the big state system. Lugard, Hailey, and Coupland all found themselves in agreement with these remarks. Sir Henry Moore, one of the Assistant Under-Secretaries of State, in closing the debate on political development, point out that they were involved in a 'race against time', and that if development was not to be along the lines of parliamentary institutions it would be imperative to state, as soon as possible, the lines upon which development was to proceed.

The issue continued to be discussed at the Colonial Office where the views of Lugard and Perham came under attack. Arthur Mayhew, for example, referred to <sup>Miss</sup> Perham's attitude towards the African intelligentsia as rather 'loose talk'. Indeed, he complained:<sup>1</sup>

How can the English nation give higher education to Africans without making them politically conscious and how can we avoid trouble if we try to exclude the products of our own education from politics?

We have much to learn from what has happened in India where very much of the trouble has been due to that attitude towards "the native intelligentsia" which is manifest in Miss Perham's remarks. You cannot keep educated Africans within the sphere marked out for him by anthropologists and politically nervous administrators.

J.L. Keith, an official in the Welfare Department, also disagreed with <sup>Miss</sup> Perham's remarks, and thought that the Office should be endeavouring to harmonise the various political institutions in Africa. As he minuted:<sup>2</sup>

In spite of our endeavours to revise and adapt what we are pleased to call native customary institutions the Africans themselves are increasingly looking towards our own political institutions, however absurd they may be, as the goal for their own political ambitions. I think with Sir H. Moore that if we do not intend to allow the Africans to follow this line it is urgently necessary to say what political future we will allow

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1. CO847/17/47135: Arthur Mayhew, minute, 2 November, 1939.
  2. CO847/17/47135: J.L. Keith, minute, 3 November, 1939.

them. I do not think we really have any choice.

I am glad to see that Lord Lugard and Miss Perham admit that indirect rule must be developed to give the Africans a wider political sphere but I do not believe that it is practicable or desirable "to head off the intelligentsia" (I suppose this means the educated people) from the "state system" or that we should allow ourselves to be influenced by Lord Lugard's pontifical declaration that parliamentary institutions are not suited to Africans. I think that we should consider ways and means of marrying the dual political system in Africa as soon as possible.

Similar views were being expressed in the Legal Department where Sir Gratten Bushe wrote:<sup>1</sup>

No matter what the Old Guard may say, you cannot turn Africa into Conan Doyle's 'Lost World', and I feel sure that British ideas, British institutions, and British law are going to prevail. Indirect rule, to my mind, had much better be used as a means to the end of educating Africans to take their parts in those institutions than as a means to preserving them as interesting museum pieces.

Clearly then there was some consensus in the Colonial Office. Indeed, the Office was willing to maintain, and even build upon the edifice of indirect rule if investigations revealed this to be a viable course. But, it was not willing to go so far as to alienate the intelligentsia. To the Office indirect rule was merely a means to an end. It was a system which, to quote one Assistant Secretary at the Office, was not "necessarily superior to other systems or destined to survive beyond the initial stages of development".<sup>2</sup>

The foregoing reveals that two major questions were beginning to dominate the debate on the future political development of Africa: questions which implicitly raised the issue of political leadership in a colonial state. The first concerned the ultimate objectives of British

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1. CO847/17/47135: Bushe, minute, 7 November, 1939.

2. CO847/17/47135: Seel, minute, 11 March, 1939.

colonial policy. That is to say, whether or not self-government was to be the final goal of colonial rule, or for that matter, what exactly was meant by self-government. As will be seen in the next chapter the need for an answer to these questions became more acute after the publication of the Atlantic Charter. Secondly, the debate focused upon indirect rule and its future role in the political development of Africa. Again, as will be seen, the resolution of this problem became the focal point in the constitutional debate that was to follow.

## CHAPTER II

### THE QUESTION OF SELF-GOVERNMENT

In 1938, Lord Hailey wrote, "The political future which British policy has assigned to the African colonies must be understood to be that of self-government based on representative institutions".<sup>1</sup> Hailey based this assumption upon the constitutional documents that were available to him, and upon the various declarations of policy<sup>2</sup> which had been made by past Secretaries of State. These statements reveal that, during the inter-war period, the concept of eventual self-government for the colonies had become enshrined as a high moral principle. But, more than that, it had become a platitude. It was commonly believed that generations at least, and more probably centuries, would have to elapse before this state could be achieved. Consequently, it was considered sufficient to merely pay lip service to this remote objective of British colonial policy. Moreover, as Hailey has pointed out, it was never "in the British tradition to explore far-reaching constitutional issues until the force of circumstances [made] it essential to do so . . .".<sup>3</sup> The publication of the Atlantic Charter provided such a force of circumstances and, as a result, the Colonial

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1. Hailey, African Survey (1938), p. 1639.
  2. This topic has been dealt with more than adequately elsewhere. For further details see Kenneth Robinson, The Dilemma of Trusteeship: Aspects of British Colonial Policy Between the Wars (Oxford: Oxford University Press, 1965); and the extremely valuable synopsis of these statements contained in Albertini, Decolonization, particularly the chapter entitled, "Trusteeship and Self-Government in the Colonies".
  3. Hailey, African Survey (1938), p. 252.

Office found it necessary to take a hard look at the ultimate goal of its policy.

On 14 August, 1941, on a warship off Placentia Bay, Newfoundland, Winston Churchill and Franklin D. Roosevelt signed a short statement which became known as the Atlantic Charter.<sup>1</sup> The third clause of this communique was to have profound repercussions in the Colonial Office and read:<sup>2</sup>

Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them.

This unqualified statement by a British Prime Minister led quite naturally to the conclusion that this pronouncement was to apply to

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1. For additional information on the Atlantic Conference see the definitive study of this meeting by Theodore A. Wilson, The First Summit: Roosevelt and Churchill at Placentia Bay 1941 (London: Macdonald, 1970). More general accounts are to be found in H.C. Allen, Great Britain and the United States: A History of Anglo-American Relations 1783-1952 (London: Odhams Press Limited, 1954); and Ruth B. Russell, A History of the United Nations Charter: The Role of the United States (Washington: The Brookings Institution, 1958). The principals in this event have also set down their versions of the proceedings. See Winston S. Churchill, The Second World War: Volume III: The Grand Alliance (London: Cassell & Co. Ltd., 1950); Sumner Welles Under Secretary of State, State Department, Where Are We Heading? (New York: Harper and Brothers, 1946); and David Dilks (ed.), The Diaries of Alexander Cadogan Permanent Under Secretary of State, Foreign Office (London: Cassell & Co. Ltd., 1971). Although Franklin Roosevelt has not left us his account of this event his son, who was in attendance at the conference, has provided us with a record of his father's role: Elliott Roosevelt. As He Saw It (New York: Duell, Sloan and Pearce, 1946).
  2. Great Britain, Cmd. 6321: "Joint Declaration by the President of the United States of America and Mr. Winston Churchill representing His Majesty's Government in the United Kingdom known as the ATLANTIC CHARTER" (London: H.M.S.O., 1941).

the British Empire. The Colonial Office was caught entirely off guard by this development and was forced onto the defensive. So too was the British Government which found it necessary to issue an interpretive statement on the Charter.

In order that the Prime Minister could prepare his speech on the Charter both the Colonial and India Offices were required to submit draft statements to the War Cabinet on the question of the political future of the Empire. The Colonial Office's memorandum was drafted sometime before 25 August, 1941, and was entitled "The Constitutional Future of the Colonial Empire".<sup>1</sup>

The Secretary of State for the Colonies, Lord Moyne, began his department's memorandum by stating that present constitutional policy was "based on the assumption that the aim must be the gradual development of local institutions leading to fully responsible self-government as separate units". However, Moyne wondered whether or not this 'legacy' of the Dominions should be regarded as the solution for all the colonies. As he argued, "I am clear that we are right to foster and promote the healthy growth of local institutions . . . but I am not convinced that this necessarily implies eventual self-government as separate units".

Moyne believed that responsible self-government might be possible in the 'far distant future' in some of the larger colonies, such as Nigeria; but, in small colonies, such as the Gambia, or strategically

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1. CO323/1858 Part II/9057: draft memorandum by the Secretary of State for the Colonies, undated.

important dependencies, such as Gibraltar, he considered independence to be out of the question. For these territories Moyne wondered whether or not 'other means' could be found to permit these colonies to take 'their due place in the Government of the Empire'. For example, he suggested that it might be possible to associate some of the African colonies with their 'neighbouring foreign colonies' in order to make them economically more viable. Another possibility was to be found in the French practice of sending colonial representatives to the metropolitan parliament. However, these ideas were merely suggestions, and Moyne's major purpose was to point out that "Gradual development towards Dominion status cannot be the only form of constitutional evolution that is consistent with the principles for which we stand".

Turning to the Atlantic Charter itself Moyne wrote:

The phrase in Point III of the Atlantic Charter that "we respect the right of all peoples to choose the form of government under which they will live" is frankly an unfortunate one from the Colonial point of view. It was of course, used, as is obvious from the context, with the nations of Europe in mind. But in the Colonies we cannot admit the right of unfettered choice to those who, in the words of the League of Nations Covenant, are "not yet able to stand by themselves under the strenuous conditions of the modern world". The idea behind it would, from our point of view, be much more satisfactorily expressed by the phrase: "Government must have the consent of the governed".

Moreover, Moyne argued that whatever the form of government to be adopted for the colonies it would have to be compatible with British 'ideas of freedom and justice'. But, once again he made it clear that 'democracy, parliamentary institutions and the ballot box' were not to be considered the only means of 'giving effect to these ideas'. Indeed, in the case of Africa Moyne confessed that the idea of

democratic election was 'quite foreign to the African mind', and that the African would be "much more likely to find due expression by the process of infinite discussion in open meeting ending in something approaching acclamation".

In conclusion Moyne advocated "great caution in applying terms like 'democracy' or 'the development of self-governing institutions' to the Colonial Empire". The aim, as he saw it, was to provide the colonial peoples with institutions, within the Imperial context, which would be capable of extending to these peoples the ability to express their aspirations.

Prior to the War Cabinet meeting called to discuss the Atlantic Charter, the India Office approached the Colonial Office with the proposition that a joint statement be drafted by these two offices.<sup>1</sup> Unfortunately, the subsequent negotiation of this joint statement foundered upon the India Office's desire to see the term 'self-governing institutions' appear in the memorandum. Moyne set out the Colonial Office's objections to this wording in very clear terms:<sup>2</sup>

self-governing institutions would probably be interpreted in many quarters to rule out all reserve powers. Some Colonies are so small or strategically so important that complete self-government seems out of the question: and I cannot for instance, imagine any conditions under which we would grant Dominion status to Aden, Gibraltar, the Gambia or British Honduras.

Thus, in the end, it was decided that both the Colonial Office and the

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1. CO323/1858 Part II/9057: Leo Amery to Lord Moyne, 25 August, 1941.
  2. CO323/1858 Part II/9057: Lord Moyne to Leo Amery, 26 August, 1941.

India Office would submit their position papers to the War Cabinet independently.<sup>1</sup>

The War Cabinet met to discuss this issue on the fourth of September. At this meeting the Colonial Office submitted a redraft of Moyne's memorandum which was now entitled, "Interpretation of Point III of Atlantic Declaration in Respect to the British Empire".<sup>2</sup> This submission followed closely the lines of its predecessor, however, in response to the India Office's statement, it argued:

we should be careful not to commit ourselves to fully responsible government as the goal for the whole Colonial Empire. As self-government often means the same thing to the popular mind, I should prefer not to mention self-government either . . . . It is not necessary to the argument and we should avoid any implication that the free choice of the peoples of the Empire would necessarily be for self-government.

It was Moyne's view that a general statement should be issued, and he suggested something along the lines:

The Colonial Empire comprises peoples and territories of many different types and with a variety of institutions, which have evolved in accordance with a particular history and circumstances of each case. That evolution must continue on lines that accord with British conceptions of freedom and justice.

At the meeting itself<sup>3</sup> Moyne re-iterated his dislike of the term self-governing institutions, and he argued that unless the phrase

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1. CO323/1858 Part II/9057: Leo Amery to Lord Moyne, 29 August, 1941.
  2. CO323/1858 Part II/9057: Memorandum by the Secretary of State for the Colonies, 2 September, 1941.
  3. CO323/1858 Part II/9057: "Extract From Conclusions Of A Meeting of The War Cabinet Held At 10 Downing Street On Thursday 4 September, 1941".

was qualified it might "be interpreted as meaning self government in the full sense without any qualifications". After much discussion a compromise was reached and it was agreed that the Atlantic Charter

being a document agreed between Prime Minister and President Roosevelt, was directed to the nations of Europe whom we had hoped to free from Nazi tyranny, and was not intended to deal with the internal affairs of the British Empire, or with relations between the United States and, for example, the Philippines.

A second War Cabinet meeting on this issue was held four days later.<sup>1</sup> At this meeting Churchill read a draft of the statement which he proposed to deliver in the House of Commons. It read in part:

The restoration of sovereignty, self-government and national life at the earliest opportunity to the peoples of Europe now under the heel of Nazi tyranny is clearly a separate problem from the progressive evolution of self-governing institutions in the form most appropriate to the countries and peoples which owe allegiance to the British Crown.

The next day Churchill rose in the House and issued what was in effect Britain's unilateral re-interpretation of the Atlantic Charter. He stated:<sup>2</sup>

the Joint Declaration does not qualify in any way the various statements of policy which have been made from time to time about the development of constitutional government in India, Burma or other parts of the British Empire. We are pledged by the Declaration of August, 1940, to help India obtain free and equal partnership in the British Commonwealth with ourselves, subject, of course, to the fulfillment of obligations arising from our long connection with India and our responsibilities to its many creeds, races and interests. Burma is also covered by our considered policy of establishing Burmese

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1. C0323/1358 Part II/9057: "Extract Of A Meeting Of The War Cabinet Held At 10 Downing Street On Thursday 4 September, 1941".
  2. Hansard, 9 September, 1941.

self-government and by the measures already in progress. At the Atlantic meeting, we had in mind, primarily, the restoration of the sovereignty, self-government and national life of the States and nations of Europe now under the Nazi yoke, and the principles of governing any alteration in the territorial boundaries which may have to be made. So that is quite a separate problem from the progressive evolution of self-governing institutions in the regions and peoples which owe allegiance to the British Crown. We have made declarations on these matters which are complete in themselves, free from ambiguity and related to the conditions and circumstances of the territories and peoples affected. They will be found to be entirely in harmony with the high conception of freedom and justice which inspired the Joint Declaration.

This statement, and in particular its penultimate line, was to return to haunt the Colonial Office.

The Prime Minister's statement elicited a sharp response in the House of Commons, and the Colonial Office found itself called upon to assist in the formulation of answers to Parliamentary Questions. One of the most difficult of these was a motion put forward by Messrs Naxton, Stephen, and McGovern which demanded that self-government be given immediately to all the colonial peoples.<sup>1</sup> As a result of this motion each department of the Colonial Office was asked to prepare a memorandum on the question of constitutional advance. These reports give a further indication of the manner in which self-government was viewed in the Colonial Office in 1941.

The West Africa Department's report<sup>2</sup> is the one most relevant

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1. Hansard, 27 November, 1941: Amendment to the motion accepting the King's Speech (debate of 12 November). This amendment called for the Government to "extend self-government immediately to our own Colonial peoples . . .". For other questions see Hansard, 22 October, 1941; 20 November, 1941; 26 November, 1941; and 17 December, 1941.
  2. CO523/1859 Part II/9057: Memorandum prepared by the West Africa Department, 22 November, 1941.

to this study, and, fortunately, is characteristic of the Office's general attitude towards self-government. As this department saw it, the motion could not "have been intended to apply to the West African Territories". Indeed, in its view, it was

perfectly obvious that it would be impossible to give these Territories self-government immediately or indeed at any time which at present can be foreseen. Even if the present pace could be greatly accelerated it would take generations before education could be absorbed in West Africa by a proportion of the population, and up to a standard comparable with the position in the West Indies.

The report went on to point out that in West Africa there were but a 'few very small detribalized African communities with a thin veneer of European education', and that the bulk of the territories were inhabited by people 'living more or less under tribal conditions'. The latter, it was pointed out, "have little or no sympathy with or understanding of the aspirations or interests of a small semi-Europeanized African community". Discussing these Europeanized communities the report stated that they were "not only entirely out of sympathy with the huge bulk of Africans living under tribal conditions, but appear to be ashamed of their own racial and cultural origins". This fact, it was argued, militated against the creation of an African Administrative Staff, and would "constitute an even greater obstacle . . . to any attempt at introducing self-government". As the report concluded:

If it were possible to extend self-government immediately to these areas, it would merely mean that twenty-five million odd tribal Africans would be handed over to the mercies of a small African oligarchy entirely unfit by training and tradition to govern them. It would not only be a cruel thing to do, but an extremely stupid one as well.

These views were in accordance with those expressed in the

Africa General Department's memorandum which came to a similar conclusion when it closed with the statement: "to extend self-government 'immediately' to a community which had not shown itself properly equipped and able to manage its own affairs, would be to court disaster".<sup>1</sup> From the foregoing it becomes obvious that, operating under the assumption that colonial rule would continue indefinitely, the Colonial Office did not really take the concept of self-government for the colonies at all seriously.

However, the Office was forced to take this issue far more seriously a few months later when Arthur Creech Jones raised the question in Parliament. Creech Jones focused his attention on Churchill's remark that the British Government had made declarations on colonial policy which were "complete in themselves, free from ambiguity and related to the conditions and circumstances of the territories and peoples affected". If this was the case, Creech Jones wondered whether or not a White Paper could be produced for Parliament on colonial policy.<sup>2</sup> A fortnight later he again asked whether it would be possible to "publish as a White Paper the past declarations of Colonial policy upon which our relations with the Colonial peoples of the Empire are to develop".<sup>3</sup> The Colonial Office turned its attention to the preparation of this paper, but was somewhat dismayed when it finally produced the required document.

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1. CO323/1858 Part II/9057: memorandum prepared by the General Department, 24 November, 1941.
  2. Hansard, 24 June, 1942.
  3. Hansard, 1 July, 1942.

It was decided, probably mistakenly, that the proposed White Paper would be restricted to a collection of statements made by former Secretaries of State for the Colonies and Prime Ministers on the question of political progress towards self-government in the colonies. These statements were to be sub-divided into declarations on colonial policy in general, as well as those made on political advances made in specific colonies.<sup>1</sup> The document itself was submitted to the Colonial Office on 5 August, 1942, at which time its author noted his personal dissatisfaction with what he had to put forward.<sup>2</sup> This preliminary draft ran to some eight pages, and was basically an anthology of excerpts from official declarations on colonial policy made between 1919 and 1941. As this paper circulated through the Colonial Office it brought with it the realization that British colonial policy was not 'free from ambiguity' as had been suggested.

The Head of the West Africa Department was among the first to comment on this memorandum.<sup>3</sup> Like Eastwood he was particularly unhappy with the prospect of this document being released for public consumption. According to his minute:

It is far from being an impressive document, and, at any rate in the case of West Africa, I should expect the publication of a paper which is anything like this to lead to a demand - almost an outcry - for some more adequate and precise statement of the intentions of His Majesty's Government in this matter to which a small, but fairly influential section of the African community, attach considerable importance.

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1. CO323/1848/7322: Mr. Gent [Assistant Secretary, Colonial Office], minute, 3 July, 1942.
  2. CO323/1848/7322: Mr. Eastwood, minute, 5 August, 1941.
  3. CO323/1848/7322: O.G.R. Williams, minute to A.J. Dawe, 26 August, 1942.

However, the draft White Paper did lead Williams to develop a new idea. Indeed, he came to argue that if it was not possible to stop the publication of this memorandum, then the Office should consider the preparation of a more precise statement of policy which could be unveiled when the inevitable agitation resulting from the White Paper erupted. He put his case in this manner:

Personally I should like to see the ground carefully explored to determine whether it is practicable to have some kind of plan in outline of the method of approach to some sort of self-government and the various stages in that approach. If the plan in outline were such that it would be possible to make it public, it might help the Government to resist pressures to embark upon piecemeal concessions, the cumulative effect of which might be embarrassing because it was not part of a considered plan. It ought also afford some reassurances regarding the genuine intentions of His Majesty's Government as to which a certain amount of scepticism is frequently being expressed in educated African circles.

A year later this idea became embodied in C.G.R. Williams' draft constitutional proposals for British West Africa.

The remainder of the minutes on the draft White Paper document the Colonial Office's realization that not all was well with the policy which it had been thought was so clearly thought out, and make for fascinating reading. Basically these minutes attacked the draft memorandum because it amounted to little more than platitudes. Mr. Seel, an Acting Assistant Secretary in the Colonial Office, put it this way:<sup>1</sup>

By and large this is no doubt as good a selection as any, but personally I find it rather depressing to read again the sort of unctuous platitude which has been served out to the British public in the last twenty years. It merely invites comparison with our record of actual performance.

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1. CO323/1848/7322: Mr. Seel, minute to A.J.Dawe, 26 August, 1942.

A.J. Dawe also wrote in this vein:<sup>1</sup>

It seems to me that it would be deplorable simply to reproduce the shop-soiled platitudes which have been produced for inclusion in this Section. If we can produce nothing better than this to cover a period of over twenty years, it would seem clearly preferable to publish nothing at all. A White Paper will simply call attention in a formal and pretentious way to the barrenness of the land. There are also strong elements in the populations overseas whose antagonism will be aroused by these platitudes: and it seems, therefore, more prudent in present circumstances not to give them further publicity. We ought to be able to devise some way of meeting Mr. Creech Jones' demand without the publicity attaching to a White Paper.

Upon his reading of the material Harold MacMillan, the Parliamentary Under Secretary of State for the Colonies, was forced to comment upon the apparent 'bankruptcy' of British colonial policy. As he put it:<sup>2</sup>

I do not think the PM can have realized the true nakedness of the land when he made the statement of September 9th, 1931 [sic] - especially the last two sentences. The declarations are not complete in themselves, nor are they free from ambiguity. They are scrappy, obscure and jejune.

Thus, it was MacMillan's considered opinion that publication of this document would be 'most dangerous and foolish', and therefore he sought a way out of the quandry. To this end he suggested that a personal appeal should be made to Creech Jones in order to get him to withdraw his Parliamentary Question. Sir George Gater endorsed this suggestion. As he argued:<sup>3</sup>

We wrongly assumed that the material at our disposal was much more valuable than it actually is.

I feel bound to agree that it would be disastrous for us to produce a White Paper of this character. It

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1. CO323/1848/7322: A.J. Dawe, minute to Mr. Gent, 27 August, 1942.
  2. CO323/1848/7322: Harold MacMillan, minute, 2 September, 1942.
  3. CO323/1848/7322: Sir George Gater, minute, 1 September, 1942.

would be followed immediately by a demand for a new and clear statement of policy. This might be very embarrassing from the point of view of the U.S.A. and our other allies. The difficulty is to decide how we can best extract ourselves from a very difficult position. I think the only possible line is a personal appeal from Mr. MacMillan to Mr. Creech Jones, and I agree with him that his appeal would be made with a greater prospect of success if our plans for the Welfare and Development Advisors Committee had progressed sufficiently far for Mr. Creech Jones to be informed of his appointment as a member of that body.

The Secretary of State for the Colonies was equally distraught with the situation. In a lengthy handwritten minute Lord Cranborne set out his views:<sup>1</sup>

I agree that the White Paper will not do. Declarations on Colonial Policy seem to have been mainly conspicuous by their absence, and, when they have been made, they are vague in the extreme. On the other hand, our situation is not a happy one. The Americans are asking that the Atlantic Charter should be applied to Colonial territories. Parliament has asked that we should produce a Colonial Charter, as an addition to the Atlantic Charter. We have resisted both these demands on the grounds that our Colonial policy has been made abundantly clear by a series of declarations . . . now it turns out that there are no such declarations.

Cranborne continued by stating that a possible avenue of escape would have been found in the issuing of a Colonial Charter, but, unfortunately, this idea had been raised with the Americans by the Foreign Office and had been vetoed. Cranborne was intrigued with MacMillan's suggestion, but felt that it would not be possible to resort to such means. As he put it:

How can we say to him [Creech Jones] that it is unwise to publish past declarations and pledges without reference to the future developments of policy, when the Prime Minister has said, in effect, that there is no need for declarations on Future policy; our position has already been made in past declarations?

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1. CO323/1848/7322: Lord Cranborne, minute, 4 September, 1942.

However, Cranborne did note that Creech Jones' Parliamentary Question could be evaded if an Anglo-American declaration was to be produced on this subject on the grounds that this declaration would be prejudiced by an unilateral action by the British. Although the Secretary of State was not 'enamoured' by the prospect of negotiating such a statement, he felt that it might be 'the best way out' of a most embarrassing situation.

In fact the British Government opted for the proposal that an Anglo-American joint declaration be drafted. The impulse for this statement came mainly from the Americans who had reacted strongly against the suggestion that the British alone should issue an interpretive statement on the Atlantic Charter.<sup>1</sup>

The negotiation of the joint declaration on the Atlantic Charter began in earnest in January, 1943, when the Deputy Prime Minister, Clement Attlee, drafted a War Cabinet Paper on the Charter.<sup>2</sup> After much deliberation this draft was rewritten and submitted to the United States Government.<sup>3</sup> This document stated that the immediate objective of the United Nations was "to defeat the present aggression and to render future aggression impossible". As for long-term objectives it was declared that "Freedom from fear and want should be the assured possession not of some but of all peoples". The delicate subject of the colonial territories was dealt with in the second paragraph which read:

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1. CO323/1848/7322: See cypher telegram No. 4486 from the United States, State Department, to the Foreign Office, 5 September, 1942.
  2. CO323/1858 Part II/9057/B: Attlee, re-draft of War Cabinet Paper, 1 January, 1943.
  3. CO323/1858 Part II/9057/B: War Cabinet Paper sent by cypher telegram to the United States Government, 8 January, 1943.

This, then, is the aim of those nations which have, owing to past events, become charged with responsibilities for the future of the Colonial peoples. But it is evident that, while some peoples are far advanced along this road [to self-government] that development and resources of others are not yet such as to enable them to achieve security and prosperity by themselves. It is therefore the duty of "Parent or Trustee" States to guide and develop the social, economic and political institutions of the Colonial peoples until they are able, without danger to themselves and to others, to discharge the responsibilities of government.

This draft was also submitted to the Governments of the Dominions. As a result of Canadian criticisms it was decided to make reference to the Atlantic Charter in the final text, despite the fact that it might have raised once again the unpleasantness of Article III of that declaration.<sup>1</sup> This final draft was despatched to the British Ambassador in Washington for delivery to the State Department on the First of February.<sup>2</sup>

Approximately one month later the American draft, which was significantly entitled, "Declaration by the United Nations on National Independence"<sup>3</sup>, was received in London. In tone and style this document was absolutely unacceptable to the British Government. For example, it stated that the "opportunity to achieve independence for those people who aspire to independence shall be preserved, respected, and made more effective . . .". Even more sinister, in the British opinion, was the clause which read:

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1. CO325/1858 Part II/9057/B: Cypher telegram from Foreign Office to Lord Halifax, British Ambassador, Washington, 1 February, 1943.
  2. Ibid.
  3. CO325/1858 Part II/9057/B: "Declaration by the United Nations on National Independence", memorandum dated 9 March, 1943.

It is the duty and purpose of those of the United Nations which have, owing to past events, become charged with responsibilities for the future of colonial areas to co-operate fully with the peoples of such areas toward their becoming qualified for independent national status.

But, what really horrified the Colonial Office was the section which called upon the colonial powers "To fix, at the earliest practicable moments, dates upon which the colonial peoples shall be accorded the status of full independence . . .".

In the Colonial Office the first position paper on the American draft was prepared by Mr. Eastwood.<sup>1</sup> His major criticism of the document was directed towards its obsession with the term 'independence'. It was noted that this term was employed nineteen times in the draft, whereas in the British draft the term had not occurred at all. Indeed, he noted that the British had considered it a major concession to even mention the Atlantic Charter by name! Moreover, he thought the American approach to be somewhat hypocritical. As he put it:

Independence is a political catch word which has no real meaning apart from economics. The Americans are quite ready to make their dependencies politically "independent" while economically bound hand and foot to them and see no inconsistency in this.

In Eastwood's opinion the entire document would have to be rewritten, but he was optimistic that some sort of compromise would be reached.

T.K. Lloyd, one of the Assistant Under Secretaries of State in the Colonial Office, also commented on the American proposals.<sup>2</sup> In

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1. CC323/1858 Part II/9057/B: Eastwood, minute, 21 April, 1945.

2. CC323/1858 Part II/9057/B: Lloyd, Minute, 21 April, 1945.

his view there could be no compromise on two issues. First, he declared that the Americans would have to alter the theme from independence to the more neutral term self-government. And, secondly, he argued that the whole notion of a timetable for constitutional progress would have to be deleted.

Sir George Gater was "left with a feeling of complete hopelessness".<sup>1</sup> In his opinion:

The whole theme of the draft is wrongly conceived and exhibits on the part of the draftsmen ignorance of actual conditions in British Colonies. It is only necessary to think of applying its principles to Colonies like Mauritius to realise its full absurdity. I suggest that if it is confirmed by Mr. Eden that the President and Mr. Hull are firmly attached to the present draft . . . our only dignified course is to abandon the proposal for a joint declaration . . . .

Lord Hailey was also consulted about the American draft, and he too joined the chorus of indignation over the stress on independence and the setting of a timetable.<sup>2</sup> However, he cautioned against any attempt to substitute the term self-government for independence. As he saw it this would lead to complications because it would imply that there was a distinction between these terms. He also cautioned against the issuing of a unilateral declaration. Such a statement, he felt, would have to satisfy 'certain criteria', prime among which would be "the appearance of implementing the Atlantic Charter".

Eastwood was not overly impressed with Hailey's contribution. In a brief minute<sup>3</sup> commenting on Hailey's note he summarized both the

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1. CC323/1858 Part II/9057/B: Sir George Gater, minute, 27 April, 1943.
  2. CC323/1858 Part II/9057/B: "Note by Lord Hailey", 5 May, 1943.
  3. CC323/1858 Part II/9057/B: Eastwood, minute, 6 May, 1943.

dominant view in the Colonial Office and the situation in which the Office found itself.

I must confess that, with all due deference, I do not share his views about 'independence'. It seems to me utterly wrong to set up independence as the goal for the greater number of the Colonies and even if we had said something of this sort in the past (which I do not think we have) I think it would be a great mistake to say it again. I do not think the phrase 'self-government' is really much better. I suppose it does leave a loop-hole for arguing that what we really mean is only local self-government, but that would not be a very honest interpretation of the phrase. Myself I believe that 'independence' and 'self-government' both implies substantially the same goal, namely fifty different self-contained sovereignties, which would be disastrous. The sooner we start emphasising the importance of solidarity and 'inter-dependence' the better. Something like self-government may be possible for one or two Colonies (e.g. Ceylon) and for federations of other Colonies, but even so it should be limited by the responsibilities to larger units, both to their neighbours (hence the value of the 'regional' idea) and to the British Empire as a whole.

The American position was discussed at the very highest level on 3 May, 1943.<sup>1</sup> Present at this meeting were the Deputy Prime Minister, the Lord Privy Seal, the Colonial Secretary, and the Foreign Affairs Secretary. In his comments on the American re-draft Lord Cranborne stated that it "was likely to encourage half-baked ideas in many Colonial Dependencies and that it would lead to recriminations between the United States and this country". The meeting was in general agreement with this view, and concluded by drawing up four major objections to the American draft. First, they were dismayed by the emphasis on independence. It was felt that the Americans were attempting to read a new meaning into the Atlantic Charter which in their opinion had been directed to the countries of Europe over-run by the Axis. Second, and

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1. CO323/1858 Part II/9057/B: "Note of a Meeting held at No. 11 Downing Street on Monday 3 May, 1943".

again dealing with the independence theme, it was argued that to grant such status to a country like the Bahamas would be a retrograde step. It was believed that independence could only be considered for large political and economic units. Third, they rejected the notion that a timetable for the granting of independence should be adopted by the colonial powers. According to this argument:

This is not because H.M.G. desire for their own selfish reasons to delay the introduction of self-government into any colonies administrated by them as soon as the latter are ready for it, but simply because on the one hand certain areas are so backward that even self-government is at present a distant dream, and on the other because racial or religious differences, the harmonising of which cannot be guaranteed in advance, must be allowed to adjust themselves before self-government has become a reality.

And, fourthly, they objected to the administrative machinery that the Americans proposed for the implementation of these. These four objections were later embodied in an Aide-Memoire which was relayed to the American Ambassador in London.<sup>1</sup>

In the meantime the Secretary of State for the Colonies, now Colonel Stanley, issued an important declaration on colonial policy in the House of Commons.<sup>2</sup> He stated:

The central purpose of our colonial administration has often been proclaimed. It has been called the doctrine of trusteeship, although I think some of us feel now that the word "trusteeship" is rather too static in its connotation and that we should prefer to combine with the status of trustee the position also of partner. But we are pledged to guide colonial people along the road to self-government within the framework of the British Empire. We are pledged

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1. CO323/1258 Part II/9057/B: Anthony Eden to Cliver Stanley, 12 May, 1943. The Aide-Memoire itself was dated 26 May, 1943, and was appended to diplomatic secret cypher telegram No. 3570 of 28 May, 1943.
  2. Hansard, 13 July, 1943. Underscoring added by author.

to build up their social and economic institutions, and we are pledged to develop their natural resources. It is no part of our policy . . . to grant self-government to those who are not yet trained in its use, but . . . it is up to us to see that circumstances as soon as possible justify political advances and to ensure that as quickly as possible people are trained and equipped for eventual Self-Government. Therefore the real test of sincerity and success of our Colonial Policy is twofold: It is not only the actual political advances that we make, but it is also, and I think more important, the steps we are taking, economic and social as well as political, to prepare the people for further and future responsibilities.

This was undoubtedly the most complete and authoritative public pronouncement made on colonial policy by the British during the Second World War. It was regarded as highly significant by the Colonial Office, which went so far as to send its text as a circular telegram to all colonial governments under its jurisdiction.<sup>1</sup>

Towards the end of November, the Foreign Office informed the Colonial Office that, in its opinion, American insistence of a joint declaration was bound up with domestic American politics and, in particular the election which was being conducted. The Foreign Office regarded the issue as a 'great bore', but recommended that the Colonial Office should prepare some 'counter-proposals'.<sup>2</sup>

In December, 1943, the Colonial Office prepared what turned out to be its final statement on the Atlantic Charter. Although its 'Draft of a Declaration by the United Nations on Colonies'<sup>3</sup> was never published, it remains the most detailed statement drafted by the Office on self-government. The relevant sections concerning self-determination

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1. CO323/1858 Part II/9057/B: Circular telegram Number 57.
  2. CO323/1858 Part II/9057/B: Richard Law, M.P. to Colonel Stanley, 22 November, 1943.
  3. CO323/1858 Part II/9057/B: Mr. Benson, memorandum, undated, but relevant minute dated 8 December, 1943.

for the colonies read as follows:

It is the duty and purpose of those of the United Nations which have, owing to past events, become charged with responsibilities for the future of colonial areas to co-operate fully with the peoples of such areas toward their becoming qualified for self-government. While some colonial peoples are far advanced along this road the development and resources of others are not yet such as to enable them to assume and discharge the responsibilities of government without danger to themselves and to others. It is accordingly the duty and purpose of each nation having political ties with colonial peoples:

- (a) To give its colonial peoples protection, encouragement, moral support and material aid and to make continuous efforts toward their political, economic, social and educational advancement;
- (b) To make available to qualified persons among the colonial peoples to the fullest possible extent positions in the various branches of the local governmental organisations;
- (c) To grant progressively to the colonial peoples such measures of self-government as they are capable of maintaining in the light of the various stages of their development;

The Colonial Office was well pleased with Mr. Benson's effort which Eastwood termed "an egregious document worthy of the State Department itself".<sup>1</sup> However, as events turned out it was not needed.

In the early months of 1944, the motives of the United States Government became more clear. Discussions with Dr. Isaiah Bowman<sup>2</sup>, one of the principal advisors to the American Secretary of State, revealed that the United States was willing to moderate the text of any statement on colonial policy in order that some kind of international supervisory machinery could be established to regulate affairs in the colonial areas. As Dr. Bowman explained it;

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1. CO323/1858 Part II/9057/B: Eastwood, minute, 3 December, 1943.
  2. CO323/1858 Part II/9057/B: "Record of a conversation between Dr. Isaiah Bowman and Mr. Jebb at the Foreign Office", 12 April, 1944.

It was essential in their view that the United States should by one means or another control the Japanese Islands in the Pacific. On the other hand, they could not annex these outright without violating the Atlantic Charter and other statements regarding "aggrandisement". Consequently they would be bound to camouflage their action by some arrangement under which the United States would be acting at the instance and in the interests of the United Nations. It would in their view be far more easy to arrive at such an arrangement if some previous arrangement had been previously come to providing for a measure of United Nations "interest" in all colonial territories.

At his meeting with the Secretary of State for the Colonies<sup>1</sup> Dr. Bowman related the same story, which led Colonel Stanley to conclude that "Although wrapped in a rather diaphanous cover of the usual idealism, it was plain that the real objective of any Colonial plan is to enable the United States to get away with the retention of the Marshalls and the Carolines . . .". For his part Stanley informed Dr. Bowman that any agency granted supervisory powers over British colonial territories would be utterly unacceptable to His Majesty's Government. Bowman countered that a purely consultative body could be created, but Stanley remained sceptical. The situation was finally resolved five days later when Dr. Bowman was informed that the British had decided not to proceed with the joint declaration on colonial policy.<sup>2</sup> For the Colonial Office the difficulties that the Atlantic Charter had presented were at last at an end.

However, it will be appreciated that the Atlantic Charter had played an interesting and significant role. In the first instance it

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1. CC323/1858 Part II/9057/B: "Note of a Conversation Between the Secretary of State for the Colonies and Dr. Bowman at the Colonial Office on 18 Apr/1944".
  2. CC323/1858 Part II/9057/B: Stanley, minute, 24 April, 1944.

forced the Colonial Office to come to grips with the concept of self-government for the colonies. This encounter brought with it the realization that, in this area, colonial policy was not as explicit as had been thought. Between 1941 and 1943, as a direct result of the Atlantic Charter, the Colonial Office arrived at a more coherent definition of policy. Basically this policy contained three features. First, it was predicated upon the new economic policy which had been proclaimed in the Colonial Development and Welfare Act of 1940. As Stanley himself put it in the House of Commons, "It is not only the actual political advances we make, but it is also, and I think more important, the steps we are taking, economic and social as well as political, to prepare the people for further and future responsibilities".<sup>1</sup> Secondly, it was a policy which was not to be bound by a timetable. Indeed, an undetermined period of training for self-government was to elapse in each of the colonial dependencies. However, it should be noted that the Secretary of State had declared that this process was to take place 'as quickly as possible'.<sup>2</sup> Finally, the granting of self-government was to take place within the context of the British Empire. Only in the case of a few of the larger colonies could the status of Dominion be considered. In Stanley's words:<sup>3</sup>

these plans are not based on our objective for this area being that of 'Dominion Status'. We have been very careful hitherto, in spite of the wide divergencies in the Colonial Empire and the obvious fact that many areas will never be suitable for Dominion status, to confine the statement of

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1. Hansard, 13 July, 1943.

2. Ibid.

3. CO323/1858 Part II/9057/B: Stanley to Anthony Eden, 6 January, 1944.

our objective to that of self-government within the Empire.

That is to say, for the bulk of the Empire, the British Government was committed to nothing more than the granting of local self-government. For British West Africa this meant a variation of the system of 'indirect rule'.

### CHAPTER III

#### THE PROBLEMS OF SELF-GOVERNMENT

As the Colonial Office groped towards a clearer definition of the ultimate objective of its policy it had to consider the more mundane aspects of this issue. That is to say, it had to answer the question: What administrative apparatus could best fulfill this objective? In the first instance this important task was entrusted to Lord Hailey who was sent on a mission to Africa to examine first-hand the problems of native administration and the question of the future development of the African colonies. Hailey's reports became the basis of subsequent discussions in the Colonial Office, and, in the case of the West Africa Division, became the basis of tentative proposals for the progressive development of British West Africa towards self-government. Indeed, as J.A. Ballard has written, "The Hailey Report . . . was the first attempt to anticipate change and to think comprehensively about the problems of self-government".<sup>1</sup>

It may be recalled that the task which confronted the Colonial Office in 1938 was to devise a method whereby the questions raised in the African Survey and elsewhere were to be investigated. The Head of the East Africa Division rejected the suggestion that the African Governors should be consulted because he felt that many of these

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1. J.A. Ballard, "Administrative Origins of Nigerian Federalism" African Affairs, Vol. 70, No. 281 (October, 1971), p. 344.

governors had too great a commitment to indirect rule, and thus could not be counted upon to give an unbiased opinion. As he rather uncharitably put it:<sup>1</sup>

I depreciate any attempt to elicit opinion from the the African Governors, either individually or collectively on the far reaching suggestions put forward in Lord Hailey's Chapt. 9. . . .

Some Governors, who have the necessary time, inclination and experience, have no doubt studied Lord Hailey's remarks with sedulous attention and are already pondering his suggestions without waiting to be prompted from Downing Street. Others, lacking the necessary leisure or intelligence, or both, will perhaps have skipped the Chapter. But the chances are remote that their several views, conditioned as they must be by local factors, will possess any highest common factor of significance or value.

The Head of the West African Division had somewhat more confidence in the governors of his region, and he suggested<sup>2</sup> that, in the first instance, the governors should comment on Lord Hailey's observations. This he felt could be followed by a period of consultation, and supplemented by interviews with the governors at the Colonial Office. He cautioned against the calling of a conference of governors to discuss these questions as he believed that this might raise the suspicions of the West African educated elite. Williams anticipated that problems would emerge from this segment of the population, and, indeed, he felt that a re-evaluation of policy conducted then might well equip the colonial governments to deal with the intelligentsia in the near future. In his words:

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1. CO847/13/47100: Mr. Freeston, minute, 23 February, 1939.
  2. CO847/13/47100: C.G.R. Williams, minute, 7 March, 1939.

The impact of European civilisation upon West Africa is producing rapid changes in various directions and the small but increasing groups of educated Africans are likely to become more politically minded as time goes on and it would be more satisfactory if the Governments concerned were to some extent prepared in advance so that they would be in a position to initiate changes in the right direction (whatever direction may eventually be decided to be the right one) rather than allow ourselves to be forced into the position of making concessions to the clamour of demagogues.

Williams' fears were echoed in the Colonial Office's decision, but it was Freeston's view that was to prevail with regard to how the problem was to be investigated.

In the end it was decided that an independent authority should be charged with the task of investigating the question of the future political development of British West Africa. The individual favoured to head this research project was Lord Hailey, and Malcolm MacDonald has provided us with some of the reasons behind this selection.<sup>1</sup>

I would think that Hailey was selected partly because of his qualities in their own right, partly because he had written the Survey and knew a bit about Africa, and partly because he was objective. He had the qualities of experience and ability and so on, but he hadn't been concerned in government, if I remember rightly in East African territories, West African territories, or elsewhere, and if we had sent an authority who had been a Governor in Nigeria or a Governor in one of the Southern or Central or East African territories, they would have had a certain prejudice, or might have had a certain prejudice, for past practices with which they had been concerned and so on. Hailey was able to look at this with his great knowledge and experience from an absolutely unprejudiced view.

It could also be argued that Hailey was a prime candidate for this position because he had the unqualified support of the Secretary of

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1. Interview conducted with Malcolm MacDonald, 3 October 1974.

State.<sup>1</sup> This confidence in Hailey was of a long-standing nature, for Hailey had first come to MacDonald's attention in 1930, when he had acted as one of the three advisors to his father, Prime Minister Ramsay MacDonald, at the Indian Round Table Conference. The favourable impression that Hailey made at this and subsequent encounters was sufficient to cause MacDonald, when Secretary of State for the Colonies in 1935, to press Hailey's candidacy for the directorship of the African Survey. The success of the Survey in turn led to the appointment in question. As one Colonial Office official put it, "The Survey also set the Colonial Office thinking about a number of problems and some of these were responsible for his second visit".<sup>2</sup>

Hailey was formally invited to direct the proposed research project in early September, 1939. At the meeting called for this purpose Malcolm MacDonald stated, in general terms, the rationale behind the project:<sup>3</sup>

It was time we got our minds clearer as to the objects of our native policy in Africa. What exactly were we driving at in our policy of 'indirect rule'? What was the next step in advance after we had set up sufficient local native administrations?

Furthermore, he wanted to know the extent to which European style legislatures could be allowed to develop. Hailey expressed interest in the project, but requested time to consider the proposal. A month later, however, he informed the Colonial Office that he was prepared to take

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1. MacDonald Interview.

2. CO847/21/47100: Mr. Eastwood, minute, 14 February, 1941.

3. CO847/15/47100/1/Part I: "extract of a conversation between Secretary of State and Lord Hailey, 5 September, 1939.

on the venture.<sup>1</sup>

MacDonald set out his objectives in greater detail when he wrote to the Chancellor of the Exchequer to solicit funds for the investigation.<sup>2</sup> He informed Sir John Simon that it was the considered opinion of the Office that the war would quicken the demand for self-government in the colonies. Thus he believed that "we shall be wise to anticipate this demand by having ready carefully thought-out plans for a proper advance in this direction". He explained that the problem arose mainly out of the fact that two forms of government were being developed in Africa, and that these systems were not necessarily compatible. According to his argument, "we are likely to end in difficulties unless we think out very carefully how they are to be co-ordinated in future developments". Hailey's task was to provide the information necessary for a decision to be taken in this regard. It was a task, however, which was merely made more urgent by the war for, as MacDonald concluded, "Even if there were no war, I would have proposed to send Lord Hailey to Africa at an early date to make investigations and advise us on the matter".

The West African Governors were informed of the Hailey mission in December, 1939. MacDonald put the argument in this manner:<sup>3</sup>

It may be that one of the results of the war will be to stimulate the political consciousness of Africans and to give emphasis to the demand for a quickened pace of

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1. CO847/15/47100/1/Part I: Cohen, minute, 6 October, 1939.
  2. CO847/15/47100: MacDonald to Sir John Simon, 26 October, 1939.
  3. CO554/116/33501/68: MacDonald, cypher telegrams to the Governors of the Gold Coast, Sierra Leone, Nigeria, and the Gambia, 18 December, 1939.

development towards more representative and liberal institutions of government. In any case it seems very desirable from the standpoint of high policy that H.K.G. should attempt now to clarify in their own minds the important problems of the future development of unofficial African representation in Legislative Council in its relation to the evolution of indirect rule and the future development of native administration. Important decisions may have to be taken in order to prevent Native Authorities on the one hand and Legislative Councils on the other from developing along divergent lines with undesirable results.

They were informed further that, for publicity purposes, Hailey's terms of reference were to be restricted to questions relating to native administration. The constitutional side of his work was considered politically sensitive, and thus was to remain highly confidential.<sup>1</sup>

Although Hailey was commissioned to examine the question of political development in British Africa as a whole, and thus dealt with both East and West Africa, our concern is specifically with the West African leg of the tour. This segment of the Journey covered the period between 4 February, 1940 and 16 March, 1940.<sup>2</sup> It began with a twenty day visit to Nigeria which stopped for deliberations at such centres as Lagos, Ibadan, Abeokuta, Enugu, Benin, Aba, and Kaduna. The tour then proceeded to the Gold Coast where, during a fortnight, it visited Accra, Cape Coast, Sekondi, and Kumasi. Finally, nine days were spent in Sierra Leone. Here the mission spent its time in Freetown, Bo, and Moyamba. As a result of all these deliberations reports were produced on each of the territories visited. In addition a general

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1. CCS47/13/47100: A.J. Dawe, minute, 9 November, 1939.

2. For further details of the journey, and especially its social aspects, see Hailey's personal diary of the trip which is deposited at Rhodes House Library, Oxford: MSS. BRIT. EMP. c. 342: The Hailey Papers.

report was written which contained Hailey's general observations and conclusions.<sup>1</sup>

Hailey's major recommendations are to be found in the general report, and, in particular, its last paragraph where his conclusions are summarised. It reveals that, while Cameron's theory of indirect rule remained firmly entrenched as the basis of native administration, a new and highly significant element had been added. This element was a product of the increased emphasis placed on colonial development and welfare as exemplified by the Colonial Development and Welfare Act of 1940.

To begin with Hailey made it clear that social and economic developments designed 'to meet the more elemental needs of the great majority of the people' should take precedence over political developments in Britain's African holdings. However, he did concede that policies of social and political advance were not necessarily 'mutually exclusive'. Thus, he advocated a policy of political advance whereby African participation in the planning and implementation of social and economic development programmes would be stimulated. To this end he recommended:

The solution suggested in this Report is, on the one side a resolute development of local institutions, combined with the progressive admission of Africans

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1. For the original typescript of the reports see CO847/21/47100/1 for the General Report; CO847/22 Part I/47100/5 for the Gold Coast Report; CO847/22 Part I/47100/8 for the Sierra Leone Report; and CO847/22 Part I/47100/10 for the Nigerian Report. A confidential reprint of these reports was made in 1944, at which time they were consolidated into a single volume; Lord Hailey, Native Administration and Political Development in British Tropical Africa (London: H.M.S.O., 1944). For convenience sake in this chapter all references will be made to this more accessible volume.

to all branches of the government services. On the other side, it indicated a policy in political matters which, while leaving an opening for advanced opinion to play its part, would keep the substance of power in the hands of the official Government, until experience has shown us under what constitutional forms the dependencies can move most securely towards the final stage of self-government.<sup>1</sup>

Through such a policy Hailey hoped that African opinion could be harnessed for the common good, and "to some extent 'canalised'".<sup>2</sup>

Although it recommended a 'resolute development of local institutions', the Hailey report was not as firmly committed to the theory of indirect rule as the more zealous advocates of that system desired. Like Cameron, Hailey believed that "adherence to tradition, valuable as it is, is only a means of securing acceptability of the Institutions on which we place our reliance . . .".<sup>3</sup>

Hailey's vision of the future role that the Native Authorities were to play rested upon the assumption that these Authorities had no inherent rights. In turn, the recognition of this principle led Hailey to reject any idea that the central government should eventually be comprised of a federation of Native Authorities. Thus, he was led to the conclusion that the Native Authorities should be viewed strictly as agencies of local government. But, besides this argument, Hailey felt that there were other, even stronger reasons for such an interpretation. Prime among these was the view that the Native Authorities,

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1. Hailey, Native Administration, p. 62.

2. Ibid., p. 12.

3. Ibid., p. 14.

as then composed, were not capable of representing all the interests in African society. Here Hailey was thinking of the urban areas and those rural areas where indirect rule had either failed to function properly or was not applicable. In addition he reasoned that effective government at the state level could not be achieved "in a state composed of a collection of small units, possessing more or less independent authority". He did not deny, however, that indirect rule had been and would continue to be of use in the administration of British Africa, but he did suggest that it would have to be modified to conform with the "necessities of the future".<sup>1</sup>

This qualification aside, Hailey still believed that the Native Authorities were among the most representative institutions in Africa. His analysis of the growth of the middle classes in Africa convinced him that this segment of society was only beginning to be a political factor.<sup>2</sup> As a result he felt that the Native Authorities remained, at least in the immediate future, the institutions through which British policy would have to be implemented. However, this did not mean that the educated element was to be excluded from Hailey's plans. Indeed, he argued that if his recommendation that the Native Authorities should be relegated to the sphere of local government was accepted, then room would have to be found for the politically conscious African in the administrative institutions of the central government.<sup>3</sup> In addition,

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1. Hailey, Native Administration, p. 45.

2. Ibid., p. 12.

3. Ibid., pp. 46-47.

he was of the opinion that the intelligentsia should be entrusted in the municipal sphere with "statutory councils with powers for local taxation, legislation and the provision of services which are not inferior to those with which the native authorities are entrusted".<sup>1</sup>

These recommendations, however, did little more than provide the traditional and educated elements in African society with their own niche in the political fabric. The central problem of attempting to integrate the existing parliamentary and indirect rule systems remained. It might be supposed that Hailey's rejection of the idea that the Native Authorities would ultimately form the central governments of British Africa meant that a parliamentary form of central government was to be adopted, but this was not the case. Indeed, Hailey did not even interpret the problem as one which was essentially institutional. Rather, he saw it as a question of representation.<sup>2</sup> Thus, his solution was one which dealt more with the procedure by which representatives could be selected than it did with the creation of parliamentary institutions.

Hailey began by examining the Native Authorities as potential sources of representation. Here he seized upon the idea that the Native Authorities might be employed as electoral colleges. This concept, it should be noted, had been put forward in British West Africa as early as the mid-1920's by Governor Guggisberg of the Gold Coast. It was an idea which might, as Hailey put it, "provide in some dependencies the major source for which representation can be drawn at

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1. Hailey, Native Administration, p. 40.

2. Ibid., p. 51.

the earlier stages of political development".<sup>1</sup> However, the experience derived from the Gold Coast and Sierra Leone experience led Hailey to make two suggestions. First, he felt that the Authorities should not be restricted in the selection of their representatives to chiefs or their equivalent. And, second, he believed that a system of conferences of Native Authorities should be instituted. These conferences would have the dual function of electing representatives to the central legislature, and of providing a forum at which political affairs could be discussed before each session of the legislative council.<sup>2</sup> As will be seen these so-called regional councils were to become an integral part of Hailey's proposed scheme.

But once again Hailey was forced to raise the objection that the Native Authorities could not be the sole source of representation because they did not exist throughout any of the African territories. Also, he noted that "an undue preponderance of this element in a Legislature may subordinate national to purely local considerations".<sup>3</sup> Thus, he sought alternate sources of representation.

One such source that was considered was the African pan-tribal or ethnic association. Hailey felt that the experiments conducted in Nigeria of nominating representatives of the Ibo and Ibibio Unions to the Legislative Council were fully justified. Consequently, while it

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1. Hailey, Native Administration, p. 52.

2. Ibid.

3. Ibid.

might not be possible to use the associations as regular sources of representation, Hailey believed that they might have immediate application.<sup>1</sup>

There was also the special case of the urban areas. Here Hailey felt that a solution might be found by according the municipalities the same privileges in regard to representation as those granted to the Native Authorities. In these towns, and especially those where the elective principle was already established, Hailey saw 'no practical alternative' to election on the basis of a property qualification. Indeed, in the case of the Gold Coast he advocated an extension of that system in the townships. He was not, however, entirely convinced that election was the best method, and suggested that perhaps occupational groups could be formed into electoral colleges for the purpose of selecting representatives.<sup>2</sup>

If Hailey was not entirely convinced of the value of the ballot box in the urban areas, he was convinced that it was entirely inapplicable to the rural areas. In these areas, however, he noted that the indigenous political systems often displayed an unusual degree of democracy. This was particularly true of the West African palaver or open meeting which Hailey thought demonstrated the African 'genius' for reaching a consensus.<sup>3</sup> During his West African tour he attended one such meeting, and as his diary records, he was suitably impressed.

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1. Hailey, Native Administration, p. 52.

2. Ibid., p. 53.

3. Ibid., p. 52.

I was struck with the fact that the discussion was more free, expressions of opinion more readily given, than would have been the case in an Indian village. The African intellectuals cannot at present compete with the Indian, and may never do so. But the ordinary peasant is equalitarian; he is as good as his neighbour, and likes to show it; he can keep his independence and respect in the face of authority.<sup>1</sup>

Cameron too recognised this tendency which he termed 'democratic Bantu society'.<sup>2</sup> However, in those rural areas where the Native Administrations did not function Hailey was forced to concede that it might be necessary to resort to an electoral system.<sup>3</sup>

Finally, Hailey turned to the planning of future political developments. It was here that he attempted to marry the indirect rule and parliamentary systems. His solution, however, was rather short-term because he was convinced that they lacked the knowledge which was necessary to frame long-term policy. Thus, he stated that they would have to content themselves with "certain lines of advance which existing circumstances make possible".<sup>4</sup>

As already stated the first stages of Hailey's plan involved the development of local institutions and the admission of Africans to all branches of the government services. This was to be followed by the development of regional councils. These councils were to be composed of representatives of the Native Authorities, the township authorities, and

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1. Hailey Diary, 19 February, 1940. (Enugu).
  2. Cameron, Principles of Native Administration (1934), p. 9.
  3. Hailey, Native Administration, p. 54.
  4. Ibid.

of those bodies created in areas where Native Administrations did not exist. In the case of West Africa Hailey believed that bodies such as the Ashanti Confederacy Council could provide the nucleus for a regional council. Furthermore, it was his opinion that this policy would help solve the problems "created by the existence of units of a widely different character in one territory".<sup>1</sup> This latter point would be extremely important in a diverse dependency like Nigeria.

In terms of function Hailey argued that these councils should not be restricted to an advisory capacity. He felt that they would achieve 'permanent value' only if they were delegated specific duties from the outset, and he suggested that consideration should be given to granting them power to review local by-laws and for the maintenance of certain local services.<sup>2</sup>

At this stage Hailey was unable to foresee the final form which these councils might take. This he felt would very much depend upon the interest taken in them by the intelligentsia.<sup>3</sup> Unfortunately, Hailey anticipated difficulties from this quarter, especially from that segment of the intelligentsia which was "unable to read the future in any other terms than the expansion of Parliamentary institutions of the normal type".<sup>4</sup> The problem was, as he pointed out, that the 'systematic development of the central legislature' could only occur after the

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1. Hailey, Native Administration, p. 55.

2. Ibid.

3. Ibid., pp. 55-56.

4. Ibid., p. 58.

regional councils were established and functioning.<sup>1</sup> As Hailey saw it the success or failure of the regional councils would indicate the manner in which the central legislature would be developed. In his words:

If they are successfully, we should be able to make a devolution of power to them so considerable, that it may become feasible to recast the existing Legislature in a form more suitable to bodies dealing only with a limited range of central subjects. The reconstituted Legislatures need not have a large membership. They would be best constituted by direct representation from the regional councils, and large municipalities, with the addition of some representation of interests standing outside the range for which the regional councils are responsible, such as those of European Commerce. If at a later stage the advance to self-government involves the grant of full powers to the central Legislature, it may be that we shall find in a body constituted in this manner a far more stable executive than would be provided by the normal development of Parliamentary institutions.<sup>2</sup>

Thus, at this stage, Hailey recommended that there be no development of the legislative councils in Africa. In particular he was interested in preventing the concession of an unofficial majority on the legislative councils.<sup>3</sup> Such a step he felt would be a major, and perhaps irrevocable step towards parliamentary government, and should be resisted as long as possible. The same restriction, however, was not to apply to the regional councils. Indeed, Hailey believed that the concession of the unofficial majority at the regional councils level might placate some of the demands for unofficial majorities on the legislative councils.<sup>4</sup>

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1. Hailey, Native Administration, p. 55.

2. Ibid., p. 56.

3. Ibid., pp. 59-60.

4. Ibid., p. 60.

As Hailey clearly understood, this policy meant that there were to be "no irrevocable commitments to the educated element". He agreed that concessions would have to be made to the politically minded African, but suggested that they would have to be carefully regulated lest they set Africa on a road of political development "of which the logical conclusion must be the adoption of the normal Parliamentary form of government".<sup>1</sup>

In summary then, Hailey's solution was one which, while relegating the Native Administrations to the sphere of local government, employed the Native Authorities as a basis for future parliamentary institutions. It was a policy which attempted to both contain and revitalize indirect rule. Until such time as this proposed system of local and regional government had had an opportunity to prove or disprove itself no irrevocable concessions were to be made to the intelligentsia. Those concessions that were to be made to the educated elite were to be restricted to the less sensitive areas of municipal government and the civil service. Likewise modifications in the legislative councils were to be held in abeyance until the proposed regional councils were operative and had indicated the future role to be played by the central legislatures. All in all it was a solution very much in the tradition of Lord Lugard and Sir Donald Cameron.

The various Hailey reports were not submitted to the Colonial Office until 1941. The general report was submitted first and discussed with the Secretary of State in March of that year.<sup>2</sup> In reply to Lord

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1. Hailey, Native Administration, p. 58.

2. CO347/21/47100/1: "Extract from Note of a Discussion with Lord Hailey on the 18th March/1941/, in Lord Moyne's Room at the Colonial Office".

Moyné's questions Hailey reiterated his belief that they should "build on the existing native self-government agencies". He remained convinced that the Native Administrations could be developed as a basis for future 'parliamentary' representation. But, he did concede that where legislative councils with African representation already existed, such as in West Africa, there could be no question of removing these councils. In this case Hailey envisaged some form of indirect representation with the Native Administrations playing a major role in this process. Hailey realised that such a policy would lead to criticism from those who advocated democratic principles, but he argued that the African method of 'nomination' could be defended because it was essentially democratic. However, Hailey was quick to point out that he was not opposed to the development of an elective system at some future date; "he was only anxious that one should not, by adopting it now, close the avenue of development through native institutions".

Two years were to elapse before the Colonial Office was to use the Hailey Reports for anything other than reference material. Then, in the summer of 1943, O.G.R. Williams, the Head of the West African Department, prepared a key memorandum entitled, "Constitutional Development in West Africa".<sup>1</sup> This paper was based almost exclusively on the Hailey Reports, and provided the Colonial Office with its first statement of possible long-range political objectives in West Africa. As such it is a document of extreme importance and merits close attention because it sets out the Colonial Office's thinking on the

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1. CO554/132/33727: O.G.R. Williams, memorandum, undated but probably written in early July, 1943.

practical aspects of its declared policy.

Williams' memorandum was designed to act as a basis for discussions on the direction which constitutional policy was to take in British West Africa. In drafting these proposals he operated under two assumptions. First, like Hailey, Williams believed that political development should be contingent upon social and economic development. And, secondly, he argued that in developing a constitutional policy for West Africa there was no need to take into account 'possible reactions' in East Africa.

Although based on Hailey's recommendations Williams' proposals deviated in one important respect. Whereas Hailey believed that there should not be any concessions in the sphere of the legislative council, Williams was inclined to the contrary. Indeed, Williams felt that concessions in this area were essential if the intelligentsia were not to be alienated. Unlike Hailey, Williams was of the opinion that the educated elite already exerted important political pressure in West Africa. Thus, to ignore its demands meant that they would have to run the risk of "arousing opposition to the whole of our scheme for constitutional advance".

Williams divided his scheme for constitutional advance into five broad stages. However, as he pointed out:

it will be appreciated that these stages will not be reached simultaneously in all four Colonies, that they tend to merge into one another and to overlap so that in some places two stages might be developing at the same time, and above all that there can be no question of finding a uniform solution for all four Colonies.

In stage one of his draft proposals Williams envisaged that developments would take place in the areas of municipal government, the

Native Administrations, the regional councils, and the legislative councils.

At the municipal council level there was to be increased African representation. This would be achieved by either increasing the number of elective positions on the councils or through nomination. The ultimate objective, however, was to be the formation of a council with an African elected majority. This majority was to be "based on an increasingly liberal franchise and also more liberal qualifications for membership". At the same time an increasing degree of responsibility was to devolve on the township areas.

Meanwhile an attempt would be made to modernise the Native Administrations. As Williams put it, "This will involve the introduction of younger and better educated members in an increasing proportion and the gradual replacement of authoritarian regimes, where they exist, by forms of authority reflecting more fully and actively the will of the community". In this regard Williams anticipated problems to arise in Northern Nigeria where it would take a 'great deal of persuasion' to win over the Emirs.

Parallel to these developments Williams proposed the establishment of regional councils. These bodies were to be created in all areas where municipal authorities could not be established. In the first instance these councils were to be advisory in capacity, while, in composition they would draw their membership primarily from the Native Authorities.

The final phase of stage one was to see the development of African representation in the legislative council. As in the case of the municipalities this could be achieved either through an increase

in the number of elected Africans or through nomination. However, Williams made it clear that the aim of this policy was not the development of an African majority on the council, but the fostering of a "council more fully representative of the various African interests involved in the complex makeup of the community". Also he believed that at this point they might reconsider the question of the representation of non-African interests, such as those of European commerce and the Syrians.

During stage two there were to be some dramatic developments in the municipal councils. In the first place the functions and responsibilities of these bodies were to be expanded. But, most important, this stage would see the elimination from the councils of "all elements except those of an elective character".

Similarly the regional councils were to receive increased responsibilities. Minor legislative functions were to be delegated to the councils, thus terminating their advisory role. This process was to be dynamic, and it was envisaged that, as the regional councils' legislative capacities increased, greater authority for local affairs could be devolved from the legislative to the regional councils.

Another development at the regional council level was to have even greater impact on the legislative councils. Henceforth the regional councils were to act as electoral colleges for the legislative councils. As a result they were to provide all the non-urban African representation on the legislative councils. No decision was taken as to whether or not these representatives were to be elected or nominated, but they were to be selected "in some way acceptable to local opinion".

Stage three was to be an extension of stage two, and was to witness the "gradual transfer of certain more important legislative powers from the Central Legislature to Regional Councils". However, the precise range of powers to be transferred, as well as the safeguards to be built into the system, were left for determination at a later date.

There was some doubt in Williams' mind as to whether or not there should be a fourth stage. At this point they would consider the introduction of unofficial majorities on the legislative councils. It was a stage, however, which might well not be adopted at all because, as Williams pointed out, "Experience elsewhere suggests that unofficial majorities do not afford an education in self-government but merely a training in irresponsible opposition to Government". Of course, if it was decided to take this step, it was realized that at this stage the question of reserve powers would have to be examined, and that this issue would probably result in criticism both in Britain and in the colonies.

The final stage in Williams' scheme was entitled 'towards self-government'. It was a stage which, outside of proposals for the progressive Africanisation of the senior civil services in West Africa, contained few concrete recommendations. This was due to the fact that Williams considered it "very unwise to attempt to foreshadow now the form which self-government is likely to take in West Africa, or the method by which it is to be acquired". Indeed, Williams thought it best to leave the determination of this stage to a series of constitutional conferences. Both African and the British Government's

interests were to be represented at these conferences, and in Williams' view, they "would afford an opportunity to make clear to the Africans what is involved in self-government, i.e. its responsibilities as well as its privileges".

In concluding his memorandum Williams commented on the time-span which his scheme would encompass. As he saw it, "A good many years (perhaps a good many generations though it would be impolitic to say so openly) must elapse before the possibilities of stages 1, 2 and 3 have been at all fully exploited . . .". From this we can see that the belief that there was an almost infinite time ahead in which to modernise was still firmly entrenched.

These proposals were discussed by the Secretary of State and Lord Hailey on 20 July, 1943.<sup>1</sup> At this meeting Oliver Stanley indicated that he considered the memorandum to be "an admirable basis for long-term planning", but that he was more interested in hearing Hailey's views on the subject.

Hailey's reply reveals that his own opinions had altered substantially since 1941 when he wrote the reports upon which these proposals were based. To begin with he was emphasising more strongly the need to secure the support of the educated Africans. It was his belief now that the utmost care should be taken to prevent this group from being antagonised. He felt that every effort should be made to convince the intelligentsia of the sincerity of the British Government

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1. CO554/132/44727: "Note of a Meeting held in the Secretary of State's Room on 20th July /1943/".

on the question of political advance, and he suggested that an authoritative statement of policy should be issued.

But, even more important, Hailey doubted whether or not these proposals went far enough in laying the basis for self-government! He agreed that the development of representative institutions, the fostering of local government, and the acceleration of Africanisation in the civil services were significant advances, but he wondered if the time had not come when Africans should be brought into the government proper. What he had in mind was a programme whereby African unofficials were created 'heads of groups of departments', and as such granted ex officio status on the executive councils. According to the transcript the rationale behind this idea was as follows:

What Lord Hailey felt that we ought to avoid was the extension of Parliamentary responsibility by enlarging the powers of the legislature before we had the basis on which to build such responsibility. We did not want to bind ourselves to the development of normal political institutions and then to have to think again as we had had to do in India. The proposal which he had just made would have the advantage of associating Africans more closely in the Government and enabling them to learn how to govern without committing us immediately to any line of political development.

It was a policy which Hailey believed could be adopted at once, and one which he hoped would prevent resentment from being formed as a result of the fact that Africans were relegated to purely advisory roles on both the legislative and executive councils. Above all, however, Hailey wished to avoid the situation where administrative responsibilities were forced upon the African suddenly without their being ready to assume it.

Hailey's formula for the modernisation of the Native Authorities reveals an even greater departure from his 1941 views. By 1947 he had

come to the conclusion that the Native Authorities could be made effective organs of local government only if the educated Africans could be induced to participate more fully. In this respect he noted the progress which had been made in Eastern Nigeria. As to the means by which this end was to be secured Hailey suggested that the members of the Native Authority Councils should be "elected by the people", rather than chosen by the Native Authority himself. Clearly then Williams' tentative constitutional proposals for British West Africa had not even kept pace with Lord Hailey's thought.

Unfortunately, this meeting would appear to be the only one at which the Williams' proposals were discussed in a leisurely fashion. Shortly after, as a result of Ashanti's request for representation on the Gold Coast Legislative Council, Sir Alan Burns informed the Colonial Office that he would be submitting draft constitutional reforms for his territory. The age of 'constitution mongering' was upon the Colonial Office, and the emphasis in planning shifted from long-term to the specifics of the constitutions under consideration. However, the Williams' proposals remain significant as a first statement of political objectives in West Africa. But, as developments accelerated, they quickly became obsolete, and, indeed, by 1947, most of West Africa had reached Williams' fifth stage. Thus, in a mere four years, and not generations, West Africa, by Williams' own definition, was on the road 'towards self-government'.

Before proceeding to document how these events transpired, it is necessary to examine one constitutional aspect which the Williams' memorandum omitted. In his opening remarks Williams indicated that

there would not be any room for the development of executive councils until the fifth stage of his programme. The reason for this decision is easily IDENTIFIED. As will be seen in the next chapter, under pressure from the Governors of the Gold Coast and Nigeria, the Colonial Office very unwillingly conceded African representation on the executive councils, and thus placed developments in this area beyond the limits which Williams envisaged.

## CHAPTER IV

### THE SEEDS OF CABINET GOVERNMENT?

The decision to admit Africans to the Executive Councils<sup>1</sup> of the Gold Coast and Nigeria has been variously interpreted as the 'breaking of the European monopoly of executive power'<sup>2</sup>, and the stage at which the 'seeds of the cabinet system'<sup>3</sup> were sown in British West Africa. However, as this chapter will demonstrate, neither of these views are accurate. The first interpretation is erroneous because it assumes that executive power was vested in the Executive Council, whereas in actual fact it was vested in the Governor. Meanwhile, the validity of the second view is undermined by a faulty application of history which in turn has resulted in a fundamental distortion of the facts. That is to say that, although this interpretation is based upon historical analysis, its primary focus is the present and not the

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1. The standard works on the development of cabinet government are to be found in the published versions of two doctoral theses: H.V. Wiseman, The Cabinet in the Commonwealth: Post-War Developments in Africa, the West Indies, and South-East Asia (London: Stevens & Sons Limited, 1958); and the more recent work of Bereket H. Selassie, The Executive in African Governments (London: Heineman, 1974). Additional information is to be found in Martin Wight's pioneer study, The Development of the Legislative Council 1606-1945 (London: Faber & Faber, 1946). A specifically West African study is contained in E.V.C. de Graft Johnson's, "The Evolution of the Executive in the Constitutional Development of the Gold Coast" (Leeds: Ph.D. Thesis, 1958).
  2. Michael Crowder, West Africa Under Colonial Rule (London: Hutchinson & Company, 1968).
  3. Wiseman, Op. cit., p. 22.

past. The result of such a practice, as Butterfield himself point<sup>ed</sup> out, "is to impose a certain form upon the whole historical story, and to produce a scheme of general history which is bound to converge beautifully on the present - all demonstrating throughout the ages the workings of an obvious principle of progress . . .".<sup>1</sup> However, an examination of this event in its proper historical context reveals that it was not necessarily 'the start of a new train of growth'.<sup>2</sup> Rather it was a modest reform; an event which amounted to little more than a modification in the personnel of a basically powerless body.

Crowder's view is readily exploded by an examination of the origin and nature of the Executive Councils in British West Africa. In his volume on the development of the Legislative Council in British colonial history Martin Wight has revealed that the ancestry of both the Executive and Legislative Councils can be traced back to the advisory councils established to assist a governor.<sup>3</sup> According to Wight the differentiation of this advisory council into executive and legislative functions occurred first in New South Wales between 1823 and

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1. Herbert Butterfield, The Whig Interpretation of History (London: Penguin Books, 1973), p. 18.
  2. According to Wiseman's historical model "the addition of unofficials, still more of elected representatives, to Executive Council, whether because the Governor desired closer contact with unofficial opinion, or because the unofficials desired representation, started a new train of growth. It enabled the unofficials to share in some part in the formulation of general policy, though the Executive Council remained a purely advisory body, and enabled them to gain experience". See Cabinet in the Commonwealth, pp. 18-19.
  3. This paragraph is based on Wight, Development of the Legislative Council, pp. 128-129.

1825. Thereafter the precedent was extended steadily, and was adopted in Trinidad in 1831; in Mauritius and St. Lucia in 1832; in Ceylon in 1833; and in the Cape in 1834. The only colony in British West Africa to be so modified was Sierra Leone which had its advisory council differentiated in 1863. Under such a constitutional arrangement, as Wight has noted, "the executive council perpetuated the advisory council, with more precise functions, and the legislative council was a new creation". In those colonies established after the 1830's such as the Gold Coast, the Gambia, and Nigeria, it was customary for both councils to be constituted from the very beginning.

Ironically, the first territory in British West Africa to receive a formal Executive Council was the last to achieve independence. This occurred in 1843, when the Gambia was separated from Sierra Leone, and constituted with distinct executive and legislative instruments.<sup>1</sup> Prior to this date local affairs in the area had been handled by an advisory council composed of the Lieutenant Governor, the Colonial Secretary, the Collector of Customs, and the Colonial Surgeon. In the new Executive Council which replaced this organ the Lieutenant Governor was succeeded by the Governor and the Colonial Surgeon was omitted. This body existed until 1866, when the Gambia was merged, along with the other British West African territories, into the West African Settlements. From 1866 until 1888 the Gambia was administered by a Governor-in-Chief stationed in Sierra Leone. As a result, the Executive and Legislative Councils established in the Gambia in 1843 were abolished as was the

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1. This paragraph is based upon Development and Welfare in the Gambia (Bathurst: Government Printer, 1943), Chapter III: "Political Developments: Central Government" pp. 1-4.

post of Governor. Once again local affairs were handled by an advisory council which this time was composed of the Administrator, the Collector of Customs, and the Magistrate. In 1888, the Gambia was separated for the last time from Sierra Leone, and the Executive Council was reconstituted. Its membership now included the Administrator [title changed to Governor in 1901], the Treasurer, the Collector of Customs, and the Chief Magistrate. Although the Gambian Executive Council had finally reached the stage where it had become a permanent fixture in the body politic it should be noted that it remained a device drawn from the same narrow group of senior Government officials and that it continued to exercise the same basic functions as the Council that had been established in 1843.

The Gold Coast was the next territory in British West Africa to secure an executive council. Established in 1850, when the Colony was separated from Sierra Leone, the Executive Council was composed of the Governor, the Judicial Assessor, the Collector of Customs, and, at the Governor's discretion, two representatives of the resident merchants.<sup>1</sup> True to the English colonial model, it was a purely advisory body, and the Governor was not bound by its advice. This agency existed until 1866, when, for austerity reasons, the Gold Coast became part of the West African Settlements. It was not until 1874, that the Gold Coast was finally reconstituted as a separate entity, and, at this time, the Executive Council was brought back into being. Similar in function to

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1. This paragraph is based upon T.O. Elias, Ghana and Sierra Leone: The Development of Their Laws and Constitutions (London: Stevens and Sons Limited, 1962), pp. 60-63.

the 1850 Executive Council, the new Council's membership included the Governor, the Colonial Secretary, the Treasurer, the Attorney General, and the Inspector General. With minor adjustments this institution existed virtually unchanged for over half a century.<sup>1</sup>

A year after it was annexed in 1861, Lagos was granted its own Legislative Council. Unfortunately, when it comes to establishing the date at which the Executive Council was created controversy arises.<sup>2</sup> At any rate the situation was short lived for in 1866, Lagos was merged into the West African Settlements. After 1874, the area was administered by the Gold Coast, and Lagos did not re-emerge as a separate administrative unit until 1886. The Letters Patent of that year reconstituted the Lagos Executive Council, while the Royal

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1. For example, the Inspector General of the Military Forces was replaced on the Council by the Director of Public Works in 1903. Also, when the jurisdiction of the Council was extended to Ashanti and the Northern Territories in 1934, provision was made for the Chief Commissioners of these areas to sit on the Executive.
  2. According to Odumosu the Executive Council was founded in 1862. See Oluwole Idowu Odumosu, The Nigerian Constitutions: History and Developments (London: Sweet & Maxwell, 1963), p. 175. But, Elias, unable to verify this point has merely relied upon the assumption that the Executive, as the twin administrative instrument to the Legislative Council, must have been created at the same time or shortly after the Legislature. See T.O. Elias, Nigeria: The Development of Its Laws and Constitution (London: Stevens & Sons, 1967), p. 51. On the other hand Tamuno has claimed that the first meeting of the Executive Council did not take place until 1886. See Tekena N. Tamuno, "Unofficial Representation of Nigeria's Executive Council, 1886-1943" ODU, new series, Vol. 4 (October, 1970), p. 49. However, it would seem that Tamuno has made an error, in that he has referred to the Executive Council which was established after Lagos left the West African Settlements, and ignored the Executive Council which undoubtedly existed during the early 1860's.

Instructions confined its official membership to the Lieutenant Governor, the Queen's Advocate, the Senior Military Officer, the Colonial Secretary, and the Treasurer. Over the next quarter century various territorial consolidations took place which, by 1913, led to the creation of the geographical unit known today as Nigeria. New Royal Instructions were issued in 1913, which extended the authority of the Executive Council over the entire area. These Instructions were revised in 1922<sup>1</sup>, and provided for an Executive composed of the Governor, the Chief Secretary, the Lieutenant Governor of the Southern Provinces, the Administrator of the Colony, the Lieutenant Governor of the Northern Provinces, the Attorney General, the Commandant of the Nigerian Regiment, the Director of Medical and Sanitary Services, the Treasurer, the Director of Marine, the Comptroller of Customs, and the Secretary of Native Affairs. Although it now had a substantially enlarged sphere of influence and membership, the Nigerian Executive Council, as it existed in 1922, was not significantly different in character from that established in Lagos in 1886. In fact twenty years were to pass before this institution's character was to be altered significantly.

In spite of the fact that Sierra Leone was the oldest British territory in West Africa, it was the last colony to be constituted with a formal Executive Council. Unlike the other British West African territories Sierra Leone's Executive Council evolved from a governor's advisory council. This advisory council was created in 1808, when the

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1. Clause IV of the Royal Instructions (Protectorate) 1922, designated the Executive Council of the Colony to be the Executive Council of the Protectorate as well, and in this manner the authority of the Colony Executive Council was extended over the entire area of Nigeria.

area first came under the jurisdiction of the British Crown. Elias has described this council as an 'all-purpose organ' which executed both legislative and executive functions. In addition, it performed municipal duties in Freetown, and acted as a Native Authority in the rural districts.<sup>1</sup> This arrangement lasted until 1863, when orthodox Crown Colony Government was finally introduced. At that time the advisory council was differentiated, and separate executive and legislative bodies were constituted. In conformity with the British colonial model the new Executive Council was purely consultative, and was composed of the principal Government officers: the Governor, the Chief Justice, the Queen's Advocate, the Colonial Secretary, and the Officer Commanding the Troops.<sup>2</sup>

The fact that the Executive Councils, as they emerged in British West Africa, were virtually indistinguishable from one another is not surprising given that they were constituted and defined by constitutional instruments which contained almost identical provisions. Of particular importance were the Royal Instructions<sup>3</sup> which merit a closer examination because they defined the one aspect of the Executive Council which Crowder has distorted: its nature.

The most striking feature to emerge from a study of the Royal Instructions is the subservient nature of the Executive Council. Indeed, as a result of these Instructions the Governor was put in a position

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1. Elias, Ghana and Sierra Leone, p. 250.

2. Christopher Fyfe, A History of Sierra Leone (Oxford: Clarendon Press, 1962), p. 319.

3. The Royal Instructions in force in British West Africa at the outbreak of the Second World War were those of 1915 for the Gambia; those of 1922 for Nigeria; those of 1924 for Sierra Leone; and those of 1925 for the Gold Coast. Subsequent references will refer to the Royal Instructions of those dates.

where he could totally dominate his Executive. In the first instance the Royal Instructions delegated to the Governor the right to summon the Council<sup>1</sup>, and the right to pose all questions<sup>2</sup>. But, most important of all the Instructions made provision for the Governor to ignore the advice preferred by his Executive if he saw fit. In the words of the relevant article:<sup>3</sup>

The Governor may act in opposition to the advice given to him by the Members of the Executive Council, if he shall in any case deem it right to do so, but in any case he shall fully report the matter to Us by the first convenient opportunity, with the grounds and reasons for his action. In every case it shall be competent to any Member of the Council to require that there be recorded at length on the minutes the grounds of any advice or opinion he may give upon request.

Thus, it may be seen that, although the Governor was required to consult his Executive Council<sup>4</sup>, the Council could be rendered powerless by a determined Governor. Seen in this light the Executive Councils of British West Africa could hardly be described as having a monopoly of executive power.

Attention should also be given to that section of the Instructions which determined the composition of the Executive Council.<sup>5</sup> As already indicated the Council was an exclusively European preserve whose members rarely extended beyond the heads of the principal

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1. See Article IX of the Royal Instructions.
  2. See Article XII of the Royal Instructions.
  3. Ibid.
  4. Ibid.
  5. See Article IV of the Royal Instructions.

government departments. However, this situation was the result of practice rather than policy, because the Royal Instructions in addition to listing the ex officio members of the Council also made provision for the appointment to the Executive of any person whose advice might be of value to the Governor. In the phraseology of the Nigerian Royal Instructions the Council could contain:

such other persons as may from time to time be appointed by any Instructions or warrant under Our Sign Manual or Signet or by Us through one of Our Principal Secretaries of State, or as may be provisionally appointed by the Governor in the manner hereinafter provided.

Furthermore:

Whenever upon any special occasion the Governor desires to obtain the advice of any person in Nigeria touching Our affairs therein, he may by an instrument under the Public Seal of the Colony, summon for such special occasion any such person as an Extraordinary Member of the Executive Council.

In this manner the Royal Instructions provided a mechanism whereby Africans might be appointed to the Executive Councils of British West Africa. However, as far as can be ascertained, it was a possibility which was rarely seized upon before the Second World War.<sup>1</sup>

Having dealt with the origin and nature of the Executive Councils in British West Africa it remains to document the decision to admit Africans to these bodies. But, before proceeding any further, it

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1. For example, in 1892 Samuel [later Sir] Lewis, a prominent Freetown businessman and Vice-President of the Chamber of Commerce was appointed a temporary unofficial member of the Sierra Leone Executive Council. See Elias, Ghana and Sierra Leone, p. 250. Also, during the 1890's, an African, Mr. Justice M'Carthy, served on the Gold Coast Executive Council when he was appointed Acting Attorney General. See Gold Coast Legislative Council Debates, 27 February, 1941. And, according to Wight, unofficials sat on the Gambian Executive Council between 1892 and 1895. See Development of Legislative Council, p. 131.

is necessary first to look briefly at the manner in which Dr. Wiseman, and indeed 'constitutionalists' in general<sup>1</sup>, have interpreted this event. With this accomplished we may then turn to the documentary evidence which, as it has already been suggested, does not in fact support these contentions.

According to Wiseman the Executive Councils of the Commonwealth passed through several readily discernable stages during their 'evolution'.<sup>2</sup> Each of these stages, as the example of the Gold Coast illustrates, involved a significant change in either the composition or function of the Council.

In Wiseman's scheme the first stage in the evolution of the

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1. It has been decided to concentrate on Wiseman because it is in his Cabinet in the Commonwealth that we find the most comprehensive statement of the theory that the Executive Council evolved through a series of recognisable stages that began with the introduction of unofficials to the Council. However, Wiseman is not alone in advocating this interpretation which in fact can be traced back to Martin Wight. See his Development of the Legislative Council, p. 135. Perhaps the real charge against Wiseman is that he has uncritically accepted the view that Wight re-iterated in his Gold Coast Legislative Council when he wrote that the admission of Africans to the Gold Coast Executive Council was "the first step in the evolution of the Council towards a cabinet . . .". (p.115). Indeed, to a greater or lesser extent, all the constitutional scholars cited in this thesis have accepted this theory. Certainly, none of them has taken the time to challenge its validity. As a result this interpretation has become an integral part of the secondary literature on constitutional developments from the university level to the West African General Certificate of Education A Level syllabus. See J.H. Price's Political Institutions of West Africa, Second Edition (London: Hutchinson's, 1975), which conforms to the requirements of that syllabus, and which repeats the theory on page eighteen.
  2. Wiseman, Cabinet in the Commonwealth, pp. 5-9.

Executive Council took place when unofficials were admitted, and this point was reached in the Gold Coast in 1942 when three African unofficial members were created. This stage was further refined when the unofficials were at last drawn from the ranks of the Legislative Council. In the Gold Coast this refinement was made in 1951. At the same time the next major stage in Wiseman's scheme, the creation of an unofficial majority on the Executive Council, was reached. In terms of composition the Executive Council reached maturity when the last official was removed from the Council, and, in the Gold Coast, this occurred in 1954, when Kwame Nkrumah presided over the first all-African Executive Council in Africa.

Meanwhile parallel developments were taking place with regard to the Executive's function. Here the change involved power which was gradually transferred from the Governor to the Executive. In this respect the turning point came when the judicial functions, which hitherto had been exercised by the Executive Council, were removed from the Executive's sphere of jurisdiction. At this juncture the Executive was designated what Wiseman has termed 'the principle instrument of policy'. Despite the fact that it remained a consultative body the Executive Council was granted a measure of power at this stage. For example, it was now authorised to prepare the annual budget, and its approval was needed before any Government measure could be placed before the Legislative Council. In effect, the Gold Coast by-passed this stage and proceeded directly to Wiseman's second stage, the point at which the Council began to exhibit 'an existence independent of the Governor's will'. At this stage the role of the Executive ceased to be set out in the Royal Instructions, and instead was embodied in a

special order-in-council. As a result of these new regulations the discretionary powers of the Governor were limited, and the Executive itself could now demand that a meeting of the Council be convened. Furthermore, on certain specified issues, the Governor was even required to accept the advice of his Executive. This stage was reached in the Gold Coast when the Coussey Constitution of 1951 came into effect. Indeed, the reforms of this constitution went even further and encompassed Wiseman's third stage, the stage of ministerial responsibility, as well. By the provisions of the 1951 Constitution, all business not relating to security, defence, external affairs, finance and justice, was placed in the hands of eight African Ministers. Three years later this responsibility was extended even further to cover all aspects of internal self-government.<sup>1</sup> The final stage in Wiseman's model, of course, came with independence when control, both internal and external, was assumed by the Executive Council. In the case of the Gold Coast this stage was reached in 1957, or a mere fifteen years after the 'seeds of cabinet government' were planted in that colony.

This, then, is the Wiseman model. It started with the posing of the simple question: How did the cabinet system evolve in the Commonwealth?, and ended by producing a scheme whereby all Commonwealth states can be seen to be relentlessly progressing towards cabinet-style government from the point in time at which unofficials were added to their executive councils. However, as the ensuing pages will demonstrate, initially there was no such grand design behind Imperial

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1. Elias, Ghana and Sierra Leone, pp. 65-66.

policy-making in British West Africa. Instead what does emerge is an answer to the more modest question that Wiseman should have asked: How was the decision to admit Africans to the Executive Councils of the Gold Coast and Nigeria arrived at?

### The Impulse

It has been widely assumed that the decision to admit unofficials to the Executive Councils of British West Africa was prompted by the 'continued agitations'<sup>1</sup> of African nationalists. More recently Tekena Tamuno has suggested that this concession was made not so much in response to the pressures of African nationalism as from the weak position Britain found itself in during the early years of the Second World War.<sup>2</sup> According to Tamuno's argument:

The evidence already adduced portrays the failure of the initiatives by British Governors and African leaders till the middle of 1942, a very difficult period for the allied powers during World War II. It was at this stage that the British Government appeared most anxious to win and retain public support in its territories in West Africa. It was, therefore, willing in September 1942, to grant the principle of unofficial representation on the executive councils of two key territories - Nigeria and the Gold Coast.

However, an examination of the recently declassified official records relating to this question reveals that this statement is unfounded. Indeed, the sources confirm the contrary, for this concession was made notwithstanding the initial opposition both of the Secretary of State and of Lord Hailey, at that time the most influential authority on African native administration, and at a time when nationalist demands

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1. Elias, Ghana and Sierra Leone, p. 63.

2. Tamuno, "Unofficial Representation on Nigeria's Executive Council", p. 60.

for admission to the Executive Councils of British West Africa were still very weak.

It is true, however, that for some time Africans had been pressing for representation on the Executive Council. As early as 1898, a petition was submitted by a Gold Coast deputation to the Secretary of State which incorporated demands for such representation.<sup>1</sup> This petition, which was described by the Colonial Office as 'grotesque', and subsequent ones<sup>2</sup>, failed to elicit serious consideration from those in authority. Nor did questions raised in the Legislative Council seem to make any impression.<sup>3</sup> Indeed, in his reply to the last

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1. The reference here is to the deputation from the Kings and Chiefs of the Western Province of the Gold Coast, 1898, which requested that three Africans be appointed to the Executive Council. For details see David Kimble, A Political History of Ghana: The Rise of Gold Coast Nationalism, 1850-1928 (Oxford: Clarendon Press, 1963), p. 430.
  2. In 1921 the Aborigines' Rights Protection Society in their Manifesto called for three elected representatives (including one European) to be added to the Gold Coast Executive Council. Interestingly the National Congress of British West Africa, Gold Coast Section, during the same period, wished the Executive Council to remain 'as at present composed'. See Kimble, Political History of Ghana, p. 437. In 1930, however, the National Congress reversed its position when it advocated reforms for British West Africa similar to those recently implemented in Ceylon. See Tamuno, "Unofficial Representation on Nigeria's Executive Council", p. 53. In 1932, the issue was raised again in the Gold Coast by the Joint Conference of the Provincial Councils. See Wight, Gold Coast Legislative Council, p. 107. Then in 1934, two petitions were submitted containing demands for the admission of Africans to the Executive Council: the Petition of the Delegates from the Gold Coast and Ashanti, 1934, and the Gold Coast Aborigines' Rights Protection Society Petition. See Wight, Op. cit., p. 109, and Chin Sheng-Pao, The Gold Coast Delegations to Britain in 1934: The Political Background (Taipei, Taiwan: National Chengchi University Studies, 1970), p. 37.
  3. For example, see Gold Coast Legislative Council Debates: 31 July, 1936; 17 March, 1937; and 17 April, 1938.

Legislative Council Question raised in the Gold Coast before Africans were actually admitted to the Executive Council, Governor Hodson stated that his administration had no objections to Africans serving on the Council, and he reminded the Legislature that Mr. Justice M'Carthy had served on the Council briefly when he was Acting Attorney General.<sup>1</sup> The fact that the Governor had to go back to the 1890's for his illustration seems to have made little difference. Altogether it was an issue which was interpreted by the Colonial Office as more or less beyond the realm of possibility, and moreover an issue which was seldom pressed with much vigor by Gold Coast Africans themselves.

The situation was much the same in Nigeria where early demands for the admission of Africans to the Executive Council were also rejected.<sup>2</sup> However, the Nigerian experience did differ significantly from that of the Gold Coast in one important aspect. That is to say that on two separate occasions during the 1930's the Nigerian Government itself actually considered the question of unofficial representation on the Executive Council.

The first serious proposal that Africans should be admitted to the Executive Council was put forward by Governor Sir Graeme Thomson shortly after the Aba Riots of 1929. In a despatch of 27 June, 1930, he recommended that two unofficial members should be added to the

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1. Gold Coast Legislative Council Debates, 27 February, 1941.
  2. In 1905, Legislative Councillor C.A. Sarpa-Williams advocated such a policy while on a trip to the United Kingdom. Then in 1906, a group of 'leading Africans', including Herbert Macaulay, petitioned for such a reform. See Tamuno, "Unofficial Representation on Nigeria's Executive Council", pp. 50-51.

Council. His proposal, however, was rejected later that year by Lord Passfield.<sup>1</sup>

During the Governorship of Sir Bernard Bourdillon the issue was revived. Bourdillon set out his views in an important minute which is quoted at length. In his words:<sup>2</sup>

I have been considering whether the time has yet come when we should have unofficial members on the Executive Council. It has been our almost invariable practice in the past to postpone political advances of this nature to the last possible moment, only yielding when the pressure becomes too strong to resist. The inevitable result is that what would have been regarded, had it been effected in time, as an act of far-reaching generosity, is in the end regarded as a miserable surrender; the unofficial member, from the start, feels that he is an unwelcome intruder, and consequently looks upon himself as a critic rather than an advisor, an opponent rather than a colleague. It may be said with truth that there is as yet in Nigeria no demand at all for unofficial representation. I agree, but there is very much indeed to be said for making the concession before the demand arises. Quite apart from the political side of the question, I believe that the Executive Council would benefit a good deal from being able to learn African and European unofficial views on questions of importance first-hand. There are many matters of importance upon which we are not sufficiently informed as to these views, which would, I have little doubt, find freer and more honest expression in the Executive than they do in the Legislative Council. The only objection that I can see is that the presence of unofficials might hamper the present freedom of discussion. I doubt if there is much in this objection; nor do I think that there would be serious danger of leakages of any importance.

It must be remembered that these views were not merely theoretical ramblings, but the views of a man who, as Chief Secretary in Ceylon

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1. Tamuno, Op. cit., pp. 55-56. Also, Sir Bernard Bourdillon, Memorandum on the Future Political Development of Nigeria (Lagos: Government Printer, 1939), p. 12.

2. Bourdillon, Memorandum, p.12.

between 1929 and 1932, had witnessed the first years of the working of responsible government in that colony.

Bourdillon solicited the opinion of his Executive Council on this question and met with a favourable response. Unfortunately, subsequent discussions foundered on "the difficulty which would be experienced in finding an African unofficial member who would be acceptable to the whole country and who would at the same time be of real use . . .".<sup>1</sup> Unable to find such a person<sup>2</sup>, the Executive Council informed the Governor that, in their view, such a move should be deferred. Bourdillon accepted this advice, however, in doing so he noted that "the question should receive consideration at no distant date".<sup>3</sup>

As indicated the Nigerian case has been examined by Tamuno who has noted the failure of both African leaders and Nigerian Governors to secure African representation on the Executive Council, and has thus been led to the assumption that the initiative for this reform must have come from Britain. Indeed, he argues that because this concession was made during the most desperate period of the war for the Allies, it was granted in order to mollify African nationalists and "to win and retain public support in its territories in West Africa".<sup>4</sup> Certainly this act can be viewed as an exercise in

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1. Bourdillon, Memorandum, p. 12.

2. Tamuno's purpose in writing his article, "Unofficial Representation on Nigeria's Executive Council" was to counter the 'unsuitable candidate' argument put forward by the Nigerian Government. As he has noted, when the decision was finally made to admit Africans to the Executive Council suitable candidates were found very rapidly.

3. Bourdillon, Memorandum, pp. 12-13.

4. Tamuno, Op. cit., p. 60.

public relations, but, as the official records indicate, it was initiated from different quarters and for different reasons than Tamuno has assumed. Tamuno's failure to appreciate this is not one of logic but of scope. He has restricted himself to a study of Nigeria and thus has failed to see that the initiative came from elsewhere in British West Africa.

In fact the initiative behind the decision to admit unofficials to the Executive Councils of the Gold Coast and Nigeria can be traced directly to the Gold Coast and to Sir Alan Burns, the newly appointed Governor of that territory. Shortly after his appointment in the autumn of 1941, Sir Alan gave notice of his strong conviction that Africans should be admitted to the Executive Council. As he later confessed in his memoirs, the decision to press for African representation on Executive Council was not prompted by agitation; rather it was the product of Sir Alan's long experience as a colonial administrator.<sup>1</sup> In defence of his proposals he argued that African representation would be valuable because it would make available to the Governor the advice of those who knew "more about local conditions and the feelings of the people than the 'imported' official can possibly know . . .". Moreover, he was of the opinion that such a concession might lessen the possibility of friction arising between the African nationalists and the administration. In his words:

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1. In a personal interview with the author, on 25 July, 1975, Sir Alan re-iterated this argument. He stated that his decision was very much influenced by his experience in St. Kitts, where as far as he was concerned the unofficials on the St. Kitts Executive Council were the most valuable members of all. His tour of the Bahamas led him to a similar conclusion.

although there was no immediate demand in the Gold Coast for African membership on the Executive Council, I felt that it was better to anticipate this demand. Too often in our colonial history we have waited too long in making these concessions, waited in fact until they were practically forced from us, and given with a reluctance which robbed them of any political value.

Burns' strong views on this issue were quickly translated into action, and the decision to admit Africans to the Gold Coast Executive Council became the first policy-decision he made upon his appointment as Governor of that colony.<sup>1</sup>

According to the official sources, Burns had resolved to follow this course of action while still several thousand miles away from the pressures of the African nationalists. Upon receiving notification that he was to succeed Sir Arnold Hodson as the Governor of the Gold Coast Sir Alan prepared and submitted a memorandum in which he set out the topics he wished to discuss with the Secretary of State. In this memorandum he expressed the view that, although his proposals might have repercussions elsewhere in British West Africa, at least two Africans should be admitted to the Gold Coast Executive Council.<sup>2</sup> This point came up for discussion at a meeting with the Secretary of State on 30 September, 1941.<sup>3</sup> At this time Lord Moyne indicated that he had no objection in principle to any such appointments, however, he did stipulate that Burns should consult the other British

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1. Sir Alan Burns, Colonial Civil Servant (London: George Allen & Unwin, Ltd., 1949), p. 195.
  2. CO96/775/31444: memorandum by Sir Alan Burns submitted to D. Parkinson, 29 September, 1941.
  3. CO96/775/31444: "Record of a Discussion with the Secretary of State Tuesday the 30th of September, 1941".

West African Governors before he made any attempt to implement his plan. But, this qualification amounted to little more than a courtesy to the other Governors because Moyne made it perfectly clear that developments in the Gold Coast were not necessarily to be prejudiced by the situation in any of the other British West African dependencies.

Upon his arrival in West Africa, Burns complied with his instructions. He solicited the views of his fellow Governors, and, by the end of January, 1942, he was in a position to put forward concrete proposals to the Colonial Office. In his despatch<sup>1</sup> he was able to record that only Governor Stevenson of Sierra Leone had raised any serious objections. Both Governor Bourdillon of Nigeria and Governor Southorn of the Gambia anticipated that difficulties would arise from Burns' proposed measures, but they were both willing to suffer the consequences. Burns therefore requested that two, and perhaps three, Africans should be appointed to the Executive Council. He indicated further that he would attempt to convince one of the Paramount Chiefs to accept one of the positions, and, if successful in this endeavour, he would consider the appointment of the Asantehene as well. In his next despatch<sup>2</sup> Burns forwarded his short list of possible candidates. It included the Omanhene of Akim Abuakwa,

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1. C0554/131/33702: Burns to Secretary of State, 29 January, 1942.
  2. C0554/131/33702: Burns to Secretary of State, 30 January, 1942.

Nana Sir Ofori Atta<sup>1</sup>; K.A. Korsah<sup>2</sup>; James Henley Coussey<sup>3</sup>; and Dr. F.V. Nanka-Bruce<sup>4</sup>.

Unfortunately for Governor Burns' plans a significant change had taken place in the Colonial Office since his departure for the Gold Coast. On 23 February, 1942, before a decision could be taken on the issue, Lord Moyne was replaced as Secretary of State for the Colonies by Viscount Cranborne. As a result, Burns' proposal received a cool hearing.

So long as Lord Moyne was Secretary of State Burns could anticipate support for his proposal, for Moyne had gone on record as supporting the admission of local representatives to executive councils. Indeed, one of the recommendations of his Royal Commission Report on the West Indies read:<sup>5</sup>

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1. Elected Paramount Chief in 1912; Knighted in 1927; an Unofficial Member of the Gold Coast Legislative Council from 1915 until his death in 1943.
  2. Lawyer; Assistant Secretary of Cape Coast Branch of the West African National Congress, 1921; member of the executive committee of the Aborigines Rights Protection Society, 1922; elected Member for Cape Coast in the Legislative Council, 1928-1940; Member of Executive Council 1942-1945; member of Commission on Higher Education in West Africa 1943-1945; created Puisne Judge, 1945, created Chief Justice of Ghana, 1956.
  3. Lawyer; spent twenty years as legal advisor to Nana Sir Ofori Atta; appointed to Gold Coast Bench, 1944; chaired Committee on Constitutional Reform, 1949; Knighted, 1950; created Justice of Appeal of the West African Court of Appeal, 1952; created President of the West African Court of Appeal, 1955.
  4. Medical Doctor turned politician and newspaperman; member and one of the founders of the National Congress of British West Africa; Member for Accra in the Legislative Council, 1931-1935; owner and editor of the Daily Echo and the Gold Coast Independent.
  5. Great Britain, Report of the West India Royal Commission, 1938-39 (London: H.M.S.O., 1945), p. 374.

we consider, that when selecting individuals for nomination on those bodies Governors should bear in mind the desirability of broadening the basis of their Executive Councils and giving, as far as is possible, representation thereon to all important sections of the community.

It must be pointed out, however, that this was not a radical departure for the report emphasized that the "initiative in formulating policy should remain with the Governor in Executive Council . . .". But Cranborne was not so disposed. It would appear that he took his advice from Lord Hailey, and Hailey was adamantly opposed to the admission of Africans to the Executive Councils of West Africa at this time. Thus it was that Burns found himself embroiled in a debate with not only the Secretary of State, but with the most highly respected authority in London on the native administration question.

Lord Hailey had been in the ascendancy at the Colonial Office throughout the Thirties. Indeed, in 1939, when it was decided to send a mission to Africa to examine native administration policy and to consider the future political development of the colonies, Hailey was the immediate choice for chairman. This mission produced a series of confidential reports relating to the political future of British West Africa, and it was here that Hailey set out his view on the admission of Africans to executive council.<sup>1</sup> Hailey was of the belief that

the proposal must be viewed also as one of principle. The Executive Councils originated in the association of officials as advisors to the Governor in the control of

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1. CO847/22 Part I/47100/9: 'REPORT BY LORD HAILEY', September, 1941. 'THE GOLD COAST'. Paragraph 174.

the territory. Logically, the appointment of Africans to the Council should be the last stage of a process which begins with their admission to the public services and is completed when they have risen to positions qualifying them to partake in the work of the Council.

While Hailey agreed that such a policy would have a tremendous impact in West Africa on the nationalists, he urged caution because it would admit to the Executive an element "not bound by the same regulations to the Crown as their colleagues, and who often owe loyalty to sectional interests". In the end, however, he was forced to confess:

that there arises in the history of every territory a stage when such inconveniences have to be faced; but it is a matter for consideration whether the advantages which can be foreseen from admitting non-official Africans to the Executive Council of the Gold Coast will justify us in facing the difficulties of this nature at present or in the immediate future.

Hailey's was clearly a policy of caution, of rebuilding the pyramid from its base and not its apex. Burns was certainly aware of these views<sup>1</sup>, but, as long as Moyne was Secretary of State, he was insulated against them.

In early March, 1942, the issue was considered in the Colonial Office by F.J. Pedler. Pedler, it may be remembered, was the Colonial Office official seconded to Hailey to assist in the preparation of the confidential reports on native administration and the future political development of the colonies. In his memorandum,<sup>2</sup> Pedler put

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1. C0847/22 Part I/47100/9: A.C. Talbot Edwards, minute, 19 November, 1941. Stated that Burns had both seen and discussed the report with the Secretary of State.
  2. C0554/131/33702: "Proposal to Appoint Two or Three Africans to Executive Council Gold Coast", memorandum by F.J. Pedler, 5 March, 1942.

forward the cases for and against the admission of Africans to executive councils. To begin with he acknowledged that such an act would prove very popular with the politically conscious elements in the Gold Coast. He admitted too that this manoeuvre might even assist the administration because "It would offer some prospect of identifying with the Government the very persons who, if in opposition, would be the most embarrassing opponents". Finally, he felt that this move would have considerable propaganda value abroad. This latter argument could be considered quite important given the interest that had been aroused about British colonial policy after the signing of the Atlantic Charter. Against these benefits Pedler arranged three major arguments. First, he felt it would result in an injection "into the inner councils of government men who are not bound by the same ties, either of loyalty or of secrecy, as their official colleagues". Secondly, he was certain that there would be repercussions elsewhere in British West Africa. And, thirdly, he feared that such a proposal might result in the Colony area of the Gold Coast gaining an even greater political advantage over the Protectorate, especially if people like the Asantehene did not participate. As for the general impact of the plan, he wrote:

The inclusion of Africans in executive council may stimulate demands for further constitutional concessions such as an unofficial majority on legislative council and ministerial responsibility. We may in any case expect that in the long run such demands will be pressed upon us; on the whole the presence of Africans in executive council may do as much to help us in dealing with them, as to hinder us; in the near future, in any case, it scarcely seems likely that such demands will be vigorously pressed.

In conclusion Pedler argued that constitutional advance in one territory should not be retarded because of considerations in a

neighbouring colony, and that, given the type of candidate the Governor had recommended for participation, the scheme should receive the Colonial Office's approval. However, in the first instance, this was not the view that was to prevail.

By May, 1942, Hailey himself had been consulted on the issue. As the transcripts of this discussion reveal Hailey remained adamantly opposed to the proposal.<sup>1</sup>

He considers that the right line of development for Africans is to associate them more closely with provincial Councils and with the Administrative Service and gradually to build up from below. He thinks that we ought to avoid bringing in Africans at the centre too early and thus endeavour not to repeat the mistake made in India. If Africans are to come in at the centre, they should not be brought onto the Executive Councils but onto the Legislative Councils, the representative basis of which can be altered gradually and naturally to meet the pressure.

Hailey could see little value in African participation on the Executive Council at this time. Furthermore, he felt that when the time came for action a common policy for West Africa would be desirable. As a temporary measure he recommended that 'West Africa War Councils' be created. These bodies could have African representatives and the African point of view could thus be solicited without modifying the formal institutions of state. Finally, Hailey concluded with a caution:

Lord Hailey feels that if we make the concession now it may only encourage agitation for further concessions; and it will be difficult for us to know what more to concede. He argues that it is a great mistake to move in advance of agitation and that it is best to keep concessions in reserve so that when agitation arises there will, if necessary, be something to give.

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1. CO554/131/33702: "Memorandum of Discussion with Lord Hailey", prepared by A.J. Dawe, 13 May, 1942.

For a newly appointed Secretary of State, who was not yet completely familiar with his portfolio, such advice was very difficult to ignore, especially when these views corresponded with Cranborne's own conservatism.

In his official reply<sup>1</sup> to the Gold Coast Cranborne stated that it was with regret that he had to turn down the proposal. It was, as he put it, "a measure which belongs properly to the stage at which a Colony moves forward from representative to responsible Government". Besides the Secretary of State was concerned lest they adopt a policy "which would limit the possibility of going forward with a sound policy of constitutional development after the war". Indeed, when that policy was arrived at he felt quite certain that it would have to be a common policy for the entire region. Finally, he objected to the plan because it would admit to the executive arm of government persons who were neither representatives of nor responsible to society. If access to African opinion was what Burns desired then the Secretary of State suggested that he seriously consider the establishment of informal war councils which would have no constitutional basis. With this despatch, as far as Viscount Cranborne was concerned, the issue was now closed.

But, if the Secretary of State thought the issue would remain closed he was gravely mistaken. In a strongly worded despatch<sup>2</sup> Sir Alan Burns immediately reopened the debate. He began with an attempt

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1. CO554/131/33702: Lord Cranborne to O.A.G. Gold Coast, 19 June, 1942.
  2. CO554/131/33702: Burns to Viscount Cranborne, 30 June, 1942.

to refute Hailey's claim that concessions should be withheld until such time as agitation forced Britain's hand. He wrote:

I feel that on the grounds of expedience alone, which are not the only grounds on which I make my recommendations, it would be of the greatest advantage to make this concession now, as a voluntary act, and not to wait until popular clamour has made it necessary to do so. I have over thirty-six years experience of colonial administration and I believe that the rising tide of Negro resentment of British government, and the disturbances which in recent years have been symptoms of this resentment, are due to the policy of deferring constitutional concessions until it is too late for them to be appreciated by the people. The Negro peoples, both in the West Indies and in West Africa, are learning that the colonial administrations take no notice of popular feelings until this feeling is manifested in disturbances. This is one of the principle reasons why the people of these colonies choose as their leaders, not the moderate and reasonable men, but those irresponsible agitators who stimulate racial feelings against the whites and political movements against the government.

In putting forward this proposal for reform designed to pre-empt nationalist agitation Burns declared that any policy which would act to restrict political developments in the Gold Coast until such time as a common policy for the region was devised would be patently unfair. As for the idea that informal war councils should be established Burns retorted that the scheme was simply unworkable.

In his next despatch<sup>1</sup> Sir Alan resumed his attack. At this time he accused the Secretary of State of adhering too rigidly to Hailey's views. While conceding that 'Lord Hailey may be theoretically correct in his views about Executive Councils' Burns reminded Cranborne that the situation had a practical dimension with which Governors like himself had to cope. Burns hoped that the issue would be reconsidered

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1. C0554/131/33702: Burns to Viscount Cranborne, 8 July, 1942.

and the practical problems involved would be examined. In closing he expressed his determination. "I am afraid", he wrote, "that I may be boring you with this argument but all fanatics are rather boring and I confess to being a fanatic in the matter of giving the Colonial people what they would like up to a reasonable point and not just governing them".

The case for admission was taken up by the Governor of Nigeria as well. Initially Sir Bernard Bourdillon merely telegraphed his support<sup>1</sup>, but later this was followed up by a lengthy despatch.<sup>2</sup> In this letter he noted that rarely did he 'have the temerity to disagree with Lord Hailey', but that on this issue he felt obliged to lodge an objection. He began by putting forward the situation in Nigeria, and the practical considerations as he saw them.

With the very rapid growth in political consciousness which has taken place in Nigeria in the last two years, and with the equally rapid development of the Trades Union movement, the need for such advice has become very much more pressing than it was then [in 1939], and I have no hesitation whatsoever in saying that the Governor of Nigeria is now seriously hampered by the absence of that advice. . . . I believe that some of the troubles we are at present experiencing in connection with the rise in the cost of living and the consequent demand for increased wages and salaries might have been averted or at any rate mitigated, if I had been able not only to consult Africans informally, which I have recently done, but also to hear their views expounded in the more formal atmosphere of Executive Council.

To the argument that African unofficial members of the Executive

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1. C0554/131/33702: Bourdillon, telegram to Viscount Cranborne, 13 July, 1942.
  2. C0554/131/33702: Bourdillon to Viscount Cranborne, 21 July, 1942.

Council would not bear responsibility Bourdillon countered that no Executive Councillor bore responsibility. To think that they did was to confuse their situation with that of a Cabinet Minister in Britain. As Bourdillon put it, "Members of the Council have neither individual nor corporate responsibility for the direction of policy; that responsibility rests upon the Governor alone". Bourdillon did not dispute the argument that the Executive would not be representative, but he did imply that the imperfectness of the Council was not, in his mind, sufficient grounds for entirely dismissing change. Also, like Burns, he was in complete disagreement with the Secretary of State on the point that colonies like Nigeria and the Gold Coast should be held back in their political development because of their less sophisticated neighbours. In short, he dismissed Cranborne's claims, and argued that there was but a single issue in question: How could a Governor be provided with the advice necessary for him to formulate policy and handle crises?

The Secretary of State was now in an awkward position. However, before he reconsidered the issue he solicited once again the opinions of the Governors of Sierra Leone and the Gambia. In his reply Governor Stevenson of Sierra Leone indicated that he had no objection in principle to including African unofficials on his Executive Council, but that, at present, he had no intention of following such a course himself.<sup>1</sup> Governor Blood of the Gambia also agreed in principle,

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1. C0554/131/33702: Stevenson, cypher telegram to Viscount Cranborne, 13 August, 1942.

but noted that he would not proceed for lack of a suitable candidate. Indeed, he noted that his predecessor had found great difficulty in finding a suitable candidate to nominate to the Legislative Council!<sup>1</sup> But, through all this, the fact emerged that, in principle, all four British West African Governors were united on the issue of African representation on Executive Council.

The debate then moved back to the Colonial Office. Here O.G.R. Williams, the Head of the West Africa Division, neatly summed up the quandry<sup>a</sup> in which the Office found itself.<sup>2</sup> In his view, the Office's greatest liability lay in its lack of a comprehensive policy for constitutional development in West Africa. He saw this and other policy decisions being made on the basis of expediency, and thus he urged the office to adopt an overall programme for constitutional advance. As he warned:

it is extremely important in any case that we should get clear in our minds what we want to do in West Africa as regards constitutional progress, and by what methods and what stages we propose to carry it out. The longer we put off facing up to this question the more difficult we shall find it to deal with the complications which are bound to arise in the future.

Having made his point, Williams addressed himself to the immediate problem. He concluded that, despite all the objections, the appointment of Africans to the Executive Councils of British West Africa could not be considered a disastrous course, and he recommended that the Secretary of State should reconsider the issue.

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1. C0554/131/33702: Blood to Viscount Cranborne, 4 August, 1942.

2. C0554/131/33702: Williams, minute, 24 August, 1942.

On 1 September, 1942, Lord Cranborne convened a meeting to consider the course of action to be taken.<sup>1</sup> It was decided that, owing to the strong pressures being exerted by the Governors of the Gold Coast and Nigeria, and because the Governors of the Gambia and Sierra Leone had agreed to the proposal in principle, permission should be given for unofficials to be admitted to the Executive Councils of British West Africa. Formal notification was despatched to the Governors two days later.<sup>2</sup> The 'men on the spot' had secured their victory.

Although the deed was done, the Colonial Office was still far from happy with the situation. As one official complained:<sup>3</sup>

I have never myself been convinced that the appointment of Africans to Executive Councils in West Africa was the right course. It has always seemed to me to be a hopelessly piecemeal and hand to mouth expedient: and that what is required . . . is a more consistent and properly thought out policy. But it was difficult to maintain this view in the face of the pressure from the two Governors and having accepted their views, it seems to me that we shall now have to accept unofficial membership as, in principle, a general policy for West Africa as a whole.

Indeed, some months later, after Williams had finally completed his tentative plan for constitutional developments in West Africa, it was noted:<sup>4</sup>

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1. C0554/131/33702: Williams, minute, 3 September, 1942.
  2. C0554/131/33702: cypher telegrams from Secretary of State to the Governors of Nigeria, the Gold Coast, the Gambia, and Sierra Leone, 3 September, 1942.
  3. C0554/131/33702: A.J. Dawe, minute, 21 November, 1942.
  4. C0554/131/33702: Williams, memorandum: "Constitutional Developments in West Africa", undated, but written in July, 1943.

that if H.M.G. had been in a position to point to a plan of constitutional developments on some such lines . . . it would have been found possible to avoid the premature introduction of unofficial members into Executive Councils. This subject has been forced upon us in West Africa by precedents elsewhere and considerations of immediate political expediency in West Africa itself. It is indeed a good illustration of the need for a plan to avoid further concessions which might prove more embarrassing.

But all this was to no avail as the proposal had become general policy for the region as a whole. All that remained was for Sierra Leone and the Gambia to decide if and when they wanted to implement such a programme.

From this point events began to move swiftly. On the 11th of September, Governor Bourdillon forwarded the names of his nominees to the Secretary of State.<sup>1</sup> This list included: A.A. Alakija<sup>2</sup>, S.B. Rhodes<sup>3</sup>, and G.H. Avezathe<sup>4</sup>. Six days later Cranborne informed Bourdillon that these men were acceptable to the Colonial Office.<sup>5</sup>

Meanwhile, Sir Alan Burns had submitted a progress report to

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1. C0554/131/33702: Bourdillon, cypher telegram to Secretary of State, 11 September, 1942.
  2. Lawyer; Representative of the Egba Division in the Nigerian Legislative Council, 1934-1941; Knighted in 1945; became an Egba Chief in 1946.
  3. Lawyer; Representative of the Rivers Division in the Nigerian Legislative Council, 1939-1943; created a Nigerian Puisne Judge, 1945.
  4. Manager of the Elder Dempster Lines; appointed to the Executive Council in order to represent the shipping interest; Member of the Nigerian Legislative Council in 1941.
  5. C0554/131/33702: Secretary of State, cypher telegram to Bourdillon, 17 September, 1942.

his superiors.<sup>1</sup> In it he indicated that Korsah had accepted his invitation to participate on the Council, but that Nana Sir Ofori Atta had asked for time to consider the matter. Burns noted further that the Asantehene would not be approached until after this reply had been received. By the 21st of September, Burns was in a position to inform the Colonial Office that Nana Sir Ofori Atta had agreed to participate<sup>2</sup>, but that after some deliberation the Asantehene had declined.<sup>3</sup>

On 24 September, despatches were sent to both the Gold Coast and Nigeria which confirmed the appointment of the nominated men.<sup>4</sup> Arrangements were then made for the simultaneous public announcement of the appointments which occurred on 29 September, 1942.

In passing it might be noted that the Gold Coast's policy differed from that of Nigeria in one significant respect. Whereas in the Gold Coast unofficial representation was restricted to Africans, in Nigeria it was extended to Europeans as well. Governor Burns'

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1. C0554/131/33702: Burns, cypher telegram to Secretary of State, 19 September, 1942.
  2. C0554/131/33702: Burns, cypher telegram to Secretary of State, 21 September, 1942.
  3. The Asantehene found himself unable to participate for two reasons: 1) by Gold Coast native custom a chief was not permitted to conduct official business unless accompanied by an attendant, and such an attendant would not have been able to accompany him into the Executive Council; and 2) native custom also required the Asantehene to report back to his chiefs, an act which would have caused a breach in Executive Council secrecy. See Burns, Colonial Civil Servant, p. 196; Wight, Gold Coast Legislative Council, p. 194; and West Africa, 9 January, 1943, p. 4.
  4. C0554/131/33702: Secretary of State, cypher telegrams to Governors of Nigeria and Gold Coast, 24 September, 1942.

rationale for rejecting European unofficial representation on the Executive may be summarised in five points.<sup>1</sup> In the first place Burns contended that Europeans did not need additional representation because they already had easy access to senior Government officials. Secondly, he believed that they also had easy access to the Colonial Office in London itself. Thirdly, he argued against their inclusion on the ground that they were representatives of commercial interests and not independent members of the community. Fourthly, he noted that the representatives of the largest commercial interest, mining, would be unable to play an effective role anyway because they resided too far from Accra. And, finally, he noted that the most suitable commercial representative, that of the United Africa Company, would probably be generally unacceptable. Such a nomination he felt would confirm in the mind of the African that the Government was in collusion with the United Africa Company. Furthermore, it would be very unpopular with the other commercial interest. For these reasons unofficial representation on the Gold Coast Executive Council was confined to Africans.

Although the Governor of Sierra Leone had issued strong objections to the admission of Africans to Executive Council, his Government followed the lead of the Gold Coast and Nigeria within a year. Initially Governor Stevenson had objected because he found himself saddled with a rather difficult political situation. From 1938, a radical political organisation, the West African Youth League, had

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1. C0554/131/33702: Burns to Lord Moyne, 29 January, 1942.

been in the ascendancy in Sierra Leone. Its activities had led to an acute political situation, and, at the outbreak of the war, its leadership was incarcerated under the Defence Regulations.<sup>1</sup> Despite the fact that the League's influence was on the decline the Governor continued to keep a firm grip on the situation, and wished to delay any political reforms until the political climate had stabilized. Furthermore, the Sierra Leone Executive Council was responsible for the 'defended port' of Freetown, and the Governor feared that the admission of Africans to this body might result in a breach of wartime security. To prevent such an occurrence Stevenson informed the Secretary of State<sup>2</sup> that the course of action he favoured was to declare his administration's sympathy with the idea of African representation on the Executive Council, but to make it clear that, because of wartime considerations, no action could be taken for the time being. Conversely, if the Secretary of State insisted two Africans could be added to the Council and Stevenson forwarded the names of two potential candidates. The first was Mr. Fowell Boston, a Freetown lawyer, who was to represent the Colony area of Sierra Leone, and Chief Caulker, a Paramount Chief, who was to represent the Protectorate. In making these recommendations, however, the Governor made it clear that these nominations "would be based entirely on political expediency, and would not (repeat not) provide the Government

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1. For details see Curtis R. Nordman, "Rex Vs Wallace-Johnson: A Case Study of the Colonial Service's Response to Political Agitation in British West Africa, 1933-1939" (Dalhousie University: M.A. Thesis, 1972).
  2. CO554/131/33702: Stevenson, cypher telegram to Secretary of State, 27 October, 1942.

with advice of a special value commensurate with the disadvantages of such appointments in the present condition". Cranborne accepted Stevenson's preferred course, and suggested that the Governor take great pains in order to make it very clear that Sierra Leone's case was unique.<sup>1</sup> In his statement to the Legislative Council<sup>2</sup> Stevenson informed the Sierra Leoneans that their admission to the Executive Council would be temporarily delayed because, at this time, "the business of Government is closely connected with matters concerning defence and security to quite an exceptional degree". However, by the spring of 1943, the wartime situation had improved considerably, and the Governor now found himself in a position to reconsider the issue. Indeed, he reversed his earlier decision and once again submitted the names of Boston and Caulker for the Secretary of State's consideration.<sup>3</sup> Approval for these appointments was received from the Secretary of State's Office on the 7th of April.<sup>4</sup> And, two weeks later, Stevenson was able to inform the Office that his nominees had accepted his offer.<sup>5</sup>

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1. C0554/131/33702: Secretary of State, cypher telegram to Stevenson, 31 October, 1942.
  2. C0554/131/33702: Stevenson to Secretary of State, 11 December, 1942.
  3. C0554/131/33702/43: Stevenson, cypher telegram to Secretary of State, 25 March, 1943.
  4. C0554/131/33702/43: Secretary of State, cypher telegram to Stevenson, 7 April, 1943.
  5. C0554/131/33702/43: Stevenson, cypher telegram to Secretary of State, 21 April, 1943.

Basically the delay in the Gambia was for practical reasons. Governor Blood had supported the policy in principle and his administration regarded it as a measure which would allow the Executive Council to "function more efficiently".<sup>1</sup> However, difficulties arose when it came to selecting a candidate for nomination to the Council. As the Government pointed out<sup>2</sup>

It is in connection with Protectorate affairs that the Governor-in-Council would most greatly profit from African advice and, until a suitable Protectorate candidate can be found the Executive Council will benefit little from the addition of any other African member. The inhabitants of Bathurst have many means of access to the Government and it is left in little doubt regarding their views and wishes. The appointment to the Executive Council of an African Legislative Councillor, or the equivalent, would no doubt be popular politically: equally it could - at any rate at present - only be justified politically.

So the matter rested until 1947. Although it is impossible for the moment, because the files for this year remain closed, to ascertain the precise reasons why the Government decided to add Africans to the Executive Council at this time; it is probably safe to say that this action was a part of the overall Government reforms of that year. At any rate on the 12th of December, 1947, Governor Wright announced in the Gambian Legislative Council that three Africans would be admitted to the Executive Council.<sup>3</sup> To be included in the Council were E.F. Small, the elected member for the Colony in the Legislative Council; the Hon.

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1. Government of the Gambia, Development and Welfare of the Gambia 1943 (Bathurst: Government Printer, 1943), See Chapter III: "Political Developments: Central Government", pp. 1-2.

2. Ibid., p. 4.

3. Gambian Legislative Council Debates, 12 December, 1947.

and the Rev. J.C. Faye, the representative of the Upper River Division in the Legislature; and the Hon. Seyfur Tamba Jammeh, the representative of the Central Division.

Thus, by 1947, the principle of African representation on Executive Council had been implemented throughout British West Africa. If we are to accept Wiseman's thesis then between 1942 and 1947 the 'seeds of cabinet government' were sown in this region. However, from the preceding pages it becomes obvious that those implementing this policy had no concept of 'planting' cabinet government. As far as Burns and Bourdillon were concerned there was but one motive behind their decision: expediency. Even the detractors of the scheme failed to see this proposal as has Wiseman. Had they done so they most certainly would have opposed this policy on the grounds that it, in Wiseman's words, started a 'new train of growth'. It is only in the light of later experience that one can interpret this event as the genesis of cabinet government. However, as Butterfield has pointed out, such historical analysis is of marginal value.

What this study does reveal is that the decision to admit unofficials to the Executive Councils of British West Africa must be attributed to the initiative of the Governor of the Gold Coast. With the active support of the Governor of Nigeria and the passive support of the Governors of the Gambia and Sierra Leone, Sir Alan Burns was able to force an unwilling Colonial Office to relent and to permit African representation on his Executive Council. Thus, it was a decision which was taken not in response to African nationalist pressures or from the weakness of Britain's position during the early

years of the war as has been previously suggested. Neither was it taken with a view to transforming the Executive Council into a modern Cabinet. Rather it was a decision based upon political expediency and the insistence of a determined colonial civil servant. Although, in the long run, it was a significant modification; by itself it represented a modest change. No one, least of all those Africans appointed to the Executive Councils, was deceived by the extent of change which had occurred. As K.A. Korsah, one of the Gold Coast Executive Councillors, observed in an interview conducted within a year of his appointment to the Council, the Executive remained powerless. However, he noted that it was a forum where Africans could at last discuss policy at its formative stage; a forum where Africans could put forward their views, and, at times, even act as a 'brake' or a 'spur' to Government policy. But, most important, Korsah saw it as an advance:

It is indeed a step forward, and, with Gold Coast complacency, I would add that it is an admission on the part of Government that we have at last reached an advanced state of political maturity. Our progress should henceforth gather momentum.

Undoubtedly Korsah himself must have been staggered by the remarkable accuracy of his last remark.

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1. "Mr. Korsah on Gold Coast Affairs", West Africa, 4 December, 1943, p. 1093.

## CHAPTER V

### CONSTITUTIONAL DEVELOPMENTS IN THE GOLD COAST: THE EVOLUTION OF THE BURNS CONSTITUTION

The Burns Constitution was not merely a landmark in the constitutional history of Ghana, or as it was then called the Gold Coast, but a landmark in the constitutional history of Black Africa as well.<sup>1</sup> As Martin Wight has pointed out, Sir Alan Burns' reform of the constitution resulted in the first introduction of representative

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1. For historical surveys of the Gold Coast one should consult F.M. Bourett, Ghana: The Road to Independence 1919-1957 (Stanford: Stanford University Press, 1960); and W.E.F. Ward, A History of Ghana (London: George Allen and Unwin Ltd., 1966). For the immediate political background to the period under consideration see David Kimble's excellent study, A Political History of Ghana: The Rise of Gold Coast Nationalism 1850-1928 (Oxford: Oxford University Press, 1971); and E.Y. Twumasi's, "Aspects of Politics in Ghana 1929-1939: A Study of the Relationships Between Discontent and the Development of Nationalism" (Oxon: D.Phil. Thesis, 1972). The period of Sir Alan Burns' governorship is best dealt with in Burns' own autobiography, Colonial Civil Servant (London: George Allen and Unwin Ltd., 1949), which is indispensable. There are several volumes on the transfer of power in Ghana, and all contain valuable background information. See David E. Apter, The Gold Coast in Transition (Princeton: Princeton University Press, 1956); Dennis Austin, Politics in Ghana, 1946-1960 (Oxford: Oxford University Press, 1964); Immanuel Wallerstein, The Road to Independence: Ghana and the Ivory Coast (Paris: Mouton & Co., 1964); and Richard Rathbone, "Transfer of power in Ghana 1945-1957" (London: Ph.D. Thesis, 1968). Two studies of value on the topic of local government are J.H. Nsarkoh, Local Government in Ghana (Accra: Ghana University Press, 1964); and Robert Lewis Stone, "Colonial Administration and Rural Politics in South-Central Ghana, 1919-1951" (Cambridge: Ph.D. Thesis, 1974). Finally, there are three constitutional studies which prove of value: Martin Wight, The Gold Coast Legislative Council (London: Faber and Faber, 1946); L. Rubin and P. Murray, The Constitution and Government of Ghana (London: 1961); and T.O. Elias, Ghana and Sierra Leone: The Development of Their Laws and Constitution (London: Stevens and Sons, 1962).

government into Africa outside the colonies of white settlement".<sup>1</sup>

Dennis Austin has described the 1946 Constitution as the 'crowning point' of the reforms which Sir Alan initiated during his Governorship.<sup>2</sup>

In Austin's view these reforms had two main objectives:<sup>3</sup>

In sum, the reforms which Burns introduced during these years amounted to a bold attempt to meet any widespread demand for political rights before it reached the final point of violent controversy. They were designed, in particular to bring into closer partnership with the officials the two leading groups of local opinion in the country, namely the chiefs as presidents of the reformed native authorities and the intelligentsia as representatives of the growing urban middle class.

Moreover, the Burns Constitution represented an attempt to provide an answer to the question that Malcolm MacDonald had raised back in 1939: "how the development of Native Authorities and of Legislative Councils in the same territories was to be harmonised".<sup>4</sup>

As indicated in the previous chapter Sir Alan Burns was by nature a reformer. Therefore, it was not unnatural that he eventually directed his attention to constitutional reform. Indeed, at the time he assumed his new post he indicated, in a memorandum<sup>5</sup>, that he intended to make some modifications in the constitution. Primarily these alterations were to involve an increase in the number of African members on the Legislative Council, but, as he noted, the positions of Ashanti and the Northern Territories would have to be clarified first.

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1. Wight, Gold Coast Legislative Council, p. 207.

2. Dennis Austin, Politics in Ghana, p. 8.

3. Ibid., p. 9.

4. See page .

5. CO96/775/31444: Burns, memorandum to D. Parkinson Ex-District Officer, Gold Coast seconded to Colonial Office, 22 September, 1941.

Commenting on these proposals the Head of the West African Department indicated that they could anticipate 'strong pressures' for constitutional reform in West Africa from the intelligentsia.<sup>1</sup> As he put it, "A rather forced interpretation of the Atlantic Charter appears to have already raised undue hopes in some quarters". Turning to the specific case of the Gold Coast, Williams noted that this colony was the most politically developed in British West Africa, and he felt that it would be not only difficult, but unfair, to hold back its development because the other territories were not so advanced. Concerning the form of government to be adopted he expressed the view that it should not necessarily be assumed that democratic government was suitable for West Africa. Moreover, he noted that if it was decided not to pursue a line of development based on the parliamentary model then trouble could be anticipated from the intelligentsia which, because of its English-style education, assumed that the goal of British colonial policy was British institutions. But, all this aside, Williams concluded that Burns should be given a free hand to experiment.

Prior to his departure for the Gold Coast Burns met with Lord Moyne to discuss the question of African representation on the Legislative Council and the more delicate question of the granting of an unofficial majority on that body.<sup>2</sup> For his part the Secretary of State indicated that he had no objections in principle to either proposal, but he did stipulate that Burns should consult the other West African

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1. C096/775/31444: Williams, minute, 24 September, 1941.

2. C096/775/31444: "Record of Discussion with the Secretary of State on Tuesday the 30th of September 1941".

Governors before he took any action. Also discussed at this time was Lord Hailey's recommendation that three advisory councils be created, one for the Northern Territories, one for Ashanti, and one for the Colony. According to Hailey's plan a central legislative council was to be superimposed above these councils. Burns, however, thought that this scheme was too 'cumbersome' and he proposed instead that Ashanti should merely be integrated into the existing Legislative Council. Once again Lord Moyne expressed no objection in principle.

Upon his arrival in the Gold Coast, Sir Alan began to examine the whole question of the future political development of the dependency. By the summer of 1942, he had come to the conclusion that the best method of attacking the problem was through the development of municipal government.<sup>1</sup> As he put it:

I believe the best training for the further political advance of the Gold Coast people is to be found in the management of the towns, and that in this management they will acquire a sense of responsibility. In the Legislative Council, where the African unofficial is always in opposition, and where there is no chance of his ever forming the "government", there is little encouragement for him to think constructively, and every inducement to seek the plaudits of the public by violent and unbalanced attacks on the administration. By giving him a measure of responsibility in the government of the municipalities he will learn in time some of the real problems of government, and fit himself for a wider political life.

Having set out his rationale Burns proceeded to elaborate his plan for the reform of the Kumasi Town Council.

At this point in time Kumasi was governed by a Public Health Board which was established in 1925. The president of this body was the Ashanti Chief Commissioner, and he was joined on the Board by four

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1. CO96/773/31229/6: Burns to Secretary of State, 29 July, 1942.

Government officers appointed by the Chief Commissioner and five nominated members. Of the nominated members two were selected by the Asantehene and his divisional councillors; two were chosen by the Chamber of Commerce; and one African of non-Ashanti lineage was chosen by the Chief Commissioner. Burns thought it was an admirable institution, but noted that it was resented in Ashanti because of its alien majority. Thus, Sir Alan thought that it was essential "for the evolution of popular responsible municipal government that the Africans should be given a majority on this body as soon as possible". To this end the Governor recommended that the Kumasi Public Health Board be abolished and replaced by the Kumasi Town Council. Again the Assistant Chief Commissioner was to preside, but provision was to be made for the Council to select its own president if the Governor thought it capable. Of the members of the Council three were to be nominated by the Chief Commissioner of Ashanti; two were to be nominated by the Asantehene and the Kumasi Divisional Council; one was to be nominated by the Kumasi Chamber of Commerce; and six were to be elected, one from each of the six wards of Kumasi. It was thought that this scheme would yield a council of eight Africans and five Europeans. With regard to the electoral roll for Kumasi all persons over the age of twenty-one were entitled to vote provided that they either owned or rented a room in the city for a period of six months prior to an election. As for the candidates they had to fulfil three qualifications. First, they themselves had to be entitled to vote. Second, they had to possess real or personal property to the value of two hundred pounds or pay rates on a rateable value of twenty pounds. Finally, they had to possess a 'reasonable knowledge' of both English and simple accounts. Having

conceded the unofficial majority on this body the Governor decided it would be necessary to reserve certain rights to himself. First among these was the right to approve or disapprove the annual estimates of supplementary expenditure. Secondly, he wanted to secure the final say with regard to the appointment or dismissal of township staff. Thirdly, he wished to retain the right to approve or disapprove the imposition of rates or other forms of taxation. Finally, he thought it would be necessary for him to have the right to appoint a committee of management in the event of the council refusing or failing to function. Burns thought further that these proposals would be acceptable to the Asantehene, and thus he requested that the Secretary of State should give his consent to the plan.

Burns' proposed measures were received in the Colonial Office with some interest. Arthur Mayhew<sup>1</sup> described them as proposals "giving unofficial Africans more responsibility in the management of local urban affairs, as a measure of political training, and some risk to efficiency . . .". Moreover, Mayhew regretted that the Governor had not been more explicit with regard to the delegation of powers. Also, he felt that all three of the Colony townships should be dealt with in this manner simultaneously. A.J. Dawe<sup>2</sup> regarded the proposals as being 'in line with accepted policy and with the ideas advocated by Lord Hailey', and, as he put it, "the modest start with Kumasi which Sir A. Burns proposes can be open to no objection". However, Dawe believed that they should give the new council 'real and effective powers'. In his words, "Otherwise we do not serve the real purpose which we have in view here,

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1. CO96/773/31229/6: Mayhew, "Town Government Reform in the Gold the Gold Coast", 2 September, 1942.
  2. CO96/773/31229/6: Dawe, minute, 22 October, 1942.

i.e. to train the African to play a greater part in the management of his own local affairs."

Burns proposals received the approval of the Colonial Office, and by early November he was in a position to report that they had received general support in the Gold Coast press.<sup>1</sup> A short time later Burns wrote to the Office to outline his ideas for the reform of the Accra Town Council.<sup>2</sup> These proposals stood in stark contrast to those put forward to deal with Kumasi. The essential difference between the proposed measures concerned the franchise. Whereas in Kumasi, Burns advocated adult suffrage, in Accra he recommended that the franchise be withdrawn. Sir Alan based this decision on his evaluation of the performance of the present elected municipal councillors. To avoid the elective principle Burns adopted a suggestion put forward by Mr. Norton Jones, the District Commissioner for Accra. It was Jones' view that any new council should be composed of members nominated by the Ga authorities of Accra and the Governor. Thus, Burns proposed that the new Accra Town Council should be composed as follows: two members nominated by the Ga Mantse; eight members, each to be nominated by one of the subordinate Chiefs; one member nominated by the Chamber of Commerce and appointed by the Governor; and six members nominated by the Governor, either official or unofficial, African or European, to represent the non-Ga interests in Accra. Further he stated that each of the subordinate Chiefs should be placed in control of the various Native Authorities in the area. Indeed, as these Native Authorities comprised the entire

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1. C096/773/31229/6: Burns, cypher telegram to Secretary of State, 4 November, 1942.

2. C096/773/31229/6: Burns to O.G.R. Williams, 29 December, 1942.

region of Accra, Sir Alan thought that they could be classified as 'wards'. Burns had no illusions as to the reaction of the intelligentsia to these proposals, and he suggested that public opinion would have to be carefully sounded before any attempt could be made to implement such a plan. As he put it:

I appreciate the fact that these proposals may be styled reactionary, and that we will be taking the franchise from the Accra people (who, however, only elect a minority of the members) while we have just given adult franchise to Kumasi which has never had it before. But we will be giving Accra instead a Council with an African majority, selected in accordance with African ideas, and with real instead of merely critical powers.

When the Colonial Office finally commented on these proposals<sup>1</sup> it approved of the idea of sounding out public opinion, but, at the same time, it was made clear to Burns that two conditions would have to be satisfied before the Secretary of State would endorse such legislation. As it was noted, the "Secretary of State feels that if he is criticised on the matter in the House of Commons it may not be too easy for him to handle it". Thus, Sir Alan was informed that he would only be permitted to proceed if local opinion was "generally favourable to the scheme", and if the Governor could provide the Colonial Secretary with "a good brief for use in the House of Commons, indicating in some detail the defects of the present Town Council and of the present system of election".

When Burns reported to the Colonial Office on his progress he was forced to admit that his proposals would not be well received in Accra.<sup>2</sup> Indeed, he noted that a Sub-Committee of the Accra Town Council, composed

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1. C096/773/31299/6: Secretary of State, secret and personal telegram to Burns, 6 March, 1943.
  2. C096/773/31229/6: Burns, cypher telegram to the Secretary of State, 1 June, 1943.

entirely of unofficials, had drafted a new constitution for the Council which, although it would undoubtedly have been popular, was not acceptable to the Government. Thus, in order to circumvent the "extremists", Burns proposed to announce the Government's intention to grant to Accra a municipal government along the lines of that proposed for Kumasi. Sir Alan thought that this would be a popular move, and requested permission to make the necessary announcement.

Ten days later Governor Burns provided the Colonial Office with the text of the announcement which he was to make that evening.<sup>1</sup> According to this statement the people of the Accra were to be informed that the Colonial Office had approved the proposal to grant an unofficial majority on the Town Council. Basically the proposed ordinance conformed with that drafted for Kumasi. It did, however, differ with regard to the number of members it was to provide for. In this case it was to consist of thirteen members: seven elected, under the same qualifications as the Kumasi Bill; three to be nominated by the Governor; two to be nominated by the Ga Mantse; and one member to be nominated by the Chamber of Commerce.

Both the Kumasi and Accra Town Council Ordinances were passed by the Gold Coast Legislature in August, 1943. As the Acting Attorney-General of the Gold Coast noted the purpose of these measures was to "replace the existing municipal constitution s . . . by a constitution more in accord with modern ideas and based on the principles of adult suffrage and a majority of elected members on the Council".<sup>2</sup> However, as has been seen, in the case of Accra events might have been far different.

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1. CO96/773/31229/6: Burns, cypher telegram to the Secretary of State, 11 June, 1943.
  2. CO96/773/31229/6: Raymond Browne, memorandum, 28 September, 1943 and attached as enclosure 3 of Burns despatch to the Secretary of State, 4 October, 1943.

While Sir Alan Burns was considering the grant of the unofficial majority on the municipal councils of the Gold Coast it would seem that he began to contemplate a similar concession for the Legislative Council. Indeed, at the end of his first year in office Sir Alan wrote to the Colonial Office to enquire about the formula adopted in the West Indies which granted a Governor powers of certification in the event that an unofficial majority was granted on the Legislative Council.<sup>1</sup> This enquiry provoked a sharp response in the Colonial Office. O.G.R. Williams, the Head of the West African Division, as his minutes indicate, was very cool to the idea.<sup>2</sup> He wrote:

We are, I suppose, committed by precedent to the policy of conceding unofficial majorities in Legislative Councils subject to certain safeguards, but it is not clear to me that any West African Colony is ripe at present for such a development.

Our experience of unofficial majorities elsewhere has been far from encouraging. It does not provide the local community with the kind of experience and training which would fit it for anything like responsible government. On the contrary, the mere fact that the unofficials cannot be called upon to assume administrative responsibility for their actions seems to produce a tendency to obstruction for obstruction's sake, which is entirely unhelpful, and, in some cases leads to a degree of friction with Government which may considerably hamper its efficiency.

A.J. Dawe was even more adamant in his opposition to the concept.<sup>3</sup>

This enquiry does not necessarily mean that Sir A. Burns is meditating proposals for an unofficial majority in the Gold Coast legislature. But we do know his enthusiasm and his keenness in forcing the pace. To be on the safe side, it might be well to sound a warning note.

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1. C096/770/31013/5: Burns, cypher telegram to Secretary of State, 13 December, 1942.
  2. C096/770/31013/5: Williams, minute, 21 December, 1942.
  3. C096/770/31013/5: Dawe to Sir George Gater, 1 January, 1943.

There is a strong case against unofficial majorities in the central Legislatures in West Africa. All our Colonial experience—and we have a good deal of it—is to my mind, against the idea. It is not a question of opposing political progress: but of opposing a type of constitution which can in itself be thoroughly bad and the enemy of progress. Unofficial majorities in central Legislatures mean power without responsibility. They encourage the evolution of native politicians who can impede Government and play to the gallery in the safe assurance that they can never be called upon to form an alternative Government and that their obstructive tactics will not bring the administration to an end so long as they can force the Government to exercise its overriding powers. They encourage petty criticism at the expense of constructive ideas and are the worst form of educating native peoples in the management of their own affairs.

Williams wrote the official reply to Burns, and in this despatch<sup>1</sup> he referred the Governor to the Trinidad Letters Patent of 5 May, 1941, which served as the model. In addition, he cautioned Sir Alan with the words, "I think I ought to let you know at once that it is unlikely that the Secretary of State would be disposed to approve an innovation of this kind". To begin with Williams pointed out that the West African situation could not be compared to that of the West Indies. But, more important, he wrote:

There is another point which must weigh strongly with the Secretary of State. The adoption of unofficial majorities in central legislatures anywhere in West Africa would at present put him in a most embarrassing position in East and Central Africa. Lord Cranborne recently rejected a proposal for an unofficial majority in Northern Rhodesia: and for general political reasons in East Africa, the nature of which will be obvious to you, it is important for the present to maintain the immunity of our African Central Legislatures from the unofficial majority system.

Consequently, Sir Alan abandoned this line of development; that is until circumstances led him to reconsider the idea.

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1. C096/770/31013/5: Williams, despatch to Burns, 20 January, 1943.

Meanwhile Burns was involved in clarifying the political situation in Ashanti. As he informed the Secretary of State he had been considering the future political development of Ashanti, especially as it related to the advance of the Gold Coast as a whole.<sup>1</sup> As a result of his deliberations Burns had come to the conclusion that Ashanti would never participate voluntarily in the Legislative Council. Thus, Sir Alan sought another line of development. In the end he adopted Hailey's recommendation that an advisory council be established for Ashanti. This council he believed would have to be created by ordinance, and he recommended the following composition: five members to be appointed by the Governor; seven members to be nominated by the Ashanti Confederacy Council; one member to be nominated by the Ashanti Chamber of Commerce; and one member to be nominated by the Kumasi Town Council. In addition the Chief Commissioner of Ashanti would sit on the council in his capacity of president. It was noted that the Governor's nominees were designed to represent interests not otherwise represented. At least two of these members were to be officials, while at least another two were to be Africans. In terms of function Burns was emphatic that in the near future the council was to be purely advisory. However, it was to be consulted on all matters concerning Ashanti. Furthermore, Burns made it clear that the council did not advise on these matters by right. Rather its ability to advise was arrived at strictly through practice. The Secretary of State approved of the measure in principle in mid-March<sup>2</sup>, and five weeks later

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1. CO96/772/31096/6: Burns, secret despatch to Secretary of State, 12 February, 1943.
  2. CO96/772/31096/6: Secretary of State, cypher telegram to Burns, 16, March, 1943.

it was published as the Ashanti Advisory Council Ordinance, 1943. Passed as Ordinance 19 of 1943, this bill was forwarded to London for the King's signature on the 8th of September.<sup>1</sup>

In the meantime Sir Alan had begun to examine the overall question of constitutional development. He set out his views on this issue in an important memorandum entitled, 'Memorandum on Constitutional Questions in the Gold Coast'.<sup>2</sup>

To begin with Burns considered the attitude of the Northern Territories and Ashanti towards the Legislative Council. With regard to the former he wrote:

Most of the people in the Northern Territories have never heard of the Legislative Council and even the chiefs know little or nothing of it. Their own Native Administrations are going concerns, and they have practically no "political" interests.

As for Ashanti the Governor noted that, although it was somewhat resentful over the fact that the Legislative Council dealt with all important measures concerning the area, the Ashantis were not likely to participate in the Council. Burns based this belief on the Ashanti superiority complex, which dated from pre-conquest days, and by the fact that the Asantehene would undoubtedly oppose such a move because it would establish another focus of power. Moreover, Burns thought that the Ashantis would be satisfied for some time with the proposed Ashanti Advisory Council.

Turning to the other Native Authority areas of the Gold Coast Sir Alan noted that through the three Provincial Councils of the Gold Coast

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1. CO96/772/31096/6: Burns to Secretary of State, 8 September, 1943.

2. CO96/763/31013/5: Burns, memorandum, 5 July, 1943.

Colony and the Joint Provincial Council of the three there was ample means of soliciting opinion. Indeed, these bodies had a similar function to that of the Ashanti Advisory Council in that they had all legislation concerning them submitted to them prior to their introduction in the Legislative Council. In fact, the Provincial Councils had even more power than the Ashanti Council because they had the ability to refer resolutions on matters of policy to the Legislative Council.

Sir Alan reserved most of his comments for the Gold Coast Colony.

On this subject he was quite candid:

The people of the Gold Coast Colony are not satisfied with the constitution of the present Legislative Council, as they object to the official majority which can vote down unofficial opposition to Government measures. They believe that if there were an unofficial majority Government would be compelled to agree to more Africans being appointed to senior posts, and to better conditions generally for African Civil Servants. They think also that an unofficial majority would be able to counteract the sinister influence of the large European firms and to produce an economic millenium for the African. Actually, it is very seldom that the Government majority has to be used, but it is the fact of its existence that rankles. The unofficial members hardly ever oppose the Government on large matters, and practically never oppose a money vote. Their speeches and their votes are almost always directed towards getting better terms of African officials, or to abuse of European officials who are believed to treat their African subordinates badly.

However, because of Colonial Office objections to the grant of the unofficial majority, Burns did not consider this measure as 'a possible solution', although he noted that, in his opinion, "the Africans would be satisfied for some time with an unofficial majority on the Legislative Council even if the Governor were endowed with over-riding powers . . .". In fact Burns was of the belief that the grant of the unofficial majority was the only concession that the Africans of the Gold Coast Colony would accept. Nor did he think it would be possible to find a substitute for the

Legislative Council, because the Africans were 'accustomed' to it, and regarded it as "a first step to full parliamentary control".

Burns thus sought an 'alternative line of development' which would eventually bring Ashanti and the Northern Territories within the orbit of the Legislative Council. What he proposed was to create the equivalent of the Ashanti Advisory Council in the Northern Territories. Also, he thought it would be possible to enlarge the Provincial Councils of the Gold Coast Colony into a similar body. In the case of the latter the Governor thought certain minor legislative functions, such as the making of by-laws regarding prisons, sanitation, the production of cocoa, etc., could be delegated to the council. Ultimately, these councils would elect representatives to the Legislative Council.

According to Burns' argument:

The next step should logically be the election by the three Advisory Councils of the members of a central Legislative Council, but I feel that however pretty this may appear on the surface it would not be accepted by Ashanti unless Ashanti were given equal representation with the Colony . . . , and by the Colony unless there were to be an unofficial majority. For this reason I do not favour any attempt to change the constitution in this manner.

Indeed, Burns was forced to the conclusion that no amendment could take place to either the constitution or the Legislative Council until such time as political developments had occurred at the local level. This development, he felt, could be fostered through the Advisory and Municipal Councils. Also, he argued that there would have to be improvements in the system of native administration. Here he was particularly concerned with the treasuries, the courts, and the present method of selecting chiefs which gave the Governor no power to intervene.

As he saw it the chiefs were the agents of colonial rule, and thus it was "preposterous that they should be independent of the Governor who represents the King from whom all jurisdiction flows".

Barely a month had passed when events in Ashanti forced the Governor to reconsider his position. On the last day of August Burns telegraphed the Secretary of State<sup>1</sup> to inform him that Ashanti had reversed its attitude towards the Legislative Council, and that it had written to the Governor requesting that Ashanti be granted three representatives on the Legislative Council. Furthermore, it was requested that these members should be chosen by the Ashanti Confederacy Council. Burns was of the opinion that this request could not be reasonably refused, and that in fact it could be used to advantage. He noted that in the Colony there had been demands for the concession of the unofficial majority, and that by complying with Ashanti's demand this end could be achieved. So long as the Governor was granted powers of certification Burns could not see any great difficulties arising. However, he recognised that the Secretary of State, for his own reasons, had opposed such a course of action. If the Secretary of State still adhered to this view Burns stated that Ashanti's request could only be met by increasing the number of officials on the Legislative Council, and, in this event, he suggested that the Chief Commissioners of the Northern Territories and Ashanti be added to the Council. The resultant body would be composed of seventeen officials and seventeen unofficials, with the Governor holding the decisive vote. But, as he informed the Secretary of State, "any change of constitution which retained official

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1. C096/770/31013/5: Burns, cypher telegram to Secretary of State, 31 August, 1943.

majority would provoke violent criticism in the Colony, where the demand for unofficial majority has been stimulated by the income tax debate". It remained for the Secretary of State to make a decision as to which course of action was to be followed.

### The Greater Evil

The Colonial Office wasted no time in examining Sir Alan's proposal. O.G.R. Williams was the first to comment on the despatch,<sup>1</sup> and he recommended that they adopt 'the lesser evil': the retention of the official majority. He appreciated that this course would lead to controversy, but felt that it was essential. As he put it:

Rather than attempt to avoid an immediate controversy at the expense of a continual series of recurrent crises every time the Governor has to exercise his overriding powers it would seem better to face the situation at the outset with a definite refusal of unofficial majorities in the Legislative Councils anywhere in West Africa at the present stage, it being explained that the intentions of His Majesty's Government are in the first place to foster as much as possible the development of municipal bodies with African unofficial majorities as one of the preliminary steps in the direction of a fuller participation of Africans in the government of their country.

He noted further that the whole question of unofficial majorities had received little consideration. Indeed, in his own memo on constitutional development in West Africa he had placed this measure in the fourth stage; a stage which it was noted at the time would in all likelihood never be adopted. The Secretary of State accepted this advice as his reply to Burns indicates:<sup>2</sup>

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1. CO96/770/31013/5: O.G.R. Williams, 'Note on Question of Unofficial Majorities in West African Legislative Councils', 1 September, 1943.
  2. CO96/770/31013/5: Secretary of State, cypher telegram to Burns, 6 September, 1943.

I still feel that there are strong arguments against the concession of unofficial majorities in Central Legislatures in West Africa and while I recognise that a change in constitution with official majority would provoke violent criticism I am inclined, as at present advised, to think that this would be a lesser evil.

However, it was noted that the question could be discussed in greater detail later in that year when the Secretary of State made his tour of British West Africa.

Perhaps at this juncture it would be best if we discussed some of the indigenous pressures for constitutional reform, as these pressures manifested themselves during the Secretary of State's visit, and thereafter became an important element in the constitutional debate.

Much of the pressure for constitutional reform came from the Gold Coast Youth Conference, or more properly, from its founder and prime mover, Dr. J.B. Danquah. Danquah was a barrister and one of the leading spokesmen of the so-called intelligentsia. Active in Gold Coast politics since the late-1920's, Danquah had turned his attention before the outbreak of the war to the formation of a common front between the intelligentsia and the Chiefs. As Wight has noted, the purpose of the 1938 meeting of the Youth Conference was "to build a bridge between the Provincial Councils and the Aborigines" Society<sup>1</sup>, which in a sense were the two parents of the new movement".<sup>2</sup> But, as Sir Alan Burns has pointed

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1. The Aborigines' Rights Protection Society had been the most powerful political organ of the intelligentsia in the Gold Coast during the 1920's. However, it had been badly split during the 1925 constitutional debate. For a complete discussion of the collapse of the A.R.P.S. see David Kimble, A Political History of Ghana: The Rise of Gold Coast Nationalism 1850-1928 (Oxford: University Press, 1971), Chapter XI.

2. Wight, Gold Coast Legislative Council, p. 187.

out in his memoirs<sup>1</sup>, the motives of the Conference were somewhat suspect:

The idea behind these suggestions /of the Conference/ was, of course, to give the so-called intelligentsia (horrid word), who lives in the towns, an influence in the legislature which could not be justified by their numbers, nor, I am afraid, by their public spirit.

Indeed, it would seem that Danquah himself had personal ambitions that would have been fulfilled had the Conference been successful in its endeavours.<sup>2</sup>

In 1940 the Youth Conference put forward a plan which had as its objective the integration of the Joint Provincial Councils into the Legislative Council.<sup>3</sup> Basically this scheme provided for a bicameral assembly, of which the upper chamber, or House of Chiefs, would have been dominated by the Joint Provincial Councils; while the lower chamber, or Legislative Assembly, would have been composed of between thirty and fifty members elected by manhood suffrage.

A year later this document was refined into a more comprehensive programme.<sup>4</sup> These proposals ran to some three hundred and ninety-three pages, and, among other things, advocated an unofficial majority. The constitutional proposals themselves recommended that any new government should consist of three bodies. The first it termed the Governor's Privy

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1. Burns, Colonial Civil Servant, p. 283.
  2. As will be seen the Conference's 1943 proposals advocated the creation of a powerful ministerial post entitled Home Affairs. In his memoirs Burns has noted, in an oblique reference to Danquah, that this proposal "emanated from the brain of a certain politician who hoped that he himself would be selected Minister for Home Affairs". See Colonial Civil Servant, p. 284n.
  3. See Wight, Gold Coast Legislative Council, p. 199. The reference here is to "Memorandum submitted to Lord Hailey by the Executive Committee of the Gold Coast Youth Conference" (Accra: 1940).
  4. C096/775/31455: Things to Change in the Gold Coast, Memorandum by the Gold Coast Youth Conference for the Joint Provincial Councils for Changes to be Affected During or After the Present War (Accra: 1941).

Council. This body was to exercise the prerogative powers of the King. In composition it was to contain the Colonial Secretary, the Financial Secretary, the Attorney-General, the Secretary for Native Affairs, and four Africans, two chosen from the proposed House of Chiefs and two from the House of Assembly. The second agency of state was to be the Executive Council. The Conference believed that this body should have fifteen members: the four officials mentioned above, as well as the Governor who would preside; three representatives of the House of Chiefs; three African Provincial members; two African Municipal members; and two European unofficial members. In terms of function this council was to draft and initiate legislation. The final organ of state was to be the House of Legislature which, as recommended a year previous, was to be composed of two chambers. The first, or House of Chiefs, was to have thirty-two members. These members were to be either Chiefs or other persons elected by States with a population of forty thousand or more. The distribution of members was to be as follows: Gold Coast sixteen members, Ashanti eight members, Togoland four members, and the Northern Territories four members. The House of Chiefs was to elect its own Speaker, and it was to have equal legislative powers with the House of Assembly. The second chamber was to be the House of Assembly, and it was to have thirty-six members. Ten of these members were to be officials, while, of the remainder, sixteen were to be elected Provincial members, but not Chiefs; six were to be municipal members; and three were to be European unofficial members. Of the Provincial members eight were to represent the Colony, four were to represent Ashanti, and both Togoland and the Northern Territories were to receive

two each. Provision was also made for one religious member. As in the case of the House of Chiefs this body was to elect its own speaker. This document was received with much interest in the Colonial Office where it was considered a good indication of which way the 'wind was blowing' in the Gold Coast.<sup>1</sup>

The visit of the Secretary of State to the Gold Coast in 1943 was the occasion for yet another redraft of these proposals. As Martin Wight has recorded, this new memorandum drafted by Danquah took four hours to present to the Ashanti Confederacy Council, and its acceptance by that Council, as well as the Joint Provincial Councils and the municipal members of the Legislative Council, marked the 'zenith' of Dr. Danquah's influence.<sup>2</sup> It should be noted that this memorandum differed from previous ones in two major respects. First, it not only called for an elected majority on the Legislative Council, but on the Executive Council as well. And, second, it called for the creation of an elected ministerial post for Home Affairs. This minister was to be given wide powers, and he would only be removable by a majority vote of the Legislative Council.<sup>3</sup> Ratified by a wide spectrum of political opinion in the Gold Coast this document was presented to the Secretary of State. Although unacceptable to both Oliver Stanley and Governor Burns this document did provide Sir Alan with the starting point for his own re-evaluation of the constitution.

Burns immediately began to rethink his own position and by early

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1. CO96/775/31455: Mr. Talbot Edwards, minute, 14 August, 1942.
  2. Wight, Gold Coast Legislative Council, p. 201.
  3. CO96/782/31499: Memorandum entitled 'Constitution', undated and unsigned, but prepared for meeting of 10 May, 1944.

October he was writing<sup>to</sup> the Colonial Office on the subject of Ashanti's volte face.<sup>1</sup> In this despatch he informed the Office that as late as October, 1942, the Ashanti Confederacy Council had passed a resolution rejecting participation on the Legislative Council on the grounds that Ashanti would have found itself in a hopeless minority position on that body. At that same meeting the Confederacy Council requested the creation of an Advisory Council for Ashanti. This request was of course met, and was embodied in the Ashanti Advisory Council Ordinance of 1943. However, subsequent to the passage of that Ordinance opposition to the Advisory Council erupted in Ashanti.<sup>2</sup> As a result of this situation the Governor proposed to leave this Ordinance on the Statute Books while not taking any action to implement it. With regard to Ashanti representation on the Legislative Council Burns stated that he planned to defer judgement until such time as the larger constitutional question was resolved. But, if the Colonial Office thought immediate action should be taken, Sir Alan indicated he would be willing to include three members nominated by the Ashanti Confederacy Council on the Legislative Council. Should the Office object to the creation of an unofficial majority which this action would involve Burns

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1. C096/776/31499: Burns, secret despatch to Secretary of State, 5 October, 1943.
  2. Enclosure 2 to Burns' despatch was a memorandum from the Chief Commissioner of Ashanti, Mr. Hawksworth, to Governor Burns, dated 21 September, 1943. This memorandum put forward two main reasons for opposition to develop towards the implementation of the Ashanti Advisory Council Ordinance. First, it argued that much of the opposition originated from the Coast Provinces where the Ordinance was regarded as an attempt to divide and rule. Secondly, and of greater importance, was the fear by some of the members of the Ashanti Confederacy Council that the Advisory Council would encroach upon the authority of the Confederacy Council.

expressed his further willingness to appoint to the Legislature the Chief Commissioners of Ashanti and the Northern Territories as well. But, once again, he tried to impress upon the Colonial Office that this move would be extremely unpopular.

Two days later Sir Alan sent another despatch<sup>1</sup> to London in which he took his views on the constitution a step further. In face the proposals he outlined at this time were in effect a counter position to those submitted by the Gold Coast politicians to the Secretary of State. Burns started with a discussion of his proposals for the Executive Council. Here his proposed reforms were modest because he rejected the idea that elected members for the Legislature should by right be considered for membership of the Executive. In fact, in this area, the most he was willing to concede was to increase the number of African unofficials on the Executive from two to four.

Burns then turned to discuss his plans for the Advisory Councils. He began with the Ashanti Advisory Council which, although not yet functioning, he thought should be put into operation. Moreover, he now thought that a clear elected majority should be granted to this body, and he thus proposed to revise the membership of the Council. On the new Council the membership would be confined to seven members elected by the Ashanti Confederacy Council; two members elected by the Kumasi Town Council, an increase of one; and five members appointed by the Governor, a decrease of one. Also, he planned to drop the representative for the Chamber of Commerce. He noted that at the outset the Chief Commissioner

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1. CO96/776/31499: Burns, secret despatch to Secretary of State, 7 October, 1943.

of Ashanti would chair the Council, but it was planned that the Council would eventually elect its own president. Burns had a similar plan for the Joint Provincial Councils which he thought could be enlarged to form an Advisory Council along the Ashanti model. This body, he anticipated, would consist of representatives of the Chiefs, the municipalities, and a few nominated officials and unofficials. However, it would have a clear elected majority. This majority was to be composed of Chiefs and municipal members, the latter being elected by adult suffrage. More specifically it would contain twelve Chiefs; four municipal members, two for Accra and one each for Cape Coast and Sekondi; and four nominated members. As in the case of the Ashanti Advisory Council, the Chief Commissioner would in the first instance preside over the Council, but provision was to be made for the Council to elect its own chairman. In terms of function the Governor recommended that they be given authority to legislate on minor matters, such as sanitation, cocoa production, etc. In addition, their other major role would be to act as electoral colleges for the selection of members to the central legislature. The Governor, of course, was to retain the power of certification. Turning to the situation in the Northern Provinces, Sir Alan noted that this region was not yet ready for an Advisory Council, and thus he recommended that they remain under the control of the Governor.

Finally, Burns raised the issue of the reform of the Legislative Council itself. Burns' major recommendation for the Legislative Council was that it should be granted an elected majority, although this concession was to be qualified by the grant of overriding powers of disallowance to the Governor. As he envisaged it, the new Council would be composed of a President, which Burns thought should be the Colonial Secretary rather

than the Governor in order to free the Governor to act in a capacity more like the King or a Governor-General; five ex-officio members, including the three Chief Commissioners, the Attorney-General, and the Financial Secretary; three other members to be nominated by the Governor to represent such interests as mining and commerce; nine members elected by the proposed Colony Advisory Council; and three persons elected by the Ashanti Advisory Council. Such a measure would have produced a Council composed of twelve elected members as opposed to eight ex-officio and nominated members.

These proposals were received with much interest in the Colonial Office, and were discussed with the Secretary of State on the 27th and 28th of October.<sup>1</sup> As the minutes to these meetings indicate the Secretary of State was beginning to waiver in his opposition to unofficial majorities.

The difficulty which the Secretary of State said the Governor fully appreciated was that the creation of a Legislative Council which had an unofficial majority might have very awkward reactions elsewhere and it might not be possible to go ahead with proposals on this basis in the Gold Coast for that reason. If, however, it was felt that this could be done the Secretary of State's present feeling was that what the Governor had adumbrated would be very satisfactory.

However, it was noted that any final judgement of the proposals would have to be deferred until the spring when Burns returned to England on leave, and could discuss the matter personally with the Secretary of State. Indeed, a short time later the Secretary of State wrote to the Acting Governor of the Gold Coast<sup>2</sup> to inform him that there would be no

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1. C096/770/31013/5: Williams, 'Notes on Points Arising in Discussions with the Secretary of State on Wednesday, 27 October and Thursday, 28 October, 1943'.

2. C096/776/31499: Secretary of State to O.A.G. Gold Coast, 31 Dec., 1943.

official reply to Burns' despatches on the constitution until after the Secretary of State had met with Burns to discuss the issue.

Sir Alan Burns did not arrive back in Britain until May of 1944. But before he met with the Secretary of State he discussed the situation with senior Colonial Office officials. At this meeting<sup>1</sup> he re-iterated his plans, and tried to impress his superiors that in his opinion any attempt at reaching a solution to the problem would fail unless an unofficial majority was granted on the Legislative Council. In the course of this discussion Sir Alan elaborated his views on the electoral system. As he saw it

It produced fluent orators who were popular because they abused the Government but were, in other respects, so inferior as political representatives to many of the Chiefs chosen as members of the Legislative Council by the present Joint Provincial Council, that he thought it possible that in time a movement might go up in favour of replacing the ballot box system by the system of indirect election, at present in force for the other African members of the Legislative Council, which he would propose to continue in the case of the two Advisory Councils.

At the close of the meeting he defended the idea that there should be an unofficial majority in the Legislature. First, he argued that with the delegation of overriding powers to the Governor there would be ample safeguards. Secondly, he noted that he had discussed the proposal with the Nigerian officials, and, although they had no intention of pursuing such a course, they did not object to the innovation taking place in the Gold Coast. Finally, he argued that the argument that the concession could not take place in West Africa, because it might create a situation

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1. CO96/782/31499: "Note of a Discussion with Sir Alan Burns on Wednesday, 10 May".

in East Africa, did not apply because the circumstances of the two regions were fundamentally different.

It was almost two weeks later that Burns met Oliver Stanley.<sup>1</sup>

At this meeting Burns set out to gain the Secretary of State's approval for his scheme. As the official transcript records:

Sir Alan Burns made it clear that he did not not contemplate putting proposals such as those outlined above to the African political leaders as proposals approved by the Secretary of State. What he wanted from the Secretary of State was a definite assurance that if, as a result of negotiations with the Africans, he was able to recommend a modified constitution, on the lines outlined above, as being one which would be accepted locally, he could rely upon the Secretary of State giving his substantial approval, subject to modifications or criticisms of minor details. He would make it clear to those with whom he was negotiating that he was prepared to put certain proposals to the Secretary of State but could give no indication as to whether or not the Secretary of State was likely to approve them.

Stanley assented to this request with the single provision: that the franchise would be restricted to the four municipal members provided for in Burns' scheme. As for the negotiations themselves Burns was given more-or-less a free hand.

Stanley's approval of Burns' constitutional proposals was put in writing a short time later.<sup>2</sup> In his words, "I am prepared to give the assurance which you desire and, if and when the time comes, to approve of a modified constitution on the lines which you have proposed, including as a basic factor the grant of an unofficial majority". However,

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1. C096/782/31499: "Gold Coast Constitution: Note of Conclusions Reached at Discussion with the Secretary of State on 23 May, 1944".
  2. C096/782/31499: Secretary of State to Governor Burns, 2 June, 1944.

he did repeat his condition concerning the franchise, and informed the Governor that he would notify the other British West African Governors of his decision. Also, he stated that the ultimate approval of his scheme would have to take place in the light of the 'circumstances of the time', which in effect was an oblique reference to the situation in East Africa. But, this aside, it was clear that the Colonial Office was now willing to opt for the greater not the lesser evil.

#### Drafting the Constitution

On the 27th of July, 1944 Burns was able to report to the Secretary of State that the first meeting to consider the new constitution had taken place.<sup>1</sup> Present at this meeting were six Chiefs representing the Provincial Councils; three representatives of the Ashanti Confederacy Council; the two Municipal Members of the Legislative Council; one lawyer; one medical doctor; one other Chief; and four officials. At the meeting he informed the gathering that the proposals set out in the memorandum submitted to the Secretary of State by the Joint Provincial Councils was unacceptable. After stating his objections to these proposals Burns outlined his own scheme for constitutional advance. In his opinion these proposals were favourably received, and he closed after having informed the Secretary of State that the various representatives had now returned home to discuss the proposals with their people.

Later Burns gave more details of this meeting in a letter to O.G.R. Williams.<sup>2</sup> Once again he stated how well the meeting had gone,

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1. C096/782/31499: Burns, cypher telegram to Secretary of State, 27 July, 1944.
  2. C096/782/31499: Burns to O.G.R. Williams, 30 July, 1944.

and he intimated it had done so because the more radical politicians, such as Danquah, were absent from the proceedings. Indeed, it would seem that Burns derived some satisfaction from Danquah's reversal. As he wrote:

In the meantime, Dr. Danquah and some of his friends are trying to make mischief. Danquah was very annoyed at not being selected as a representative by the Joint Provincial Council (what a good thing it is that I decided to let the Council choose their own representatives), and further annoyed when he heard from the Chiefs that I would have nothing to do with the appointment of a Minister for Home Affairs, a post which Danquah hoped to fill.

Sir Alan then turned to the constitutional proposals which he placed before the meeting, and which he listed under seven headings. His first recommendations dealt with the Legislative Council. According to his revised scheme the Council was to consist of six officials: the Colonial Secretary, the three Chief Commissioners, the Attorney-General, and the Financial Secretary; seven Provincial Members for the Colony (the unofficials at the meeting had requested nine); three members for Ashanti (the unofficials had requested five); five municipal members (to be elected using the same franchise qualifications for municipal councillors); and six nominated members. Burns now proposed that the Council would be presided over by the Governor, but that he would no longer have a casting vote. Burns' second recommendation concerned any extraordinary members on the Council which if he had his way would have no vote. Thirdly, he wanted to abolish the post of Secretary of Native Affairs, and to replace this official with a Chief Commissioner for the Colony. Fourthly, he wished to see the number of Provinces reduced to two. Fifthly, he recommended that the Provincial Members should be elected by the Joint Provincial Council, and that the Ashanti Members should be elected by the Ashanti Confederacy Council. Sixthly, he suggested that the

electoral colleges should be given some financial powers, and at a later date some legislative powers. Finally, in order to offset the grant of the unofficial majority, he recommended that the Governor be granted reserve powers.

Towards the close of his letter Burns elaborated on his sixth proposal. Here he advocated granting to the Joint Provincial Councils and the Confederacy Council a sum equivalent to the amount of direct taxation collected in each area, or the amount of money spent on development in each area, whichever was the lower amount. These sums would be voted to the councils by the Legislative Council, and would be spent and supervised by the councils concerned on development. In the case of the Northern Territories these sums would be voted to the Chief Commissioner until such time as an Advisory Council was established for that region. As Burns saw it:

the main idea is that the State which collects revenue by direct taxation (i.e. not in rents from mining companies) and spends it on development (i.e. not on salaries for the Chiefs) should be helped to do more development. I hope by this to stimulate taxation and a better distribution of the proceeds, thus killing several birds (I hope) with the same stone.

The Constitutional Conference was reconvened on the 17th of August, 1944. The next day Burns was able to inform the Colonial Office<sup>1</sup> that the delegates had endorsed a programme which roughly corresponded to that set out in his despatch of 30 July. He did note, however, that two amendments were put forward by the delegates which he considered unacceptable. The first called for the creation of a Standing Committee of the Legislative Council, while the second involved the appointment of members of the Legislative Council to the Executive Council.

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1. CO96/782/31499: Burns, cypher telegram to Secretary of State, 18 August, 1944.

Burns set out his objections to these proposals in a letter to Williams.<sup>1</sup> In Sir Alan's opinion a Standing Committee of the Legislature would have been a redundant body because it would simply have duplicated the functions of the Executive Council. Therefore, he recommended that the Secretary of State reject this idea. Concerning the appointment of Legislative Councillors to the Executive Council Burns was willing to compromise. In his words:

It was pointed out to me that they appreciated my argument that it would not do to have the members of the Executive Council elected by the Legislature, and they proposed that I should choose freely from among those persons whom the public trusted and had elected. It is not an unreasonable request, and I should not mind if the Secretary of State accepted it, although I think it a dangerous precedent. But I am quite prepared to choose another member of Executive Council from the Legislature (making three in all, two of whom would be elected members), thus giving them in effect what they have asked for as an act of grace and not as a right.

A few days later Burns submitted a detailed report of the proceedings.<sup>2</sup> In enclosure two of this despatch he enumerated nine main features which the delegates wished to see incorporated into the new constitution. In the main these proposals followed closely those set out by Governor Burns. The two major exceptions have been outlined above. However, there were other exceptions which differed on points of detail. For example, the delegates demanded that there should be seven Provincial members for the Colony and five members for Ashanti under the new constitution. Burns was amenable to the idea for seven members from the Colony, but thought that five members for Ashanti was

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1. C096/782/31499: Burns to Williams, 19 August, 1944.

2. C096/782/31499: Burns, secret despatch to Secretary of State, 21 August, 1944.

out of proportion. In the end a compromise was arrived at, and Ashanti's representation was increased to four. The delegates also asked that any unofficial member of the Legislative Council should be permitted to introduce bills into the House. Burns pointed out that, with the exception of financial matters, this was already the case, and he did not feel that an amendment was necessary. After some discussion this proposal was dropped. Another issue to be raised concerned the question of selecting the nominated members of the Legislature. Burns indicated to the meeting that he did not want to be bound in his appointments. As he put it, "In my view the Nominate Members should be selected for their personal abilities rather than because they represent particular interests". He stated further that he intended to consult bodies such as the Chamber of Commerce before making any nominations. In the end it was decided to leave the question of nomination to the Governor's discretion.

With this Burns recommended that the amended constitutional proposals put forward by the Conference should be accepted. Moreover, he requested that the Secretary of State should indicate his approval as quickly as possible "in order to prevent agitators from using the interval to make mischief".

At this point it should be noted that it was Burns' intention to legislate two of his recommendations in advance of his constitutional package. Indeed, he noted to Creasy<sup>1</sup> that it was his hope that the Secretary of Native Affairs would have been replaced by a Chief Commissioner for the Colony, and that the number of Provinces in the Colony would have been reduced to two by the 1st of April, 1945.

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1. C096/782/31499: Burns to Creasy, 19 August, 1944.

There was also one other area in which Burns felt it would be necessary to legislate before proceeding with any constitutional reforms: native administration. As noted earlier, Sir Alan was somewhat concerned with the system of native administration, and, in particular, with the situation whereby the Governor was deprived of effective control over the appointment or removal of chiefs. To this end a new Native Authority Ordinance, Number 21 of 1944, was drafted and implemented in the Gold Coast. As Stone has indicated<sup>1</sup>, this legislation established at last an interventionist form of indirect rule in this colony. As a result, rural local administration was brought under the firm control of the colonial administration. According to Governor Burns such control was absolutely essential if the Government was to consider the grant of an unofficial majority on the Legislative Council. In his words:<sup>2</sup>

The connection between these Bills and the Constitution is this. If I am not to have some control over the Native Authorities as I thought I would have when I made my recommendations, I should like to consider further the question of having an unofficial majority in Legislative Council. If the Chiefs cannot be trusted to stand by their expressed convictions (regarding the Bills) against the intrigues of Danquah and company, I do not think that they can be trusted to elect responsible persons to be Provincial Members of Councils.

So convinced was Burns of the importance of this measure that he was prepared to force it through the Legislature with the official majority.

Once these measures were in hand Sir Alan was at last free to pursue his constitutional reforms. By the 25th of September he was

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1. Robert Lewis Stone, "Colonial Administration and Rural Politics in South-Central Ghana, 1919-1951" (Cambridge: Ph.D. Thesis, 1974), p. 180. Ironically, as Stone has concluded, "Most of the new elements in the Ordinance represented, at most, changes in legal principle which did not materially affect the actual practice of native administration". Ibid., p. 181.
  2. CO96/782/31499: Burns to Creasy, 4 September, 1944.

ready to move, and thus he wrote to the Secretary of State to submit a draft press release on the introduction of the new constitution.<sup>1</sup> In this statement it was noted that the Secretary of State was prepared to agree to all but two of the points set out in the brief of the Constitutional Conference. These two points of course involved the question of the Standing Committee, which was rejected outright; and the question of the appointment of elective Legislative Councillors to the Executive Council, which was to be conceded, not as a right, but as a privilege. The Secretary of State replied two days later<sup>2</sup>, and informed Burns that this statement was satisfactory. However, he asked the Governor to refrain from issuing the statement until after the other British West African Governors had been consulted and their approval secured. Exactly a week later Sir Alan rose in the Legislative Council to inform the Gold Coast that the Secretary of State had accepted their constitutional proposals, save the two already mentioned.<sup>3</sup> The next day a similar statement was made in the House of Commons by the Secretary of State himself.<sup>4</sup> It remained, of course, to draft the various constitutional instruments, which was a long and involved process, and resulted in the implementation of the constitution being delayed until March, 1946.<sup>5</sup> But, the salient features of the new

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1. C096/782/31499: Burns, secret telegram to Secretary of State, 25 September, 1944.
  2. C096/782/31499: Secretary of State, cypher telegram to Burns, 27 September, 1944.
  3. Gold Coast Legislative Council Debates, 4 October, 1944, pp. 85-6.
  4. Hansard, fifth series, 5 October, 1944, columns 1759-60.
  5. For details of the drafting of the constitutional instruments see C096/782/31499/1. Incidentally, the full text of the 1925 and 1946 Constitutions is to be found in an appendix in Martin Wight's, Gold Coast Legislative Council, pp. 208-267.

Constitution were there for all to see and Burns was well pleased with the result. As he wrote to the Colonial Office<sup>1</sup> only the more radical nationalists had opposed the constitution. In his words, "I feel that things have gone very well, that the people believe that they have got the Constitution they asked for (and not what I suggested), and that we should be able to start working the new Constitution in a good atmosphere".

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1. CO96/782/31499: Burns, semi-official letter to Creasy, 13 October, 1944.

## CHAPTER VI

### CONSTITUTIONAL DEVELOPMENTS IN NIGERIA: THE EVOLUTION OF THE RICHARDS' CONSTITUTION<sup>1</sup>

As James Coleman has pointed out, the name of Sir Arthur Richards was almost universally despised by African nationalists in Nigeria.<sup>2</sup> Sadly, this reputation was earned principally by the arbitrary manner

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1. For the historical background to the Richards' Constitution one should consult Michael Crowder's The Story of Nigeria, 3rd edition, (London: Faber & Faber, 1973); and James S. Coleman's Nigeria: Background to Nationalism (Berkeley: California University Press, 1958), the latter of which, despite its age, remains essential reading. More recently, and more specifically on the period under discussion, we have G.O. Olusanya's The Second World War and Politics in Nigeria 1939-1953 (University Of Lagos: Evans Brothers Limited, 1973) which unfortunately does not prove as useful as its title suggests. Nigeria has been well served by constitutional studies, and in this regard one should see Joan Wheare, The Nigerian Legislative Council (London: Faber & Faber, 1947); Kalu Ezera "Constitutional Developments in Nigeria 1944-1956" (Oxon: D. Phil Thesis, 1957), which later appeared as Constitutional Developments in Nigeria, second edition (Cambridge: Cambridge University Press, 1964); T.O. Elias, Nigeria: The Development of Its Laws and Constitution (London: Stevens and Sons, 1967); O.I. Odumosu, "The Legal Framework of Responsible Government in Nigeria: A Study in Constitutional Law and Political History" (London: Ph.D. Thesis, 1959), and later revised in The Nigerian Constitution: History and Development (London: Sweet & Maxwell, 1963); and Tekena N. Tamuno, Nigerian and Elective Representation 1923-1947 (London: Heinemann Books, 1966). For the question of Nigerian federalism see L. Brett (ed.), Constitutional Problems of Federalism in Nigeria (London: Sweet & Maxwell, 1961); G.A. Odenigwe, "Constitutional Development of Nigeria and Origina of Federalism 1862-1954" (Clark University: Ph.D. Thesis, 1957); and J.A. Ballard, "Administrative Origins of Nigerian Federalism", African Affairs, Vol. 70, No. 281 (October, 1971), pp. 333-348.
  2. Coleman, Op. cit., p. 275.

with which Richards introduced the constitution which bears his name. However, to once again quote Michael Crowder, "The constitutional proposals of Sir Arthur Richards in March, 1945, though they were attacked on almost every side by Nigerian nationalists, mark the real turning-point in Nigeria's progress towards independence".<sup>1</sup> In retrospect, a constitutional expert like T.O. Elias has seen this 'last of the Governor's Constitutions' as remarkable for several reasons<sup>2</sup>. To begin with he saw it as a "real advance in the direction of representative government". Secondly, it established the principle of regionalism which was carried forward in subsequent constitutions.<sup>3</sup> Thirdly, it attempted to incorporate the Native Administration system into the Legislative Council. And, finally it abolished the official majority. Although deficient in many respects, this constitution contained, as Richards himself stated at the opening session of the Legislative Council which it reconstructed, "the seeds of further progress".<sup>4</sup>

### The Bourdillon Years

Any discussion of the constitutional reforms initiated during Sir Arthur Richards' governorship must deal first with the important proposals put forward by Sir Arthurs' predecessor Sir Bernard Bourdillon. Beginning

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1. Crowder, The Story of Nigeria, p. 273.
  2. Elias, Nigeria, p. 37
  3. For a discussion of this topic see J.A. Ballard, "Administrative Origins of Nigerian Federalism".
  4. Nigerian Legislative Council Debates, 20 March, 1947, p. 8.

in 1939, Sir Bernard began to formulate what he termed as 'largely speculative' and 'personal views' on the direction which he felt constitutional reform should take in Nigeria.<sup>1</sup> Between 1939 and 1943, the year of his retirement, he issued a series of memoranda<sup>2</sup> in which he refined his ideas. In retrospect these proposals can be seen to be the genesis of the Richards' Constitution, and many of them, such as regionalism<sup>3</sup>, were actually incorporated into that document.

It is not the object of this chapter to trace out the development of Bourdillon's views on the constitutional issue. Rather our concern lies with the man's mature thought on the issue, and this is to be found in a single memorandum prepared by Bourdillon for the Colonial Office while he was on leave in the United Kingdom pending retirement from the Colonial Service. As the views expressed in this document were elaborated further by Bourdillon in a series of meetings held at the Colonial Office

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1. C0583/244/30453: Bourdillon, personal and confidential despatch to to Sir Cosmo Parkinson Permanent Under Secretary of State, 23 November, 1939.
  2. Sir Bernard Bourdillon, Memorandum on the Future Political Development of Nigeria (Lagos: Government Printer, 1939); Apportionment of Revenue and Duties as between the Central Government and Native Administrations (Lagos: Government Printer, 1939); Comments by the Governor of Nigeria, Sir Bernard Bourdillon, G.C.M.G., K.B.E., on Lord Hailey's Report on Native Administration and African Political Development (Lagos: Government Printer, 1942); A Further Memorandum on the Future Political Development of Nigeria (Lagos: Government Printer, 1942); and Comments on Lord Hailey's Report on Nigeria (Lagos: typescript, 1943).
  3. Interestingly enough a regional solution to the Nigerian constitutional problem was developed simultaneously and independently at the Colonial Office by Mr. Sidebotham of the West Africa Department. Without any 'first-hand knowledge' of the country Sidebotham put forward plans for a 'tripartite scheme of political development' for Nigeria. For details, see C0583/244/30453: J.B. Sidebotham, note West Africe Dept. 14 November, 1939.

these too merit our examination.

After four years of considering constitutional reform for Nigeria, Sir Bernard had become such an avid supporter of the idea that his superiors began to express concern lest he compromise the freedom of action of his successor. As the then Resident Minister of West Africa, Lord Swinton, wrote <sup>to</sup> the Secretary of State on the occasion of Bourdillon's final address to the people of Nigeria:<sup>1</sup>

Did you know that Bourdillon was going to announce in his farewell message his intention to present proposals for Nigerian constitutional reform? His statement has caused a good deal of embarrassment here, where the local press has assumed Nigeria is to have a new constitution like Jamaica, and is asking what the Governor of the Gold coast is going to do here. Unless Bourdillon had your authority "il a manque une belle occasion de se taire".

The Secretary of State was equally distressed with Sir Bernard's action as his reply to Swinton indicates.<sup>2</sup>

I am extremely worried about this reference to the Constitution which he had no authority or encouragement from me. Such a flatulent farewell makes it difficult both for his successor and for his neighbours. Of course, there will have to be some constitutional move after the war, but it is the kind of thing that I naturally wanted to discuss with you before we took any action.

Upon his return to England in 1943, Sir Bernard went in effect into retirement. However, this did not deter him from forwarding his views on constitutional reform. Indeed, at a de-briefing meeting at the Colonial Office<sup>3</sup>, he made clear his intention to write a memorandum in which he would outline his constitutional proposals. More than that,

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1. C0583/261/30453: Lord Swinton, personal and private letter to Oliver Stanley, 2 June, 1943.
  2. C0583/261/30453: Stanley, personal letter to Lord Swinton, 11 June, 1943.
  3. C0583/263/30560: "Discussion Between Sir Arthur Dawe and Sir Bernard Bourdillon on June 10 [1943] at which Mr. O.G.R. Williams and Mr. Cohen were present.

however, he began to agitate for the establishment of a Royal Commission to investigate the matter. These views were received very coolly in the Colonial Office.<sup>1</sup> At a subsequent meeting<sup>2</sup> he discussed more fully his proposal for a Royal Commission. According to his argument:

There was a public demand in Nigeria for constitutional changes and he was convinced that the people should be given a full chance of expressing their opinions on any proposals put forward. He also believed that the final scheme would be more acceptable if it had previously been the subject of public enquiry.

In the end Stanley found it necessary to write personally to Bourdillon to caution him about any public expression of his views.<sup>3</sup> Moreover, he informed Sir Bernard that as a Governor on leave pending retirement he no longer had the locus standi to write a despatch to the Secretary of State. However, Stanley did invite Bourdillon to submit a confidential memorandum in which he could outline his proposals for constitutional reform in Nigeria.

Bourdillon submitted his memorandum to the Colonial Office in the first week of September.<sup>4</sup> He began by enumerating four objectives which formed the basis of his proposals. The first three of these objectives were inter-related. To begin with he sought to widen the basis of representation in the Legislative Council with a view to

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1. C0583/263/30560: Cohen, "Subjects For Discussion with Sir Bernard Bourdillon", 21 June, 1943.
  2. C0583/263/30560: "Note of a discussion with Sir Bernard Bourdillon on July 2, 1943, regarding proposals for the development of Nigeria".
  3. C0583/261/30453: Stanley to Bourdillon, 10 July, 1943.
  4. C0583/261/30453: "Outline Proposals for Constitutional Reforms in Nigeria", memorandum by Sir Bernard Bourdillon with covering letter to Sir George Gater, 5 September, 1943.

securing more adequate representation for the 'peasant producer'. Secondly, he advocated the direct representation of Northern Nigeria. Thirdly, he recommended that the Native Administrations should be associated more closely with the central government. And, finally, it was his opinion that the distinction between unofficial and official members of the Legislative Council should be abolished.

To this end Bourdillon put forward a scheme of regional councils that were to work in parallel with the Legislative Council. He envisaged three such councils, one for the North, one for the East, and one for the West. The membership of these councils was to consist of officials, representatives of the Native Administrations, and unofficials. In order to comply with his fourth objective these members were henceforth to be called ex-officio, elected, and nominated members. Only in the case of Lagos and Calabar, which formed special cases, was election to be by franchise. All other members were to secure their positions by some form of popular selection. Here Bourdillon was very vague, and merely stated that whatever system was arrived at it would have to be adapted to local circumstances. In terms of function the regional councils were to be delegated limited powers. In addition, all major pieces of legislation would be submitted to them before they were presented to the Legislative Council. The budget too was to be examined by the regional councils before it proceeded to the Legislature. Finally, because the regional councils would have unofficial majorities, Bourdillon argued that the governor should be given the power of certification.

Turning to the central legislative council Sir Bernard stated that here too the distinction between official and unofficial members was to be abolished. The ex-officio component of the Legislature was to

include the members of the Executive Council, including the unofficial members of that council; the presidents of the regional councils; the senior Residents; and the heads of certain government departments. So that the Native Administrations could be more closely associated with the central government Bourdillon recommended that the regional councils, which in effect would be composed predominantly by representatives of the Native Administrations, should elect the bulk of the non-ex-officio component in the Legislature. In addition, certain non-regional members, such as those to represent the trade unions or commerce, might be added to the council. However, the total number of members he felt should not exceed forty. With regard to function, the Legislative Council would continue to exercise its present role, with the exception that regional matters might no longer need to be referred to it.

At the Colonial Office Bourdillon's memorandum came under the scrutiny of D. Parkinson and Andrew Cohen. In a lengthy minute<sup>1</sup>, Parkinson expressed general sympathy with the proposals. He thought that the first and third objects that Bourdillon set out were of fundamental importance. Moreover, he agreed that in all likelihood the best means of achieving these goals was through the representation of the native administrations on the Legislative Council. He wrote:

At the present stage of development, it is difficult to see what practical alternative could be found to representation through the native authorities, but if Native Authority members are to be appointed to serve on the Legislature, it becomes necessary to define the capacity in which they are to serve.

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1. C0583/262/30453: D. Parkinson /Ex-District Officer, Gold Coast, seconded to Colonial Office/, 'Note on Sir Bernard Bourdillon's Proposals for Constitutional Reform', 13 October, 1943.

Here Parkinson was raising one of the basic issues to emerge from the Hailey Reports: whether or not the native administrations were to be relegated to the sphere of local government as Hailey advocated, or whether they would evolve into some sort of federation and assume the role of the central government as some Northern Nigerian officials believed. For his part, Parkinson expressed the fear that "unless a line of policy is laid down soon the issue, at any rate in the North, will go by default".

To the proposition that the North should receive direct representation in the central government Parkinson expressed complete agreement. As he expressed it, "it seems generally agreed that it is high time this was achieved, and the only reason no demand has yet arisen in the North hitherto is that the situation has not been fully appreciated by the Native Authorities".

With regard to Bourdillon's fourth objective he had little comment. The issue involved 'no major question of principle', and Parkinson doubted whether "at this stage the educated members will be much impressed by mere changes of title and seating".

But, Parkinson was not entirely satisfied with the Bourdillon memorandum. Indeed, he was somewhat disappointed by Bourdillon's lack of definition as to who was to be represented on the regional councils, and he was decidedly opposed to such ideas as the representation of 'special interests'. However, his main criticism of the document lay in its political ramifications, and here it is worth quoting at length. In his view they could anticipate an 'unenthusiastic' welcome in Nigeria to such a programme.

The main effect of the proposals is to widen the basis of representation on the legislative machinery. This however is achieved by giving representation to the Native Authorities amongst whom so far as I am aware no demand for representation exists, while at the same time it will have the effect of watering down the influence of the educated Africans who have hitherto constituted the sole direct representatives of Native interests. The latter might to some extent be mollified if it were found possible, as Sir Bernard suggests to arrange for unofficial majorities on the Regional Councils, but they realise clearly enough that as long as the Governor retains the right of veto and certification the constitution of the legislative bodies makes little real difference. In fact the only real progress they will recognise is complete responsible self government. Sir Bernard's proposals on the other hand will not carry the ship very far towards self government; they are more in the nature of a trimming of the sails and a slight alteration of course which will eventually shorten the journey. I imagine that there are few features of the proposals which could not have been introduced with equal if not greater facility twenty years ago. They are therefore liable to be condemned as unprogressive if not reactionary by the more advanced elements who as explained above already have a vested interest. This does not in any way condemn the proposals since the extravagant demands of the "progressives" will be satisfied by the grant of nothing short of full democratic institutions.

In conclusion, Parkinson stated that "some readjustment on the lines suggested by Sir Bernard is inevitable before Nigeria can really start to make progress". The unfortunate thing, as he saw it, was that more advanced colonies were receiving more progressive reforms, and this had led the inhabitants of West Africa to "expect so much more than their present state of development would justify their receiving".

Andrew Cohen's analysis<sup>1</sup> of the memorandum led to a similar conclusion. He too was concerned with the political repercussions to be expected from such a scheme, but beyond that raised the questions of municipal government and the democratisation of the native administrations. As he minuted:

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1. CO583/261/30453: Andrew Cohen, minute, 14 October, 1943.

Sir Bernard's scheme will do little to satisfy the educated Africans in the southern towns and particularly in Lagos. The scheme has no relation to the ideas for political advancement put forward in Azikiwe's recent memorandum<sup>1</sup>, which no doubt represents the general aspirations of the more advanced of the educated Africans. Many of them may, moreover, regard it in one sense as a backward step, since it would greatly increase the representation of the rest of the country at the expense of the educated fringe. The memorandum says nothing about the development of municipal government, in which field there is probably most scope for educated Africans, nor does it say anything about the democratization of Native Authorities themselves.

Cohen then summarised the Colonial Office's objections to the memorandum, and drew up a position paper to serve as the basis for subsequent discussions with Sir Bernard.<sup>2</sup>

As might be expected Cohen's first concern was with the particular question of the representation of Lagos, and the more general question of municipal government. As to the former, Cohen noted that there was a divergence between the views of Bourdillon and Hailey. Bourdillon, he noted, wished to see Lagos merged into the Western Regional Council, while Hailey thought that Lagos should have separate status. When questioned Bourdillon admitted that an exception might have to be made for Lagos, but went no further than that. On the more general question of municipal government he was equally undecided. As the transcript of the first

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1. Reference here is to the memorandum submitted to the Secretary of State by the West African Press Delegation on 1 August, 1943. This memorandum was entitled, "The Atlantic Charter and British West Africa", and was drafted by Dr. Nnamdi Azikiwe. Among its proposals was a plan whereby representative government would be instituted throughout British West Africa. This form of government would be in effect for a period of ten years, and was to be followed by the introduction of full responsible government. This state of affairs was to last for five years and was to be followed by the grant of complete independence.
  2. C0583/261/30453: "Note of a Meeting Held in Sir George Gater's Room on 21 October 1943 to discuss Sir Bernard Bourdillon's proposals for Constitutional Reform in Nigeria".

meeting to discuss these points records: "He agreed that local government was to be regarded as a school of training for wider responsibilities, but he did not consider that this question was one which need form part of any constitutional proposals".

The second point that Cohen wanted to see elaborated concerned the question of representation for special interests. On this issue Cohen agreed with Parkinson that it was not a very good idea. However, Cohen was forced to conclude that it might have to be a "temporary expedient until selection or election on a broader basis is practicable". Bourdillon saw such a course as unavoidable. But, as he noted, no group was to be given a statutory right to representation, thus he felt there was no danger of a vested interest being created. He agreed that this expedient would enable a governor if he were so inclined to weigh the legislative bodies as he liked, but sincerely believed that there was no alternative course.

The other major point that Cohen wanted examined involved the financial powers to be delegated to the Regional Councils. In his view, without specific financial powers "regional political power cannot become a reality". He was concerned that in the short run the result of a division of financial powers, and of dual consultation, might seriously delay necessary legislation. As he put it, "The administrative machinery of Nigeria is already cumbersome. It is important that it should not be made more so". To this Bourdillon simply replied that his proposals would provide a valuable means of political education which would on balance offset any disadvantages. Moreover, he stated that the establishment of the regional councils did not necessarily mean that regional administrations would be created. Indeed, as the transcript

records, "He regarded the proposed Regional organisation as a temporary structure which might disappear at a later stage of political development in favour of a single Government on parliamentary lines".

In conclusion, Sir Bernard stated that his proposals did not represent "a radical advance in political responsibility". He agreed that they would probably be opposed by the educated sector of the population, but believed that this opposition would not be strong enough "to constitute a serious obstacle to acceptance of the proposals".

Sir Bernard was last consulted by the Colonial Office on 8 November, 1943. At this meeting<sup>1</sup>, at which the Secretary of State was present, Bourdillon made one significant modification to his proposals. Previously, he had proposed that a 'free voting' system be adopted for the Legislative Council. This concept was consistent with his proposal that the distinction between officials and unofficials should be abolished, and by it both officials and unofficials would have been free to vote as their consciences dictated. However, this idea was considered impractical by the Colonial Office. As a result, Sir Bernard reversed an earlier decision, and came out in favour of an unofficial majority on the Legislative Council. In defence of this proposal, he argued that this was not a really significant concession, for the council was, by definition, merely an advisory body. Moreover, he did not see such a concession as a step in the direction of responsible government, because, as he put it, "The transition from non-responsible to responsible Government could not . . . be effected by a gradual process: when the

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1. CO583/261/30453: 'Note of a meeting with the S of S on 8th of November 1943, to discuss Sir Bernard Bourdillon's proposals for constitutional reform in Nigeria'.

time came there would have to be a definite step from one to another".

Despite the fact that Bourdillon's proposals were ill-defined, and in many respects deficient, they did represent the point of departure for both the Colonial Office and Sir Arthur Richards. Indeed, Sir Bernard's memorandum, and the Colonial Office's criticisms of that memorandum, served as the basis for the preliminary discussions between Richards and the Secretary of State on the Nigerian constitutional issue.

It fell to Andrew Cohen to draw up the position paper that was to be used as the basis for discussions with Richards. In this important minute<sup>1</sup>, Cohen drew together not only the standard criticisms of Bourdillon's proposals, but also his own views as to how they might be made more palatable to the educated African. To this end he put forward three suggestions. First, he indicated that it might be advisable for His Majesty's Government to release a general statement on constitutional development in West Africa to coincide with the publication of the Nigerian proposals. In this manner, he hoped that it would be possible "to bring it home to educated Africans that we mean business about constitutional reform and that any changes now are only a first step towards the ultimate goal". Secondly, he recommended that any announcement "be accompanied by or preceded by a statement in definite terms with regard to educational expansion, the development of health or other social services and the establishment of secondary industries with African participation". And, thirdly, he felt that they should stress those reforms which did "afford some immediate opportunity of

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1. CO583/261/30453: 'Constitutional Development in Nigeria Note for discussion with Sir A. Richards', undated but written mid-November, 1943.

of greater political responsibility to educated Africans".

So strongly did Cohen hold the view that the educated African should not be alienated that he again raised the issue when discussing the questions of unofficial majorities and the position of African members of the Executive Council. With regard to the former Cohen indicated that a decision would have to be made as to whether or not an unofficial majority would be permitted on the Legislative Council. In this regard he noted that such a policy would "without sacrificing the substance of power . . . give great satisfaction to educated African opinion". Concerning the Executive Council, Cohen suggested that they consider attaching the African unofficial members to certain government departments, or groups of departments, with a view to creating a situation whereby "Africans might eventually become heads of departments, and in the more distant future, ministers". Again, the logic behind this suggestion was to make the proposed constitutional reforms "more acceptable to educated African opinion".

Turning to the question of the Regional Councils, Cohen stated that, as everyone was agreed in principle on this issue, the only question to arise concerned the future role of these bodies. As he put it:

Once the Regional Councils have been set up, must we not look forward to a stage in the future when they will become true regional legislatures, bearing similar relationship with the Central Government to the relationship between the Dominion Government and the Provinces of Canada or even the Federal Government and the States in the United States?

If the answer to this question was in the affirmative then Cohen argued that they would have to consider the whole question of the establishment of regional administrations.

Finally, Cohen raised the question of the development of local government, both at the municipal and native administration level. In

his view, advance in this area was important for two main reasons:

because the development of local government bodies is the only sure basis for constitutional development on a larger scale, but also because, in presenting any proposals for constitutional reform, it is important that we should be able to point to immediate advancement in the sphere of local government.

Under this topic Cohen included the specific issue of Lagos, and stated that a decision would have to be made as to whether or not it would be granted separate status.

Richards met with the Secretary of State and his top advisors on the 19th of November, to discuss the constitutional question.<sup>1</sup> From this discussion it becomes clear that Sir Arthur had accepted the Regional Council principle and intended to proceed in this manner. However, when it came to the question of the representation of the North on the central legislative council Richards was less certain. He feared that the Emirs might feel that their authority was being undermined, and that consequently British rule in the North might be prejudiced. Sir Arthur suggested that the matter be discussed fully with the Emirs in order to gain their confidence. This process, he stated, would take time, but, in his view, was absolutely essential. The Secretary of State appreciated this point, and suggested that in restructuring the central legislature they might leave a gap for the North which might be filled at a later date. In addition, Stanley indicated that he very much favoured the consultative approach that Richards had put forward as opposed to Bourdillon's suggestion that a commission be created.

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1. CO583/261/30453: 'Notes of a meeting held in the S of S room on Friday 19 November, 1943'.

The discussion then moved on to the question of the unofficial majority on the Legislative Council. On this point there was no serious objection in principle. Indeed, the Secretary of State pointed out that they would undoubtedly be forced to move in this direction in Nigeria because of events in the Gold Coast. As the transcript recorded, "it would be most difficult to concede an unofficial majority in the Gold Coast without also doing so in Nigeria". Moreover, Stanley believed that in conceding this point they were really conceding little, because in any event the Governor always had the power of certification at his disposal.

With regard to the question of the status of Lagos, Richards declared that he was inclined towards Hailey's view that Lagos and its environs should be granted separate status, and not merely be merged into the Western Regional Council. The Secretary of State informed Richards that Sir Alan Burns had come to a similar conclusion with regard to Accra and Kumasi in the Gold Coast. Furthermore, he noted that it was Sir Alan's intention to grant these urban areas direct representation on the Legislative Council. Stanley was very much in favour of this proposal which he described with the adjective 'wise'. Before leaving this topic Sir George Gater brought up the point that the question of the development of local government did not occur in Bourdillon's proposals, and he wished to make it clear to Richards that the Colonial Office considered this area to be "a very important part of constitutional development".

Towards the end of the meeting it was suggested that the Colonial Office might produce a white paper on the political future of the West African colonies. Richards approved of this idea wholeheartedly and

noted that if the Colonial Office provided the general policy, then it would merely remain for the Governors to fill in the details. The Secretary of State, however, was otherwise inclined, and argued that policy should not be formulated until after the Governors of Nigeria and the Gold Coast had submitted detailed proposals for the political advance of their territories.

Thus, when Sir Arthur Richards left England at the end of November, 1943, to take up his new post, he did so charged with the task of drafting a new constitution for his ward. The age of 'constitution-mongering' had arrived in Nigeria.

#### On An Imperial Scale

Richards submitted his despatch on the political and constitutional future of Nigeria to the Colonial Office on the 19th of July, 1944.<sup>1</sup> It was a task that he had found rather daunting, because, as he put it, Nigeria was 'a potential Empire in itself', and consequently planning needed to be 'on an Imperial scale'.

In formulating his views Richards confessed that he had been influenced to a large degree by the work of Hailey and Lugard.<sup>2</sup> His reading of these men convinced him first of all that 'political progress must be planned deliberately', and that the resultant system would have

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1. C0583/286/30453: Richards, secret despatch to Secretary of State, 19 July, 1944.
  2. Richards in fact consulted Lugard over the Constitution, despite initial objections by the Colonial Office. According to Richards, Lugard was in 'complete agreement' with his proposals. See Oxford Colonial Records Project: Mss. Brit. Emp. s. 368: "Interview with Lord Milverton, formerly Sir Arthur Richards, which took place at his home in Maidenhead, on 22nd February, 1969". Interview conducted by A.H.M. Kirk-Greene.

to be 'flexible'. With this in mind he proceeded to the essential problem:

The main problem in Nigeria to-day is how to create a political system which is itself a present advance and contains the living possibility of further orderly advance - a system within which the diverse elements may progress at varying speeds, amicably and smoothly towards a more closely integrated economic social and political unity, without sacrificing the principles and ideals inherent in their divergent 'ways of life'.

Towards this goal Richards rejected any notion that the territory should be fragmented, or that they should attempt to create an "artificial political unity based on false analogies of the United Kingdom". Indeed, with regard to this latter point, he wrote: "It is not the "Westminster model" but the principles which lie behind it and make it work that I have tried to apply. The "model" is a facade of purely local and national value and perishable; the principles are of universal application and imperishable".

Under Richards' scheme, three regional councils were to be established. Those for the Eastern and Western Provinces were to consist of a single chamber, or House of Assembly, while that of the North was to be bicameral, and was to contain a House of Chiefs in addition to a House of Assembly. Sir Arthur had briefly considered the suggestion that the Northern Province be divided into two regions, or that some of the non-Mohammedan sections be merged into either the Western or Eastern Regions. Despite of the size of the Northern Province, Richards regarded it "desirable to keep the Northern Provinces heterogeneous and to avoid the creation of a Mohammedan bloc - a Pakistan - looking to Cairo rather than to Lagos for guidance".

Each of the Regional Councils was to be delegated certain financial and legislative powers. In addition, each region was to be

provided with administrative machinery in the form of regional heads of all major government departments.

In terms of financial powers, the Regional Councils were to be given control over their own budgets. These budgets involved all expenditures on services, other than central services, in each region. As for revenue, this was to be derived from direct local taxation, which Richards proposed should no longer be shared with the central government. Richards also noted his intention to supplement these funds by block grants from general revenues. These budgets were to be passed by the Regional Councils and then submitted to the Governor for approval or modification before being included in the central estimates.

The question of the legislative powers of the Regional Councils was still a very open issue. Until such time as a committee was able to report on what legislative powers could be devolved to the Regional Councils, the Legislative Council was to continue to initiate all legislation for Nigeria. However, all bills, except those of an urgent nature, were to be submitted to the Regional Councils for discussion before they were considered by the Legislative Council. It should be noted though that this concession involved merely advisory powers for there were no plans to grant the Regional Councils power to veto or amend government measures.

With regard to composition, the Regional Councils were all to have official majorities. In the Northern House of Assembly there were to be nineteen officials, twelve provincial members to represent the Native Authorities, and six other unofficial members to represent such interests as industry or minority groups. The Western House was to be composed of fourteen officials, three Chiefs, six provincial members

to represent the Native Authorities, and four other unofficials to be nominated by the Governor. In the Eastern House the distribution was to be between thirteen officials, seven provincial members representing the Native Authorities, and five other unofficial members. As already mentioned, the North was to have a Council of Chiefs as well as a House of Assembly. This Council was to have the same composition as the Chief's Conference: thirteen first-class Emirs and thirteen representatives of the other Emirs and Chiefs. Initially, all these members were to be nominated by the Governor. However, it was hoped that eventually it would be possible to substitute "a form of nomination, by choice according to African custom instead of by the Governor, for membership of the Regional Councils . . .".

Before turning to discuss the Legislative Council some mention should be made of the Colony. This area was to continue under the direct control of the Legislative Council. Lagos, however, was to be constituted as a municipality, and was to be granted extensive powers. As for the rural areas of the Colony, they were to continue to be administered by three Native Authorities.

The Legislative Council itself was to see its jurisdiction extended to the whole of Nigeria. Like the Regional Councils this institution was to have an official majority. The official component of the Legislature was to number nineteen, twenty if one included the Governor who was not to possess an original vote. The unofficials were to include four members from the Northern Provinces, to be nominated by the Northern House of Assembly from its own ranks; three members from the Western Provinces, to be nominated by the Western House of Assembly from its ranks; four members from the Eastern Provinces, nominated from

the Eastern Regional House as above; one member from Cameroons, to be nominated by the Governor; two members from Lagos to be nominated by the Municipal Council; one member from the Colony, to be nominated by the Governor; and three members, nominated by the Governor to represent Banking, Shipping, and Commerce. In addition, the Council was to include four Emirs to be nominated by the Upper House of the Northern Provinces, and two Chiefs from the Western Provinces to be nominated by the Governor. Excluding the Governor, and assuming that the commercial representatives would be Europeans, this proposal would have created a Legislative Council of twenty-two Europeans and twenty-one Africans.

Under the heading, 'General Remarks' Richards indicated that this constitution should remain in force for a period of nine years. However, he did think that at the end of the third and sixth years that they might investigate the question of nomination. At this point he also declared that he had decided to retain the official majority in all the Councils "in order to give them stability and a chance of success".

Outside of Lagos, Richards had little to say of the development of municipal government. He had considered the idea of a municipality for Port Harcourt, but had come to the conclusion that neither this town nor any other in the Eastern Provinces was ready for such a move. As for the rest of Nigeria he wrote: "The Municipal idea in the Northern Provinces and Western Provinces has not yet taken the public imagination and runs counter to established ideas".

In conclusion, Sir Arthur had this to say:

my chief difficulty in considering this difficult question has been how to bring the Northern Chiefs willingly into a scheme devised to develop into real Nigerian unity. It would be useless to pretend that any such unity at present exists

or that clumsy attempts to achieve it would result in a thing less than accentuated opposition. The verbiage of democracy neither impresses nor deceives the Northern Emir whose judgment of men and motives is more acute than is commonly supposed.

The type of Emir is slowly changing and the new ones tend to be English speaking and educated. But we have to remember that their counsellors are not so advanced. They represent the forces of reactionary Conservatism and have to be cajoled along the road of progress. Progress is in the air and the pace can be accelerated, but too great haste or too great carelessness in dealing with ingrained sentiment and belief can only defeat its object. I have reason to believe that the Chiefs might accept the proposals which I am submitting to you, with the elaborate safeguards of their dignity and position.

The proposals also provide for the individualism and craving of each to paddle his own canoe, which distinguishes the aspiring Eastern Provinces people.

Not the least merit is the opportunity given to let Lagos, its Press and its politicians, sink into their true Nigerian perspective.

At the Colonial Office the Richards' plan for the constitutional development of Nigeria was examined first by Andrew Cohen.<sup>1</sup> To begin with Cohen noted that although this programme had the 'very great merit of filling in the more serious gaps in Sir Bernard Bourdillon's proposals' it did not 'differ in its principal features' from Bourdillon's scheme. With regard to Richards' assertion that the proposals were designed "to create a political system which is itself a present advance and contains the living possibility of further orderly advance" Cohen concluded that only the second of these objectives had been achieved. As he minuted:

The scheme . . . does not itself constitute any advance at all. In this respect it goes even less far than Sir Bernard Bourdillon's scheme, which was itself thought not to be sufficiently progressive.

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1. C0583/286/30453: Cohen, minute: 'Nigeria Constitution Sir Arthur Richards' Proposals', 9 August, 1944.

There were, however, three notable aspects to the plan. First, it effectively unified the country by bringing the Northern Provinces into the Legislative Council. Secondly, by delegating control over regional finances to the Regional Councils, the scheme gave the Councils 'a concrete function to perform'. And, finally, Cohen was pleased to see that the proposals provided for an administrative foundation for the regional legislative bodies.

Not surprisingly Cohen was very concerned with the probable response of educated Africans towards the scheme. He noted that if Sir Arthur's proposals were accepted then direct election to the Legislative Council would be abolished.<sup>1</sup> In addition, the proposals were designed to restrict municipal representation on the Legislative Council because Lagos, instead of having three elected members, was to be reduced to two nominated members; while Calabar, with its single elected member, was to receive no representation at all. Where representation was conceded, it was conceded to representatives of the Native Authorities. However, as Cohen pointed out, "Native Authority representatives cannot be regarded as wholly unofficial". All this was calculated to alienate

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1. The fact that elective representation in Nigeria might well have been suspended had Sir Arthur Richards had his way has been obscured. For example, Tamuno in his Nigeria and Elective Representation 1923-1947 makes no reference to this proposal. Had he been aware of this fact he would most likely not have written that 'the slow pace of widening the franchise' in Nigeria was due to "the presumptions of British officials who, aware of the slowness of parliamentary reform in their own country, could not have gone too far too fast in this respect among subject peoples deemed to be inferior to the alien rulers". Op. cit., p. 118. Instead, he might have passed the judgement that this study suggests: that greater progress was not made in this area because the debate over whether or not the 'Westminster model' was to be adopted had not yet run its course.

the educated African, and Cohen thus anticipated that the proposals "would be regarded as reactionary by educated African opinion". Indeed, he was led to the conclusion:

I find it impossible to avoid the feeling that the scheme would to some extent be prejudiced by the fact that it does nothing to mitigate the present complete bureaucratic control over politics in Nigeria. I think that we ought to consider the possibility of making this control less rigid while not sacrificing the substance of power. In effect Sir Arthur Richards' scheme means that there would be no political advancement for a period of nine years. In the present state of public opinion both in this country and West Africa can such a position be sustained?

Cohen was also critical of Richards' rejection of Bourdillon's proposal that the unofficial majority should be conceded. He saw this issue as a political expedient which in fact did not concede the substance of power. As he argued:

Provided that a solid Government block were retained, could not the numbers of unofficials safely be increased without endangering the control of the Government? In the most improbable event of solid unofficial opposition, it is most unlikely that the Government would wish to proceed with any measure unless it were absolutely vital to do so, thus justifying the use of the Governor's reserve powers.

This argument, he believed, applied to both the Houses of Assembly and the Legislative Council. Furthermore, he noted that in the Gold Coast Sir Alan Burns intended to grant an unofficial majority. Cohen thus found it necessary to raise the question: "can this essential difference be justified for the two Territories?"

Turning to the method of selecting unofficial members, Cohen argued that it "would be both more satisfactory in practice and more democratic if nomination by the Governor could be dispensed with". He found it difficult to believe that some scheme whereby the Native Authorities would nominate their own representatives could not be devised.

However, he did concede that if such a system were developed, the Governor would have to be granted the power of veto in order to ensure that 'unsatisfactory or exceedingly reactionary members' were not appointed.

The Colonial Office also sought the advice of Lord Hailey on these proposals.<sup>1</sup> Hailey fully endorsed the Regional Councils concept, and, in general, felt the scheme to be 'workable'. However, Hailey too anticipated an outcry from the educated Africans. As a result of the relegation of Lagos to a minor role; the recognition of the Native Authorities as sources of representation; the failure to expand the electoral system; and the retention of official majorities; Hailey believed that "The Secretary of State will be asked in England whether this can actually be said to represent a substantial step forward towards the grant of self government which many here regard as the inevitable result of the War". In Hailey's view, these charges could be answered, and he recommended that they stress the theme that the 'primary objective' of the proposals was "to create in Nigeria that sense of unity or nationhood which is an essential preliminary of self government for the territory".

While, it formulated its views the Colonial Office took the opportunity of interviewing the Nigerian Colonial Secretary, Mr. Grantham, then on leave in Britain.<sup>2</sup> Grantham informed the Office that, in his view, the proposals provided a practical basis for constitutional development in Nigeria. Although he anticipated some opposition to the scheme from

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1. CO583/286/30453: Hailey, 'Comments on Richards' Scheme', 5 September, 1944.
  2. CO583/286/30453: Cohen, 'Note of Mr. Grantham's Views', 28 August, 1944.

the African intelligentsia, Grantham did not think that it would prove a 'serious obstacle' When questioned about the possibility of granting an unofficial majority he declared himself willing with regard to the Houses of Assembly, but 'definitely opposed' to such a concession in the Legislative Council. One major point which did emerge from this discussion concerned the procedure by which the constitutional issue might be considered in Nigeria. It may be remembered that Governor Bourdillon had recommended that the constitutional debate should take place in as public a manner as possible. This was a view which Grantham believed was not only desirable, but necessary.

The arrival of the Nigerian Financial Secretary, Mr. Farquhar, in London provided the Colonial Office with yet another opportunity to discuss the matter with a Nigerian official.<sup>1</sup> This time the discussions revolved around the financial aspects of Sir Arthur's proposals, which, as this conversation revealed, were somewhat ambiguous. The debate here involved the degree to which the Nigerian budget was to be centralised. Farquhar himself had no doubts that the financial arrangements should remain as near as possible to those then existing. Thus, he advocated a system whereby there would be a single set of accounts, a single surplus, and a single reserve for Nigeria as a whole. As a centralist, he wanted the estimates for the entire region to be considered by his office. In addition, he stressed that the power of appropriating revenue and voting expenditure should remain with the Legislative Council.

At this point in the debate Andrew Cohen attempted to synthesize

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1. C0583/286/30453: 'Financial Aspects of Sir A. Richards' Proposals', submitted by Cohen, 27 September, 1944.

what had transpired. First, however, he asked Mr. Shute and Mr. Pedler to put their views on the subject on paper so that they might be included in this resume.

Shute strongly supported the Regional Councils idea, and thus reserved his criticism for the method of representation.<sup>1</sup> As he saw it, they could anticipate trouble from four directions. First, "The citizens and especially the politicians of Lagos, who will resent the limitation of their immediate activities to the narrow confines of a municipality". Secondly, they could expect trouble from the intelligentsia "who hanker after the Westminster model, distrust native administrations as an instrument of local government and will therefore doubly dislike a system of nomination weighted in favour of Native authority representation . . .". Thirdly, the people of Calabar would be angered because they were to be deprived of the privilege of direct election. Finally, he thought the Chiefs of Yorubaland would be unhappy because they would "grudge the Northern Provinces their House of Chiefs and will be loath to see their Chief's Conference . . . disappear". Despite the pressures that would result from these quarters Shute believed that the scheme would work. He also strongly defended nomination because, as he put it, "Systems of public election may suit European and American democracies but Nigeria is far from ripe for them".

F.J. Pedler set out his views in a strongly worded minute.<sup>2</sup>

Pedler too declared himself basically in favour of the proposals, but was very unhappy with the prospect of excluding the educated Africans,

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1. C0583/286/30453: Shute [temporary administrative officer, Colonial Office, retired 1943], secret and personal minute to Cohen, 29 September, 1944.

2. C0583/286/30453: Pedler, minute, 29 September, 1944.

especially in the Northern Provinces. Indeed, on the specific issue of the North, Pedler was quite outspoken:

In the Northern Provinces we have hitherto supported a conservative régime which is rapidly becoming reactionary. Though it is the home of the native authority policy, it is the place where that policy works worst. The fundamental weakness is that, while in our dealings with the Emirs, we go to extreme lengths to avoid offending the susceptibilities of the Emirs and their immediate advisors, the Emirs rarely follow the same practice in the arrangements they made for governing their own people. The Emirates, unlike native authorities in most other parts of Africa, are too big for the native authority to be in direct contact with more than a tiny section of its people. The contact is therefore through headmen. These headmen are entirely dependent on the central Emirate, and their duty is to act in its interests and not in the interestes (sic) of their own village people. Meanwhile, we are sending out from the schools a class of educated young men to whom we have commended high principles of government and public conduct. When they see the feudal graft and oppression which goes on they cannot understand why we tolerate it unless we are sharing the rake-off. If the true state of affairs in Northern Nigeria were really known, I believe it would be more damaging to British Colonial prestige than any other situation in Africa. It is therefore most important that these reforms should be worked in such a manner that a platform will be given for educated elements in the North, who are not associated with the interests of the Emirates.

In addition, he opposed the rejection of the unofficial majority, the disenfranchisement of Calabar, and the reduction in the representation of Lagos. The cumulative effect of these measures, he wrote, "might spoil a very sound scheme".

Cohen's further memorandum on Richards' proposals was assembled in preparation for Sir Arthur's return to London, in November, for talks on the constitutional question.<sup>1</sup> In effect, it was the agenda for these discussions.

The first point that Cohen felt merited discussion concerned the legislative machinery. He noted that there was general agreement

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1. C0583/286/30453: Cohen, 'Analysis of Sir Arthur Richards' Proposals for Constitutional Development in Nigeria', 16 October, 1944.

that the proposals formed "the proper framework for constitutional development in Nigeria", but needed to be elaborated in two areas. First, he thought that Sir Arthur's original proposal that a House of Chiefs be created for the Western Region should be examined. Secondly, Cohen questioned, as did Mr. Grantham, whether or not a single annual meeting was sufficient for the Regional Councils.

With regard to the administrative machinery to be established under the Regional Councils, Cohen noted that the fundamental question of how far the process of decentralisation would be permitted to develop would have to be answered. On this point Cohen suggested that the solution might be found in the establishment of executive councils for the Chief Commissioners. These bodies would be comprised of the chief technical officers in a region, and while placed in charge of regional policy would ultimately be responsible to the central government.

The legislative powers of the Legislative and Regional Councils was another area that Cohen felt would have to be examined. In a very real sense this meant determining the 'ultimate objective' for which the Regional Councils were to be established. Were they to be 'temporary' institutions, as envisaged by Sir Bernard Bourdillon, or were they to be permanent fixtures, and if so, to what degree was power to be devolved to them?

Another aspect related to this question pertained to the financial powers of the Regional Councils. Here the issue was polarised between the centralists, as represented by Mr. Farquhar, and the opposite extreme which advocated that each Regional Council should be given separate accounts, separate surpluses and reserves, and full power over the appropriation of revenue and expenditure. It was Cohen's belief that the

solution "probably lies somewhere between these two extreme views": a system which, while maintaining a central accounting system, delegated concrete financial functions to the Regional Councils.

Cohen's memorandum then proceeded to the potentially explosive issue of the membership of the Legislative and Regional Councils.

According to Cohen:

The principal point of criticism will probably be that all the regional councils are to have official majorities and the the Legislative Council is only to have an unofficial majority if Emirs and Chiefs are counted as unofficials and that even so there would be a majority of Europeans over Africans.

As he pointed out further:

Critics of the proposals will draw a sharp contrast between them and the new Gold Coast Constitution. The question for discussion is whether the possibility of the acceptance of the new arrangements could not be greatly increased by conceding unofficial majorities in the regional councils and a clear unofficial majority in the Legislative Council, while retaining effective control in the hands of the Government in all cases through the fact that all the councils contain unofficial members with widely different interests. This point is probably the most important respect in which Sir A. Richards' scheme is open to doubt.

Related to this problem was the equally thorny question of the method by which the members of these councils were to be selected. In Cohen's words, "The other main point of public criticism of Sir A. Richards' proposals would probably be the failure to provide for a democratic method of selection of the members of the councils". Cohen conceded that nomination was probably the 'only possibility at the present time', but hoped that they could arrive at a more clear idea of the system that would replace it. He noted that both Mr. Shute and the Acting Chief Commissioner of the Western Provinces had proposed the development of regional committees which would be charged with the task of selecting

representatives to the Regional Councils. This Cohen felt would be a 'key point' in the future constitutional machinery of Nigeria, and an issue which they should discuss at an early date.

Finally, Cohen turned to the procedure for considering the proposals which had been raised by Mr. Grantham. Very simply, the issue involved here was whether or not the Chief's Conferences in the North and West and the unofficial members of the Legislative Council were to be invited to state their views on the constitutional proposals.

The Secretary of State met with his top advisors for a preliminary discussion of these questions some three days before the meeting with Sir Arthur Richards.<sup>1</sup> At this meeting Stanley made explicit some of his views. First, he found himself in agreement with the principle of decentralisation on a regional basis, which he termed a 'sound' policy. Secondly, he appreciated fully that the proposals would arouse criticism both in West Africa and England. As the transcript records:

The Secretary of State said that the introduction of the scheme would be difficult politically since it might be held to take away more than it gave, while it contained no important counter concession such as the grant of an unofficial majority. It was important that the new constitution should be acceptable to all parties in this country. Otherwise there would be a danger that it might be thrown over in the event of a change of Government in the United Kingdom.

Personally Stanley saw little objection to the concession of an unofficial majority, and, in answer to one of Cohen's questions, he stated that for

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1. C0583/286/30453: 'Note of a Meeting held in the Secretary of State's Room on the 30th of October 1944 to discuss Sir Arthur Richards' proposals for constitutional development in Nigeria'.

all practical purposes 'political opinion' in England would regard Emirs and Chiefs under the classification of unofficial. One aspect of the proposals which Stanley did regard as a 'mistake' was the withdrawal of direct representation from Lagos and Calabar. Indeed, he argued:

It must be accepted that Lagos was a cosmopolitan centre in a special position; and he could not see that there was any serious objection to retaining the vote in Calabar if this was strongly favoured by local sentiment.

With regard to the procedure by which the proposals were to be discussed, the Secretary of State introduced a new concept. As the transcript reveals, he thought that

the introduction of the new Nigerian constitution would have to be treated in this country quite differently from that of the Gold Coast constitution. A White Paper would have to be prepared which would not merely explain the proposals themselves, but would set out in some detail, the historical and political background of Nigeria and in particular its natural division into three distinct areas.

Finally, Stanley stated his views on the ultimate objective of the proposals. As he saw it, the regional framework concept was in no way 'temporary', rather, "the scheme seemed to him to lead eventually to a federal system".

At the meeting between Richards and the Secretary of State, which took place on 2 November, fundamental changes in the proposals were required.<sup>1</sup> The first such change involved the proposed official majority in the Legislative Council. The Secretary of State informed Richards that, because of political considerations in Britain, it was considered important that not merely an unofficial majority be granted, but that an absolute African majority be introduced in the Legislative Council. To

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1. C0583/286/30453: 'Note of a meeting held in the Secretary of State's room on November 2nd 1947, to discuss Sir Arthur Richards' proposals for constitutional development in Nigeria'.

this proposition Sir Arthur replied simply that the composition of the Legislature could be so adjusted.

The second requirement was also occasioned by the political climate in England, and demanded that the Governor reconsider the question of direct election for Lagos and Calabar. On this point Sir Arthur resisted. He opposed this policy in principle, and stated that if retained "even in one place, it would constitute a focus for demands for its extension elsewhere". It was suggested that a distinction might be made between the long established claims of Lagos and Calabar and any new demands, but Richards continued to oppose the policy which he termed a 'farce'. However, under pressure, Sir Arthur agreed to reconsider this aspect of his proposals.

Next Richards was asked to amplify his views on the functions to be delegated to the Regional Councils. He stated that, in the short run, the Regional Councils would merely consider legislation in a sort of 'second reading' fashion. Only urgent bills were to be exempt from this procedure. In addition, the Councils were to be empowered to move resolutions which would eventually find their way to the Legislative Council. As for financial powers, these "would correspond in the regional sphere to those of the Legislative Council for the whole country". Richards was then asked if this decentralisation was to be extended to development funds. To this he replied that, while there would have to be a large measure of central control over this type of expenditure, the Chief Commissioners "should be responsible for the local application of development schemes within the general framework of the approved overall scheme". The Secretary of State noted that this would make metropolitan control over development funds difficult, and consequently this issue

would have to be considered more carefully.

After briefly discussing the relationship between the upper and lower houses in the Northern Provinces Regional Council; the number of times per year that the Regional Councils would have to meet; and the advisability of creating Committees of Regional Councils to deal with special subjects; the meeting turned to examine the important question of the membership of the Regional Councils. Here Richards elaborated on his proposal that all members should, in the first instance, be nominated. He stated that this practice would in effect "amount in most cases to the confirmation of candidates put up by the Native Authorities through the Residents". However, he did note that election might be possible in the immediate future in the North where the Native Authorities were 'firmly established', but that such a policy would be difficult in the West, and particularly so in the East where, outside of the Ibos, 'corporate feeling' did not exist. The Secretary of State felt that this aspect of the proposals would have to be explained very carefully so that it would be "clear that the intention was to provide for selection by the Native Authorities themselves, but that as the machinery was in an experimental stage, some safeguard was necessary in the beginning". Continuing on the theme of the machinery of the Regional Councils, Sir Arthur indicated that below the level of the Councils the political system would continue to operate as it had in the past.

On the question of taxation powers for the Regional Councils little progress was made. This was not the case, however, with regard to the proposal that the Councils should be granted unofficial majorities. Once again the Secretary of State indicated that such a concession would assist the 'presentation' of the scheme. In reply Sir Arthur indicated

that there would be no objection to this move in the North, but that it would be more difficult in the East and West. Also, he stated that the adoption of this principle "would make it necessary to be more careful in the selection of the unofficial members".

The final point for discussion concerned the presentation of the proposals. In the North, Sir Arthur intended that the proposals would first be discussed at a meeting between the Emirs and the Chief Commissioner. Once the Emirs had had an opportunity to consider the scheme, the Governor intended to call a conference, chaired by himself, at which he would seek a formal commitment from the Emirs. In the Western Provinces it was his intention to talk personally to the important chiefs, while in the East he thought it would suffice to hold confidential discussions with the unofficial members of the Legislative Council. In this manner he hoped to meet the obligation which his predecessor left.<sup>1</sup> The Secretary of State then gave his views on the

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1. In fact, Richards only consulted a few of the major Native Authorities, such as the Sultan of Sokoto. This failure to consult the Nigerian people, as already indicated, served merely to embitter the nationalists. Richards, in his interview with Kirk-Greene, has elaborated on the reasons behind his action: "I did not think that it would be a good thing to have this sort of consultation because it would have created nothing but confusion in a country which was still very noticeably divided into tribal sections who were suspicious - to say the least - of each other and the first and major thing which one had to do would be to give the people something which they could give serious consideration to without any of these prejudices, and that means that the idea of there being one Nigeria could not really be created until we had given them a chance over a period of a few years of trying working together and for the idea slowly to evolve with the fading away of the very marked tribal divisions that they could work together, and then would be the time to think about the details which one Nigeria would involve. . . . To my mind it would simply be asking for confusion, mental and otherwise, to have originally asked the people of Nigeria their views on a subject which would have been completely beyond their comprehension, because there was nothing in their past which would have given them anything to concentrate their thoughts on."

procedure that would have to be followed in Britain. He informed Governor Richards that a White Paper would have to be produced for Parliament, and that there was even a possibility that the House of Commons might require a debate. As a result, the timing of the announcements in both countries was important, and would have to be carefully planned. As for the White Paper, Stanley suggested that it might take the form of a despatch from the Governor.

Prior to his next meeting with the Secretary of State, Sir Arthur met with a group of senior Colonial Office officials to resolve the difficult problem of the financial arrangements under his proposals.<sup>1</sup> It was decided that the system of accounting would remain unchanged, with a single reserve and surplus for the whole territory. However, each Regional Council was to have its own estimates. The expenditure side of the estimates was to include all items pertaining to the region. That is to say, it would even include 'main services functioning in the region', such as agriculture, medicine, etc. Central services, such as posts and telegraphs, on the other hand, were to be calculated in the estimates of the central government. The revenue side of the Regional Council's budgets was to include two items: the revenue derived from direct taxation in the regions and any other form of regional revenue, and the block grants from central revenues. These two components were designed to equal the expenditure column of the budget.

With regard to the functions of the Regional Councils, a larger question was raised. In the first instance, the Council's were to consider the estimates presented to them. These were to be prepared by

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1. C0583/286/30453: 'Financial Arrangements Under New Constitutional Proposals', Cohen, minute, undated.

the Chief Commissioners in consultation with the regional heads of departments. There was also to be consultation with Lagos at this stage in order to ensure that the regional estimate "was in accordance with the general policy laid down by Government for these Departments". After the Regional Councils had approved or amended the estimates they were to be submitted to the Governor who in turn would approve or amend them before authorizing their publication as appendices in the central estimates. The larger question arose with regard to the long-term functions of the Councils. It was recognised that if legislative power was to be devolved to the Councils, then so too would financial power. However, no decision was made in this respect, and it was left to a committee, to be struck off after the Councils had come into operation, to determine the degree of devolution.

The short-term implications of these proposals for the central estimates were not great. On the expenditure side of the ledger it meant that regional expenditures were to be deducted from the central accounts. In their stead the credit transfers and block votes granted to the Regional Councils would be listed. Meanwhile, on the revenue side, there would be no change at all. However, once the aforementioned committee had decided the financial powers to be granted to the Regional Councils this state of affairs would be transformed dramatically. It was also decided that Colonial Development and Welfare expenditures would be listed in the central estimates, although they were to be divided up "into central expenditure and expenditure in the three regions".

One final point that came up for discussion concerned the supplementary expenditure. On this point it was decided to give as much

latitude as possible to the regions. Indeed, it was suggested that supplementary expenditure by the regions should only be referred to the central finance committee if and when it involved an increase in the block vote.

Sir Arthur Richards' second meeting with the Secretary of State was held on the 9th of November.<sup>1</sup> The first topic for discussion was the composition and membership of the Legislative and Regional Councils. At this time Sir Arthur re-iterated that he was prepared to concede an African majority on the Legislative Council, and an unofficial majority in the Houses of Assembly. However, on the issue of direct election for Lagos and Calabar, Richards still objected in principle. In support of his case he mentioned that, during confidential discussions with Lord Lugard, Lugard had agreed 'wholeheartedly' with his proposals, and "in particular welcomed the movement away from the Westminster model represented by the exclusion of ballot box election". Searching for a compromise Richards wondered whether the granting to Lagos of three rather than two nominated members would suffice. Oliver Stanley argued, and the Duke of Devonshire agreed, that the measures would have to receive widespread support in Parliament and that the withdrawal of the vote for Lagos would prejudice this. Sir Arthur then put forward another proposal. He asked the Secretary of State if he was amenable to a process whereby Sir Arthur would informally sound local opinion to see if it would accept indirect election of the Lagos Members of the Legislative Council in return for extended powers for the Lagos Municipality. If,

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1. CO583/286/30453: 'Note of a further meeting held in the Secretary of State's room on November 9th /1944/ to discuss Sir Arthur Richards' proposals for constitutional development in Nigeria'.

after these efforts, the Governor was unable to bring forward any further arguments in support of his case he would 'pay the necessary price'. Stanley agreed to this proposition.

Concerning the method of appointment of representatives of Native Authorities to the Houses of Assembly Richards agreed that it would have to be made clear that the Native Authorities themselves were selecting their own representatives. However, he did put forward the qualification that the Governor would have to retain the right of certification, although, if the proposals were successful, this right might be removed at the end of the third or sixth year of their operation. Richards also agreed to investigate the proposal that Provincial Councils be created as a 'link' between the House of Assembly and the Native Authorities. This idea, it may be remembered, had been stressed by Cohen as a possible means of removing nomination as it would provide an agency to select the Native Authority representatives in the Houses of Assembly. The Secretary of State thought that this proposal would help in the presentation of Richards' overall scheme, and thus asked the Governor to make some reference to it in his final despatch on the constitution.

The Governor's power of certification was also raised with regard to the Legislative Council, and this in turn led to a discussion of the position of the Governor in that Council. The point at issue here was whether or not the Governor should have a casting vote in the Legislature. It was Richards' view that the Governor should be given the vote, but that "it should be understood that he would not use this vote in favour of the passage of a measure unless the measure was of such importance that he

would have been prepared to use his power of certification . . .".

Regarding the financial question the Secretary of State was prepared to approve the arrangements set out in the memorandum, "Financial Arrangements Under New Constitutional Proposals". However, he did expect the Governor to deal with this topic 'fairly fully' in his final despatch. At this point a question was raised as to the power of unofficial members of the Regional Councils to alter the regional budget. After some discussion it was decided that this power would be the same as that for unofficial members of colonial legislatures: that they could propose only reductions in expenditure. It was a point which the Secretary of State asked once again to be made explicit in the Governor's final memorandum.

Turning to the administrative machinery that would have to be established in order to make regional government viable the Governor stated that it would be necessary to issue a policy statement on the relationship between the central and regional administrations. Basically he saw a situation developing in which the Chief Commissioners, in consultation with their departmental directors, would have full jurisdiction over regional matters, and would only have to turn to the central administration when questions of overall policy arose.

As at the previous meeting the question of the presentation and introduction of the scheme was raised last. On this point it was agreed that the Governor should submit a draft despatch in which he would outline in detail his constitutional proposals. Once approved this document would be published simultaneously in Nigeria as a Sessional Paper and in England as a Command Paper. With regard to the timing of the introduction it was decided that the papers should be published in time

for the next meeting of the Nigerian Legislative Council, which was due to meet in March, 1945. Also, it was proposed that the tentative date for the implementation of the constitution should be May, 1946.

### The Finished Product

Having been briefed as to the modifications that the Colonial Office required of his proposals Sir Arthur Richards returned to Nigeria to prepare his second despatch on constitutional development. This task was completed and the document despatched to London by the first week of December.<sup>1</sup>

Richards' redraft, although it contained the amendments required by the Colonial Office, was not favourably received at the Office. As Gerald Creasy minuted:<sup>2</sup>

I was, quite frankly, rather disappointed by the Governor's revised despatch . . . which seemed to me, if I may say so with all respect, rather a matter of scissors and paste, but of course Sir Arthur Richards was working very much against time. In particular, it seemed to me that the despatch needed some fairly drastic rearrangement, and that it was essential to bring into it some clearer indication of the reasons why changes had to be contemplated.

Andrew Cohen thus set about to rewrite the Governor's memorandum. Indeed, so well did Cohen redraft the memorandum that his version literally became the final draft, and earned for him the Secretary's of State commendation. As Stanley himself minuted, "This is really a splendid piece of work by Mr. Cohen".<sup>3</sup>

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1. C0583/286/30453: Richards, secret despatch to Secretary of State, 6 December, 1944.
  2. C0583/286/30453: G. Creasy, minute, 19 December, 1944.
  3. C0583/286/30453: Oliver Stanley, minute, 25 December, 1944.

In a fairly lengthy minute Cohen set out the rationale behind his revision of Richards' draft.<sup>1</sup> He made it clear that in his draft he had only re-arranged or amplified what the Governor had himself written. Indeed, he noted that he had only cut one passage from the despatch, and he did this because it was 'difficult to follow; and basically 'unnecessary'. The passage read:<sup>2</sup>

No religion is more democratic than Islam, the religion of the majority of the people; there is therefore a natural sense of social democracy in the Emirates and it is growing as the numbers of educated youths increase. One of the principal tasks of administrators is to teach the people that political democracy is not a political system on a Westminster or any other pattern, but a way of life, a habit of thought, of thought for others. The proposals which I have made for the political development of the Northern Provinces on lines familiar to the Chiefs and people should, I feel, do this.

Undoubtedly, Cohen was fully justified in this single deletion.

According to the Richards/Cohen memorandum<sup>3</sup> the draft constitutional proposals had three objectives: "to promote the unity of Nigeria; to provide adequately within that unity for the diverse elements which make up the country; and to secure greater participation by Africans in the discussion of their own affairs". Unity was to be achieved through the extension of the jurisdiction of the Legislative Council to the whole of Nigeria. Diversity was to be catered for through the establishment of Regional Councils. And, increased participation was to be gained through the creation of unofficial majorities on both the Legislative Council and the Regional Councils.

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1. C0583/286/30453: Cohen, minute, 18 December, 1944.
  2. C0583/286/30453: Richards, secret despatch to Secretary of State, 6 December, 1944.
  3. C0583/286/30453: Cohen, redraft of Richards' despatch, undated, but according to minutes submitted 18 December, 1944.

In addition, the scheme provided a link between the Legislative Council and the Native Authorities because the Regional Councils, which were to be composed mainly of representatives drawn from the Regional Councils, were to act as 'electoral colleges'. Referring to the Native Authority system, or as it was more commonly called, indirect rule, the memorandum stated that "it must keep pace with the development of the country and it must find a place for the more progressive and better educated men".

The major change in the Regional Houses of Assembly involved the granting of the unofficial majority. In the Northern Provinces House of Assembly this was to be accomplished by increasing the number of provincial members nominated by the Native Authorities from twelve to fourteen. As a result the number of unofficials was raised to twenty, while the number of officials remained at nineteen. In the Western Provinces House the number of officials was left at fourteen while the number of unofficials was increased to fifteen. This was done through the addition of one provincial member to be nominated by the Native Authorities, and through the addition of one member to be nominated by the Governor. Similarly in the Eastern Provinces House the unofficial component was to be increased by two. Both of these additions were to be increased by two. Both of these additions were to be provincial members nominated by the Native Authorities, and this was to result in a ratio in the House of fourteen unofficials to thirteen officials. Unofficials it should be noted were defined as persons of African descent domiciled in Nigeria, and these members were to hold their positions for a period of three years. As for the House of Chiefs in the Northern Provinces, it was to remain constituted along the lines of the Chiefs' Conference as the original memorandum had suggested.

With regard to the functions of the Regional Councils this memorandum had little to add to what had already been decided. Legislative functions roughly corresponded to those outlined by the Governor at his meeting with the Secretary of State on the 2nd of November, while the financial powers of the Councils were more-or-less those set out in the Colonial Office's memorandum, 'Financial Arrangements Under New Constitutional Proposals'. But it must be remembered that both of these areas would in all likelihood be altered as soon as the committee created to consider the division of powers between the regional and central governments reported on the functions to be devolved on the regions. However, there was one significant innovation contained in the redrafted memorandum, and this pertained to the creation of 'special subjects committees'. These committees were to deal with such topics as finance, education, and development, and were created "in order that the members of the Houses of Assembly might keep in touch with administration and to give them practical experience . . .".

Again, until such time as the aforementioned committee determined the degree of devolution to the Regional Councils the functions of the Legislative Council would remain the same, although its jurisdiction was to be extended to the whole of Nigeria. However, in accordance with the Secretary's of State directive the composition of the Legislative Council was to be amended significantly so as to yield not only an unofficial majority but an unofficial African majority. Thus, the new constitution provided for an unofficial membership composed of four Emirs, to be nominated by the House of Chiefs; two Chiefs from the Western Provinces, to be nominated by the Governor; five members from the Northern Provinces, four members from the Western Provinces, and five members from the Eastern

Provinces, each to be nominated by and from their respective Houses of Assembly; one member for Calabar and three members for Lagos, each to be elected as per the provisions of the 1922 Constitution; one member for the Colony, to be nominated by the Governor; and four members to represent banking, shipping, industry and commerce, and mining, each to be nominated by the Governor. As the Governor was to have only a casting vote the resultant council was to have an unofficial majority of twenty-nine to twenty. But, if one assumed that the business representatives were to be Europeans, then the final result would be a Legislature of twenty-five Africans ranged against twenty-four Europeans. Under these circumstances, the Governor was entrusted with reserve powers in order to safeguard 'public order and good government'. Finally, it should be noted that as with the case of unofficial members of the Regional Councils, the unofficial legislative councillors were to be appointed for a period of three years.

As has been seen it was at the Secretary's of State insistence that the franchise was retained for Lagos and Calabar. Although Richards agreed to this concession he did so grudgingly, and clearly indicated this in the memorandum. As he put it:

The system of election by ballot is not, in my view, a suitable method in Nigerian conditions for securing the proper representation of the people, nor would it be understood by the mass of the population. I should therefore be opposed to any extension of election by ballot, but at the same time I do not propose any variation in the present electoral arrangements either at Lagos or at Calabar, although the small number of voters in proportion to those entitled to vote does not indicate any great attachment to this method of selecting members.

It was Cohen's view that this paragraph should be retained because as

he put it, "it is better to come out in the open about this".<sup>1</sup>

Turning to the question of municipal government the memorandum noted that Lagos was to be constituted a municipality with 'extensive', although undefined, powers. The Colony, however, was to remain under the control of the Legislative Council, and under the administration of a Commissioner, three District Officers and Native Authorities. With regard to the introduction of municipal government to other urban areas, the memorandum stated that the 'possibility' had been investigated, but that it was considered that the time was not 'ripe' for this development.

On the issue of the administrative machinery to be established under the Regional Councils the Governor barely went beyond the position he set out at his November 9th meeting with Stanley. However, he did go so far as to describe the resultant body as a de facto 'regional executive council'.

Towards the end of the memorandum Richards expressed the belief that the proposed constitution would provide "an outlet for political thought so far as it has emerged . . .". But, he did feel that it was necessary to issue a caution. As he put it:

if the mass of the population are to play an effective part in the constitutional scheme, it will be necessary to foster more resolutely the formal meetings of district and village councils as part of the system of native administration. It is in these councils that the habit of political thought will be inculcated so as to make possible the wise choice of the provincial members of the House of Assembly.

Interestingly though no concrete proposals were put forward to this end.

Finally, Richards argued, as he had in his first despatch, that the constitution should remain in force for a period of nine years.

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1. C0583/286/30453: Cohen, minute, 18 December, 1944.

During this period, at either the third or sixth years, he thought it might be possible to reconsider the question of nomination, but that, outside of this specific issue, no alterations should be made.

With minor adjustments this document became the Sessional Paper<sup>1</sup> which was placed before the Nigerian Legislative Council, and which received the unanimous support of that body. The despatch was also incorporated into the Command Paper<sup>2</sup> placed before the House of Commons. The latter document, however, differed in one important respect, and that was it contained an extensive introduction which was designed for its British audience.

Cohens redraft of Richards' despatch was sent to the Nigerian Government on the 1st of January.<sup>3</sup> In addition to supplying Richards with a copy of the redraft, which it was noted did 'not alter the substance' of the original, the Colonial Office gave the Governor permission to begin his consultations with the Emirs, Chiefs, and unofficial members of the Legislative Council. But, it was made clear that there was to be "no question of circulating anything in the form of the draft despatch at this stage".

Meanwhile, the Colonial Office set about drafting the introductory note to be attached to the Command Papers. The note itself was a straight

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1. Government of Nigeria, Political and Constitutional Future of Nigeria: Governor of Nigeria's Despatch to the Secretary of State for the Colonies dated the 6th December, 1944, Sessional Paper No. 4 of 1945 (Lagos, Government Printer, 1945).
  2. Great Britain, Proposals for the Revision of the Constitution of Nigeria, Cmd. 6599 (London: H.M.S.O., 1945).
  3. C0583/286/30453: Sir George Gater, secret despatch to Richards, 1 January, 1945.

forward historical sketch of the development of the political institutions of Nigeria,<sup>1</sup> and merits little comment. However, its drafting did occasion renewed contact with Lord Hailey<sup>2</sup>, which gave Hailey the opportunity to comment on the Cohen redraft.

As a result of this conversation certain adjustments were made to the redraft in order to make it more politically acceptable.<sup>3</sup> In the main these amendments simply involved words or phrases. For example, Hailey was not in favour of the use of the word nomination, "unless the Governor was prepared to go into greater detail regarding the form which 'nomination' would take . . .". As a result, in the final draft, the provincial members were said to be 'selected' by the Native Authorities rather than 'nominated'. Again, concerning the Governor's attitude towards the franchise, Hailey suggested that the words 'at present' should be inserted at the end of the sentence which read: "I should therefore be opposed to any extension of election by ballot . . .". In this manner he hoped they would convey the idea that 'it was not necessarily the intention to maintain this opposition for all time', and that 'criticism' could thus be avoided. Incidentally, this particular recommendation received the expressed support of the Secretary of State.<sup>4</sup>

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1. C0583/286/30453: 'Draft Introductory Note', undated and unsigned.
  2. C0583/286/30453: D. Parkinson, minute, 19 January, 1945.
  3. C0583/286/30453: 'Points raised by Lord Hailey in connection with Sir Arthur Richards' despatch on the Nigerian constitution', undated, but arising from the meeting on 16 January, 1945.
  4. C0583/286/30453: Gerald Creasy, minute, 26 January, 1945.

Hailey's most significant contribution to the final draft of the Sessional Paper concerned the paragraph added by Cohen which described the system of native administration. As the minute of the conversation with Hailey recorded:

Lord Hailey expressed the view that, looked at from the point of view of potential criticism from left wing opinion in this country and the 'intelligentsia' in West Africa, this was one of the most important paragraphs in the despatch. Under the new constitution popular representation would be largely through the medium of the Native Authorities and direct election through the ballot box, is as far as possible to be excluded. Public opinion in this country cannot be expected to distinguish between different types of Native Authorities and to the great majority the term will merely conjure up the popular idea of an African Chief who is an independent autocrat. Opinion here may therefore be expected to be susceptible to protests from the African intelligentsia that the form of representation is undemocratic.

Hailey suggested that this criticism could be answered with the reply that "many of the Native Authorities are already organised on democratic lines and that where this is not already the case it is the policy of the Government to modernise them progressively according to democratic principles . . .". Consequently, in its final form the memorandum was modified along these lines.

Richards replied to the Colonial Office's despatch concerning the Cohen redraft on the 16th of January, at which time he expressed general agreement with the revision.<sup>1</sup> However, by this time, the Colonial Office had decided to incorporate some of Hailey's modifications. Thus, Richards was written to once again to see if these new recommendations were acceptable.<sup>2</sup> The Governor's reply was received on the 7th of February, and in it he expressed agreement with the proposed changes,

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1. C0583/286/30453: Richards to Secretary of State, 16 January, 1945.
  2. C0583/286/30453: Sir George Gater to Richards, 27 January, 1945.

and recommended some minor phrase changes of his own.<sup>1</sup> At this point it was decided to proceed with the publication of the Command Paper,<sup>2</sup> and although the Nigerian people were unaware of the fact, the Richards' Constitution had more-or-less reached its final form.

Over the next month the Colonial Office was preoccupied with the publication and then the release of the White Paper. The tentative date for tabling the document in the House of Commons was the 5th of March. The Secretary of State was most anxious that the proposals should be debated in the House, and to this end he approached Creech Jones, who, at Stanley's prompting, agreed to raise a Parliamentary Question asking for the issue to be debated in Parliament.<sup>3</sup> Creech Jones submitted his question which was scheduled for oral reply on the 6th of March. The debate itself, however, was delayed and did not take place until the middle of November.<sup>4</sup>

It remains to deal with the response to the publication of the constitutional proposals for Nigeria, and the meagre amendments which resulted from that pressure. The reaction of the Nigerian nationalists has been well documented<sup>5</sup>, and it is not intended to examine this aspect

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1. C0583/286/30453: Richards, telegram to Secretary of State, 7 February, 1945.
  2. C0583/286/30453: Gerald Creasy, minute, 10 February, 1945.
  3. C0583/286/30453: Gerald Creasy, minute, 1 March, 1945.
  4. Hansard, Fifth Series, Volume 416, 19 November, 1945.
  5. For details see Coleman, Nigeria, pp. 271-295; and G.O. Olusanya, The Second World War and Politics in Nigeria, pp. 72-92.

in detail. Rather, our concern lies with the Colonial Office and the interpretation which it placed on the agitation which erupted in both Nigeria and the United Kingdom.

In Nigeria the major antagonist of the Richards Constitution was the National Council of Nigeria and the Cameroons. This body was effectively the mouthpiece of Nnamdi Azikiwe<sup>1</sup>, and opposed the new constitution on several grounds.<sup>2</sup> Undoubtedly, the most important reason for this opposition lay in the fact that, from the National Council's point of view, the constitution was unprogressive and undemocratic. To begin with it was answered<sup>?</sup> by the cavalier fashion in which the constitution was introduced. But, it also opposed the constitution because it did not extend the elective principle, and because it failed to increase African representation on the Executive Council. The National Council also attacked the so-called establishment of unofficial majorities on the central and regional legislative bodies on the grounds that the unofficial majorities were arrived at through deception. The question here revolved around whether or not the Emirs and Chiefs could be interpreted as unofficials, and the National Council had no qualms about

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1. Nnamdi Azikiwe (1904-). Educated: Methodist Boys High School, Lagos; Howard University, Washington D.C; Lincoln University; and Columbia University. Career: editor, African Morning Post (Accra), 1934-6 /during this period he was convicted of sedition; a charge which he later successfully appealed/; founder and editor-in-chief, West African Pilot, 1937 /first of a series of newspapers which came to comprise the Zik Chain/; Member of the Legislative Council, 1948-1951; Member of the Western House of Assembly, 1952; Premier of the Eastern Region, 1954-1959; Member of the House of Representatives, 1959-1960; President of the Senate, 1960; Governor General of Nigeria, 1960, and upon Nigeria's becoming a Republic, President of Nigeria, a post he held until the coup in 1966.
  2. See National Council of Nigeria and the Cameroons, Memorandum on the New Constitution (Lagos: 1945).

answering this question in the negative.

Although deeply suspicious and ever watchful of the National Council, both the Nigerian Government and the Colonial Office totally disregarded its demands. In his reports to the Colonial Office Richards described the strength of the Council:<sup>1</sup>

The National Council is really a two-man show centred in Lagos and inspired by Azikiwe. The Tribal Unions in Lagos are not political in origin but are primarily associations for social purposes and for mutual assistance. From time to time they have tried unsuccessfully to interfere in the politics of their home towns where they are viewed with distrust by the Native Authorities. So far from representing six million Nigerians the National Council cannot be said to represent 6,000. It is just a facade built up by Macauley and Azikiwe to impress opinion outside of Nigeria.

To counteract the agitation of Azikiwe and the nationalists Sir Arthur supplied the Colonial Office with the views of Nigerians that he saw more representative of the country. For example, the Oba of Benin wrote:<sup>2</sup>

The new Political and Constitutional future of Nigeria as proposed by His Excellency the Governor seems to be very good. No better reform can be proposed at the present political development of Nigeria. I can see no justification for the criticism that has been leveled against the proposal in certain quarters - irresponsible quarters of course. The development plan do much to further the future of Nigeria to the benefit of the Provinces one can very well understand the reason why political fanatics are raising a hue and cry about the proposed political and constitutional reform for Nigeria, but no sensible reformer can place powers into the hands of fanatics. To do that is to play the Nazi. So much for that.

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1. C0583/286/30453: Richards, confidential telegram to Secretary of State, 29 March, 1945.
  2. C0583/286/30453: Copy of a letter from the Oba of Benin to Captain Pullen of the Nigerian Administrative Service, 23 March, 1945, and submitted by Richards to Gerald Creasy as proof of the kind of support his proposals had.

For its part the Colonial Office was inclined to agree with the Governor.

As D. Parkinson minuted about the National Council:<sup>1</sup>

It represents that limited by disproportionately vocal section of the community which would be satisfied with nothing less than Dominion status and a universal ballot, and which has established a vested interest in the unofficial representation of the Legislative Council, which will be seriously affected by the introduction of the Native Authority representatives (who are regarded by the 'intelligentsia' as little better than Civil Servants!) . . . The Council is no doubt capable of making some trouble, but Sir Arthur Richards is, I think, equally capable of dealing with it satisfactorily.

Indeed, the Colonial Office was far more interested in the response that the constitutional proposals elicited in the Legislative Council. To again quote D. Parkinson:<sup>2</sup>

The Constitutional debate makes interesting reading. Evidently the African Unofficial Members got together and agreed to ask that consideration of the proposals should be deferred until they had time to consult their 'constituents', but when it came to the point they all ratted and supported the immediate acceptance of the proposals!

The record of the debate makes it quite clear why Sir Arthur Richards is anxious that the proposals should be brought into force at an early date. The Unofficial Members are all obviously under the impression that their resolution in favour of the proposals will result in their introduction almost immediately; and they are going to be very disappointed when they find that this is not the case. It is clearly most desirable, that the inevitable delay should be reduced as much as possible.

As a result, the Office began to channel its efforts into accelerating the preparation of the constitutional instruments.

With regard to protest in the United Kingdom the central person to examine is Arthur Creech Jones. As will be recalled Creech Jones

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1. C0583/286/30453: D. Parkinson, minute, 28 March, 1945.

2. C0583/286/30453: D. Parkinson, minute, 5 April, 1945.

was brought in on the Nigerian constitutional proposals shortly before they were released for publication. However, the assistance which he gave Stanley at that time did not signify that he accepted the proposals in total. In fact he had reservations about some of the measures contained in the White Paper which he conveyed to Stanley on the 17th of April.<sup>1</sup> Although he regarded the proposals 'a great step forward', and hoped that his criticisms did not seem to 'minimise their value and wisdom' Creech Jones did raise seven points with which he was unhappy. First, he thought that the eligibility for the franchise, which set at £100, to be too high. Secondly, he regretted the lack of a development scheme for the introduction of 'democratic municipal councils'. Thirdly, he thought that the approach that granted an African majority of only one on the Legislative Council "errs on the side of over-caution and should be more generous". Fourthly, he objected to the granting to the commercial interests a block of four seats on the Legislative Council. As he put it, this was "almost as good as the whole representation of the Eastern Provinces". He also disagreed with what he termed 'this syndicalist proclivity' and wondered why groups such as the trade unions were to be excluded. Fifthly, he had reservations about the establishment of the House of Chiefs in the Northern Provinces. Sixthly, he was not pleased with the relationship between the Executive Council and the Legislative Council, and wondered when this situation was to be adjusted. And, finally, he was disappointed that the constitution stipulated that three of the unofficial representatives of the Western Provinces House of Assembly were to be

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1. CO583/286/30453: Arthur Creech Jones to Oliver Stanley, 17 April, 1945.

Chiefs. In closing he hoped that the proposed system would produce not a stiffening of the inflexible feudal element in the provincial and central authorities, but an elasticity which will permit of adjustment to changing conditions and needs, effective checksof (sic) public opinion and democratic safeguards, an increasing place for the educated and able men and women in government and administration and an adaptability which eliminates the feudal character of indirect rule and find representative people (by democratic machinery) instead of hand picked chiefs and others who conform to 'official' needs.

Perhaps here lies the kernel of the Local Government Despatch which Creech Jones himself would put forward two years later when he was Secretary of State.

The Creech Jones letter was forwarded to Sir Arthur Richards for comment.<sup>1</sup> In his reply<sup>2</sup> Richards attempted to answer Creech Jones' points. Concerning the franchise Sir Arthur indicated he was willing to reduce the qualification to the level of that in force in the Gold Coast. However, when it came to the question of democratic municipal government the Governor reacted in a hostile manner.

A new constitution is not the place for specific statements of future possibilities in this line. Surely one should not force municipal status upon an unwilling recipient - also incidentally wholly unready and unequipped ones. Is not this dogmatically importing outside and foreign views? Democracy and municipal structures on Western lines are surely not one and indivisible. As a matter of fact what is holding up Port Harcourt is the desire to have municipal status combined with a determination not to pay for it. They want municipal status without rates - the worst possible training in responsibility.

It is only a very few men of straw of the Zik clique who clamour for municipal status for Onitsha. They have no idea what it means and in any case they would not be the people to pay. 90% - at a low estimate - of the people have not the faintest idea what it means nor

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1. C0583/286/30453: Creasy to Richards, 20 April, 1945.

2. C0583/286/30453: Richards to Creasy, 22 April, 1945.

do they want it. The time is not ripe for anything of the sort. It would be a wicked abandonment of the people to a minute group of irresponsible agitators.

With regard to Creech Jones' third and fourth points Sir Arthur stated that if it pleased any one he was willing to reduce the official component of the Legislative Council by four. Also, he would consider dropping the unofficial member to represent banking. However, he thought there was ample justification for the special representation of shipping, industry and commerce, and mining. As for Creech Jones' desire to see trade unions represented Richards stated that he could not "see any analogy between Trade Unions and the Professions and these vital aspects of the country's life. Besides, they are otherwise represented". Turning to the question of the role to be played by the House of Chiefs in the Northern Provinces Richards replied that he conceived it to be "roughly analagous to that of the House of Lords"; an interesting comment from a man determined not to import a Westminster model. As for the proposition that the role of the African on the Executive Council should be expanded Richards stated that it would be "forcing the pace too hard". Finally, he dismissed Creech Jones' last point with the remark "that is just ignorance of local conditions".

Richards' views were then incorporated into a letter from the Secretary of State to Creech Jones. <sup>1</sup> In this letter Stanley conveyed the Governor's readiness to adjust the franchise qualifications, and to reduce the number of officials in the Legislative Council. However, he made no mention of the possibility that the unofficial representative

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1. C0583/286/30453: Stanley, confidential despatch to Creech Jones, 28 May, 1945.

might be removed, and in actual fact stoutly defended the policy of giving commerce representation. Concerning the Emirs, Stanley agreed "that we should not do anything to consolidate this feudal tradition but at the same time we cannot ignore that it still exists". Moreover, he stated that the "process of democratisation . . . cannot safely be accelerated beyond a certain limit, and in the meantime we must provide for things as they are and not as we might wish them to be". Consequently, the House of Chiefs would be created in the North, and it would approximate the House of Lords in Britain. Turning to the question of the Executive Council, Stanley informed Creech Jones that this was another area where the pace of development could not be increased. In defence of the proposal to have a number of Chiefs appointed to the Western Provinces House of Assembly, Stanley noted that there were not enough 'major' Chiefs in the Western Province to justify a House of Chiefs on the Northern model, but what major Chiefs there were had to be catered for. This policy was not followed in the East because there were no chiefs of 'comparable' standing. Stanley was in agreement with Creech Jones on the issue of the future role to be played by municipal governments. But, as he put it:

I think we have to recognise that it is not the only possible channel for the development of responsible local Government, and that even in areas which have become urbanised the Native Authorities may still have an important part to play. The democratisation of existing institutions on the lines foreshadowed in . . . the Governor's despatch is, I think, likely to prove more fruitful than an attempt to introduce ready-made democracy on a European model, and we must be careful to avoid the importation of alien ideas and methods against the wishes of all but a small section of the community.

This letter is of interest for it reveals that whereas the Colonial Office was unwilling to appease nationalist groups, like the National Council of

Nigeria and the Cameroons, it was willing to make minor concessions to potential critics in the House of Commons.

On the 7th of June, Creasy wrote to Richards to ask him if he wished to make a public announcement in Nigeria concerning his decision to reduce the franchise qualifications for the electors of Lagos and Calabar.<sup>1</sup> Creasy set out the rationale behind this request the next day in a minute:<sup>2</sup>

I attach minutes and correspondence about the suggestion that recommendations which Sir Arthur Richards has made to the Secretary of State on the new Constitution should be announced in Lagos some time towards the end of next week, so as to forestall the claim that these modifications (if they are eventually approved), have been made in deference to the clamour of Zik and his National Council.

The Governor accepted this recommendation, and, as a result, the Secretary of State sent the following cable to the Acting Governor of Nigeria on the 12th of June:<sup>3</sup>

Governor has recommended to me that proposed official membership of Legislative Council should be reduced by excluding Director of Marine, Comptroller of Customs and Excise, General Manager of the Railway, and Commissioner of Police; and that unofficial membership should be reduced by excluding proposed member to represent banking. . . . he has also recommended that the franchise qualification for Lagos and Calabar should be reduced from £100 to £50.

The Secretary of State also wrote<sup>to</sup> Creech Jones to inform him of these modifications.<sup>4</sup>

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1. C0583/286/30453: Creasy to Richards, 7 June, 1945.
  2. C0583/286/30453: Creasy, minute, 8 June, 1945.
  3. C0583/286/30453: Secretary of State, telegram to O.A.G. Nigeria, 12 June, 1945.
  4. C0583/286/30453: Secretary of State to Creech Jones, 23 June, 1945.

By the middle of November, the proposals received the sanction of the Secretary of State, and the date of 19 November was set for the debate of the proposals in the House of Commons.<sup>1</sup> However, the actual acceptance of the Secretary of State was not sent to Nigeria until the 4th of December.<sup>2</sup> This despatch, from the new Colonial Secretary, Mr. Hall, reveals that two more modest changes had occurred in the constitution. The first involved the three members that were to represent the commercial interests. In the final version of the constitution these members were not to be defined as specifically commercial representatives, but rather as members representing "important aspects of life not otherwise represented among the official members". Secondly, although the number of Provincial members to be sent to the Houses of Assembly were to be as set out in the White Paper no specific mention of these numbers was to be made in the constitutional instruments so that these numbers could be altered at any time without having to wait three, six, or nine years for a general review. Having set out the amendments that were to be made to the White Paper the Secretary of State concluded:

I have reached the conclusion that the proposals as now amended not only represent the most substantial immediate advance that can satisfactorily be made in the present state of development in Nigeria, but also provide a framework within which the development of responsible government can (sic) be expected to make further progress, given the goodwill and co-operation of the great mass of the people, which the reception of the proposals in Nigeria has led me to hope will be forthcoming. Furthermore, I believe that they give ample scope for the exercise of the talents of all public spirited Nigerians who wish to serve their country and to hasten her progress along the road to self-government.

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1. C0583/286/30453: A.R. Thomas /Assistant Private Secretary to Secretary of State/, minute, 23 November, 1945.
  2. C0583/286/30453: Secretary of State to Richards, 4 December, 1945.

With this all that remained was for the Legal Department of the Colonial Office to translate these proposals into the turgid language of constitutional law.<sup>1</sup>

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1. For the constitutional instruments see C0583/268/30453/2: 'Future Political Development of Nigeria - Constitutional Instruments'.

## CHAPTER VII

### CONSTITUTIONAL DEVELOPMENTS IN THE GAMBIA AND SIERRA LEONE

As a result of constitutional developments in the Gold Coast and Nigeria what might be called a 'constitutional model' had evolved for British West Africa. Designed to harmonise the development of Native Authorities and Legislative Councils in the same territory, this model contained elements drawn from both Native and European political institutions, and operated on three levels. At its lowest tier, the model was concerned with local government, and, in this regard, it employed native administrations and, in the urban areas where indirect rule did not function, municipal governments. The intermediate level also contained two elements. On the one side were the so-called Provincial Councils which, in essence, were rather contrived bodies composed of Native Authorities. These Provincial Councils were mainly advisory in capacity, although there were provisions for some financial and legislative responsibilities to be devolved to them. In addition, they had an integrative function to perform because they were to act as 'electoral colleges' and were to nominate Native Authority representatives to the Legislative Council. On the other side, were a series of constituencies which, by democratic process, were to elect urban representatives to the Legislative Council. Finally, at the apex, came the Legislative Council which, if the intermediate tier functioned as planned, was fully integrated with the native administration system.

However, when it came to applying this model to the Gambia and Sierra Leone a problem arose. This problem was a product of the fact that the hinterlands of these colonies were, relative to Bathurst and Freetown, politically underdeveloped, or to use Governor Stevenson's phrase, "in a backward state of political development".<sup>1</sup> A few words of explanation are necessary here. It is not meant to suggest that these areas were totally politically underdeveloped, because, of course, they had their own indigenous political institutions which the colonial authorities employed to their own advantage. What is meant is that the hinterland areas were underdeveloped when it came to appreciating and operating European-style political systems. By way of an illustration take the case of Sierra Leone where the politically motivated Creole had had contact with the Legislative Council since it was established in 1863, and with the democratic process at the municipal level since 1893. The political leadership of the Protectorate, on the other hand, had never been brought into the orbit of the Legislative Council. Thus, when it was proposed to rectify this situation the Government realised that these leaders, with their lack of experience, would be placed at a serious disadvantage vis-a-vis their Colony counterparts. This disparity between Colony and Protectorate was revealed further at a more fundamental level by Lord Hailey when he noted that in terms of education the Colony had enrollment figures of 7,241, while in the Protectorate the figure stood at 8,242, although the population of the latter was sixteen times greater than that of the former.<sup>2</sup> The relationship between the spread of

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1. Sierra Leone Legislative Council Debates, 16 November, 1944.

2. CO847/22 Part I/47100/8: 'Report by Lord Hailey: Sierra Leone', Paragraph 4.

education and the development of nationalism has already been well established<sup>1</sup>, therefore, it is not surprising that the relative absence of education in the Protectorate would prove a major constraint to the Governments of Sierra Leone and the Gambia in their efforts to stimulate political advance. Indeed, in the Gambia, the situation was so grave that the Governor's programme could not proceed beyond its most elementary stages because of the "low level of literacy among the chiefs".<sup>2</sup>

In Sierra Leone this situation was further compounded, because Sierra Leone was the only colony in British West Africa which was to experience the emergence of radical nationalism before the outbreak of the Second World War.<sup>3</sup> If one holds to the proposition that there is a direct relationship between nationalist agitation and the granting of political concessions by colonial authorities, then, the Sierra Leone case is an aberration, because Sierra Leone was alone in British West Africa in not receiving a new constitution during the period under consideration. In fact, it may be argued that the existence of radical nationalism in Sierra Leone in 1939 actually delayed political reform for it was not until after the supposed danger of the West African Youth League had passed that serious consideration was given to the

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1. See Austin, Politics in Ghana, pp. 13-18; Martin Kilson, Political Change in a West African State: A Study of the Modernization Process in Sierra Leone (Cambridge: Harvard University Press, 1966), pp. 38-40; John R. Cartwright, Politics in Sierra Leone 1947-67 (Toronto: Toronto University Press, 1970), pp. 24-25.

2. Harry A. Gailey, A History of the Gambia (London: Routledge & Kegan Paul, 1964), p. 186.

3. For details see Curtis R. Nordman, "Rex Vs Wallace-Johnson: A Case Study of the Colonial Service's Response to Political Agitation in British West Africa, 1933-1939" (Dalhousie University: M.A. Thesis, 1972).

reform of the constitution. According to Martin Kilson:<sup>1</sup>

as the process of colonial development required constitutional reform, the colonial authorities granted such reform in a manner disproportionately favorable to those African elements which at any given period were likely to exert a moderating influence.

Therefore, in a situation where the moderates were almost totally eclipsed by the radicals, there could be no question of constitutional reform.

The argument most frequently employed by the Sierra Leone authorities in rejecting demands for political reform related to the strategic importance of that colony at a critical moment in the war. According to this argument, the opening of positions of political authority, such as those on the Executive Council, to Africans could not be contemplated because such an action might result in a breach of wartime security arrangements. Undoubtedly there is some substance to this argument as Freetown was considered of sufficient military importance for it to be designated a 'defended port'. However, beneath this argument there almost certainly lurked the recognition of the fact that the radicals were in the ascendency. This situation was certainly apparent to Lord Hailey who, as a result of his 1940 tour of the colony, wrote:<sup>2</sup>

It is unfortunate that there is not in the Colony any African association which is in a position to make a serious study of matters of public interest as to exercise some influence over less responsible elements. The West African National Congress, which has for some years had its headquarters in Freetown, has lost its influence, if it is not actually moribund. The more radical Youth League, though it exercised a decisive influence during the last elections, seems to have been

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1. Kilson, Political Change, p. 145.
  2. CO847/22 Part I/47100/8: "Native Administration Comparative Study - Report by Lord Hailey - Sierra Leone". Draft report, undated typescript. Paragraph 54.

mainly an ad hoc creation, under very irresponsible leadership, and there seems little chance that it can ever become a useful organ of public opinion.

By 1943, however, both the seriousness of the wartime situation and the menace of Wallace-Johnson's Youth League had begun to recede. As a result consideration could be given to the question of the future political development of Sierra Leone.

But the basic fact remains that, until such time as political consciousness had been fostered in the Protectorates of the Gambia and Sierra Leone, it was only possible for these two colonies to embrace but a part of the constitutional model developed for British West Africa. However, they did embrace the model, as the rest of this chapter will clearly reveal.

### The Blood Constitution<sup>1</sup>

The tiny Gambia was the last of the British West African possessions to be granted a new constitution in the period immediately after the end of the Second World War. As Harry Gailey has pointed out, it was a reform that operated in something of a political vacuum, because the constitution was conceded at a time when there were no strong nationalist pressures for reform.<sup>2</sup> Perhaps as a result the the document itself was hardly remarkable. However, it did contain one notable innovation in that it granted, for the first time in British West Africa, the principle of universal suffrage.

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1. The Gambia is poorly served by secondary literature. Of the available historical surveys the best is Harry A. Gailey's, A History of the Gambia (London: Routledge & Kegan Paul, 1964). The Gambia also lacks any specifically constitutional study. There is, however, an important government publication which is indispensable for background information on the constitution: Development and Welfare in the Gambia (Bathurst: Government Printer, 1943).

For the Gambia the process of constitutional reform can be traced from 1943. In February of that year the Gambian Government wrote to the Colonial Office<sup>1</sup> concerning a possible change in the unofficial composition of the Legislative Council which, at that point in time, was restricted to a representative of the Moslem community, a representative of the Bathurst Advisory Town Council, and one other nominated member. According to the Governor, political advantage could be secured by altering this situation. In his words:

if constitutional changes can be contemplated in wartime, I see great advantage in dealing with the matter now: particularly since one of the two proposals I have to make will be regarded by an admittedly small, but by no means unimportant section of the community as a constitutional advance - though I do not offer it primarily as such - and the other will help to link the Chiefs more closely with the government of the country at a time when considerable calls are being made on the Protectorate, and plans are under consideration for its development.

Thus, Sir Hilary proposed that the unofficial component on the Legislative Council should be altered to provide for one elected member, to be chosen on a wide electoral basis, to represent St. Mary's Island; one member to represent commerce; one nominated member to represent the Protectorate; and one other African nominated member. Concerning the elective principle the Governor had this to say:

As regards the elected member, I should like to make it clear that, although the question is raised from time to time, no great pressure has been brought to bear on Government to introduce the electoral principle. Little interest is taken in the Bathurst Advisory Town Council elections, and at the present stage of development in the Gambia the nominated system works very well. I should also make it clear that I do not regard the introduction of the electoral principle as a first step toward an eventual Legislative Council or House of

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1. C087/253/33037/3: Despatch drafted by Governor Blood but signed by E.R. Ward, Governor's Deputy, to Secretary of State, 18 February, 1943.

Commons lines. . . . we cannot at the present stage foresee what form the ultimate legislative body in any of the West African Colonies will take. But whatever form it does take, the urbanized head quarter population which has experienced the full force of European impact will have to be allowed to elect its representative. The introduction of the electoral principle will not, therefore, in any way compromise the future. On the other hand, I am satisfied that, in the area I suggest, it is the only satisfactory alternative to the present limitations imposed on the Governor's power of nomination, and that it will be gladly accepted as an alternative. There will also be the additional advantage of seizing one of the opportunities which but rarely arises to meet a desire for a constitutional change before it assumes difficult proportions.

For his part, the Secretary of State did not 'rule out' the possibility of constitutional change during the war, but he did ask the Governor to refrain from making any decision until such time as he had returned to England and had discussed the matter with officials at the Colonial Office.<sup>1</sup>

The opportunity for these discussions arose in the summer of 1943. At his first meeting Blood met with A.J. Dawe.<sup>2</sup> He began the meeting by informing Dawe that it was his considered opinion that the time had arrived for constitutional reform, although, if the Colonial Office wished, he would defer any alterations until after the war. But, the major portion of this conversation dealt with Blood's proposals for the replacement of the nominated member from the Bathurst Town Council by an elected member; and the replacement of the representative of the Moslem community by a nominated member to represent the Protectorate. With regard to the former, Governor Blood noted that the

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1. C087/253/33037/3: Secretary of State to Blood, 3 June, 1943.

2. C087/253/33037/3: A.J. Dawe, memorandum: 'Conversations with Mr. Blood on 9 July, 1943'.

object was to employ "a democratic form which would be very much more acceptable to local opinion". Concerning the latter, Blood stated that it was his hope that a situation could be created whereby he would be able to draw upon the advice of a representative of the Protectorate, rather than upon the representative of a sectional interest in the Colony. In terms of procedure, he proposed that the Governor should nominate a candidate from a list drawn up by the Chiefs of the Protectorate. In closing, Sir Hilary revealed that he had raised the question of reform at this time because the term of office of the present Moslem representative was about to expire which thus afforded the Government with 'an ideal opportunity' to amend the constitution. When Blood met with the Secretary of State a short time later these same items were discussed.<sup>1</sup>

In the Colonial Office itself Blood's proposals were favourably received. Arthur Dawe regarded them as both modest and consistent with Colonial Office policy.<sup>2</sup> As Arthur Mayhew minuted:<sup>3</sup>

Sir A. Dawe observed that the proposed changes seemed quite simple to make and that they involved so far as West Africa as a whole is concerned, no new principle. Gambia had the only Legislative Council in which there were no elected members. The representation of Protectorate interests had already been secured in Sierra Leone and would be consistent with Legislative Council constitution in Nigeria and the Gold Coast. He was inclined, therefore, to consider favourably the proposal.

Consequently, in mid-October, Governor Blood was given permission to reconstitute the Gambian Legislative Council along the lines he had

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1. C087/255/33222: 'Gambian Affairs - Points Raised by Mr. Blood in his Talk with the S of S on 30/7/43'.
  2. C087/253/33037/3: Dawe, minute, 9 October, 1943.
  3. C087/253/33037/3: Mayhew, minute, 12 August, 1943.

suggested.<sup>1</sup>

However, it was not until the new year that the Gambian Government was in a position to inform the Colonial Office of its progress.<sup>2</sup> At this time the Office was told that the constitutional measures were being prepared, but that it would be some time before they could be implemented. Therefore, it was decided that the Moslem member of the Legislature should be reappointed, although his new term of office was to be reduced to one year. A short time later, Governor Blood wrote to the Colonial Office<sup>3</sup> to inform his superiors of the findings of a committee appointed by himself to advise on the boundaries of the proposed new constituency, and to make recommendations concerning the franchise. This committee had been appointed on the 23rd of December, 1943, and recommended that a constituency comprising the Island of St. Mary and the Kombo St. Mary District should be created. As for the franchise it reported that the vote should be given, without sex discrimination, to any British Subject or Native of the Protectorate who had lived in the constituency for a minimum of twelve months prior to registration day, and who was a minimum of twenty-one years of age. In closing, Blood noted that he was entirely in sympathy with these recommendations. Indeed, the only point with which he took exception was a minority rider which called for the creation of two constituencies, the second to represent Bathurst. This proposal Blood dismissed because,

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1. C087/253/33037/3: Duke of Devonshire Parliamentary Under-Secretary of State to O.A.G. Gambia, 12 October, 1943.
  2. C087/256/33037/3: Governor's Deputy, secret despatch to Secretary of State, 31 January, 1944.
  3. C087/256/33037/3: Blood to Secretary of State, 28 February, 1944. This report was later published: Government of the Gambia, Report of the Committee on the Legislative Council Franchise, Sessional Paper No. 2 of 1944 (Bathurst: Government Printer, 1944).

as he put it, "It is an excellent example of the outlook of the older generation of Akus, which regards itself as superior to, and does all it can to keep itself apart from anything outside the Island of St. Mary". This was precisely the kind of division which the Governor was trying to eradicate. In the Governor's opinion, over time, the Kombo St. Mary District, which was hitherto administered as a part of the Protectorate, and the city of Bathurst would develop along similar lines, and thus their differences would become marginal. Moreover, he thought that the creation of a single constituency for the area would provide an excellent opportunity for integrating a Colony and a Protectorate area. Therefore, he rejected the rider, although he did express a willingness to concede two elected members for the combined constituency. But, this aside, Sir Hilary was in favour of the recommendations, and, in a later despatch<sup>1</sup>, he strongly supported the position. As he put it:

Whether you will find yourself in a position to accept the proposals appears to me to depend on whether His Majesty's Government is prepared to undertake a bold experiment, so far as West Africa is concerned, by agreeing to universal franchise in the Gambia. I believe that in this country such an experiment has a good chance of success and I very much hope that it may be undertaken.

Governor Blood also discussed his proposals with the Chiefs of the Protectorate.<sup>2</sup> He informed his audience that, under the present arrangement, the unofficial members of the Legislature were all citizens of Bathurst who had little understanding and little inclination to attempt to understand the problems of the Protectorate. In order to

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1. C087/256/33037/3: Blood to Secretary of State, 11 May, 1944.
  2. Government of the Gambia, Proceedings of a Conference of Chiefs held at Georgetown on the 7th and 8th of March 1944, Sessional Paper No. 4 of 1944 (Bathurst: Government Printer, 1944), pp. 5-6.

remedy this situation Blood proposed that a Chief from the Protectorate be appointed to the Legislative Council. The question then arose of the manner in which this member was to be selected. The Governor gave the Chiefs a choice: either they could leave the matter of selection to the discretion of the Governor; or they could confer and submit a list of possible candidates for the Governor to choose from. However, Blood made it clear that if the latter course was chosen the Governor would not be bound to choose from the list so provided, although in all likelihood he would do so. After some discussion the Chiefs expressed the unanimous view that the choice of representative from the Protectorate should be left to the Governor.

Towards the end of May, Blood set down in detail his views on the political and constitutional future of the Gambia.<sup>1</sup> This document he prefaced with a statement of principles:

The ultimate aim remains the same - "that of setting Gambian feet firmly in the centre of a long path which leads to self-government"; and the principle of guiding the various stages to be remains the same - "the process of affording to the African the opportunity for training himself in the administration of local affairs" - so that he may develop the knowledge and skill necessary to administer the Gambia.

All of Blood's proposals were based on the Williams memoranda on constitutional development in West Africa, and, like that document, were based on "the axiom that political building must start from the bottom up". Only in this manner, he argued, could they pursue

the immediate aims which are the delegation by the central Government of greater powers and responsibility to local authorities predominately African in composition, the discussion of purely local affairs in their proper setting, and the greater appreciation of Protectorate aims, and the use of its inherited political experience in a fuller and more practical way than by merely adding

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1. C087/259/33237: Blood, memorandum: 'Political and Constitutional Development in the Gambia', 26 May, 1944.

Protectorate members to the legislative council or its equivalent.

Blood envisaged that constitutional measures would have to be developed on three levels: the local level; a level he termed the 'middle structure'; and at the 'apex'. The first of these levels, of course involved the Native Administrations and the municipal governments. Taking the latter first, it was noted that the Bathurst local governing authority was intended to develop along the lines of 'conventional' municipal governments.<sup>1</sup> As for the Native Administrations, Sir Hilary stated that they were developing slowly, but satisfactorily. He noted further that the Native Authorities were totally African in their membership, and that no provision was contemplated for an official majority on these bodies. Moreover, he made the point that the Governor's control over them was limited to the approval of their estimates, and the appointment of their officers.

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1. Municipal government in Bathurst was modified by the passage of the Local Government (Bathurst) Ordinance, No. 1 of 1946, which transformed what had previously been an advisory town council into an elected town council with a restricted range of functions. The new town council was composed of the Commissioner of the Colony, who acted as ex-officio chairman; four members nominated by the Governor; and fifteen elected members. The franchise was granted to any person who either owned or rented premises of an annual rental value of eight pounds; who had lived in the area for a minimum period of twelve months; and who had attained the minimum age of twenty-one (twenty-five if the person was illiterate in either English or Arabic). For details see C087/259/33240/1: "Bathurst Local Authority Legislation". Unfortunately, the range of functions delegated to the town council were very restricted. Indeed, the central government continued to administer the supply of electricity, water works, education, roads, and hospital services. Thus, as Hailey has written, "With such a limited range of functions, there is little to stimulate the interest or the sense of responsibility of the elected members of the Council; and as it has no executive officer, and seems unwilling to delegate authority over its subordinate staff, there inevitably many complaints of its lack of activity". See Native Administration, Part III, p. 331.

According to the Governor no changes in the 'general nature' of the native administration system was proposed. Instead,

What is contemplated is a development of their powers; an increase in their responsibilities, financial and administrative; and a general widening of their field of action to cover certain activities at present carried out by the central government, and to include local development and betterment schemes<sup>1</sup>. They must be primarily working, not debating bodies, and their discussions should be limited to subjects within the sphere of their activities.

Above these local authorities was to be a 'middle structure'. In this area Blood proposed to creat<sup>e</sup> two new councils, one for the Protectorate and one for the Colony. These councils were to be strictly advisory and consultative agencies. It was Blood's hope that the Chief's Conference, which was established in the Protectorate in 1944, would provide the nucleus for his proposed Protectorate Council. At its inception, the Governor suggested that the Senior Commissioner might preside over the council, but that at a later date the council might be given power to elect its own chairman. He recommended further that no official should be given a position on this body, although he did recommend that official might attend council meetings in order to explain Government policy. Turning to the Colony Council, Sir Hilary suggested that it might be composed of eight members: two members nominated by the Bathurst Local Authority; two members nominated by the

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1. The financial and administrative responsibilities of the Native Authorities were extended through the Native Authority (Amendment) Ordinance, No. 19 of 1944, and the Protectorate Treasuries Ordinance, No. 13 of 1945. As Hailey has noted, by these bills "the Native Authorities were authorized to impose a local rate, under the name of a District Tax, and to establish Treasuries to administer the funds derived . . .". See Native Administration, Part III, p. 337. All this, however, was nothing more than a logical extension of existing policy.

Kombo Local Authority<sup>1</sup>; two elected members; and two members nominated by the Governor to represent other interests. In the first instance this body was to be chaired by the Chief Commissioner of the Colony.

At the apex of Blood's scheme was what he termed the 'Legislative Authority'. It was a term which the Governor hoped to employ in order to get away from the impression that they were about to develop the existing Legislative Council along the lines of the Westminster model; a model which he felt was probably not adaptable to the Gambian situation. As for the composition of this authority, Blood suggested that they consider the granting of an unofficial majority, but, because this measure was not accepted policy in West Africa, he hesitated to press this point. Instead, on the official side, he recommended that the Colonial Secretary, the Legal Advisor, the Registrar-General, the Senior Commissioner, and representatives of the major government departments should be allowed to participate. With regard to the unofficial members, he suggested that initially they should be restricted to four: one nominated by the Colony Council; one nominated by the Protectorate Council; one nominated by the Governor; and one elected. Once established Blood envisaged that the Legislative

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1. Created by the Colony Ordinance, No. 14 of 1946, and the Kombo St. Mary Division Ordinance, No. 15 of 1946. By these ordinances this district ceased to be administered as a part of the Protectorate. The rural authority so established was composed of the Commissioner of the Colony, who acted as Chairman; three ex officio members; and an unspecified number of nominated members to be appointed by the Governor. However, the impact of this institution was negligible because, as Gailey has pointed out, "the duties of the Authority are minimal because most of the functions that would normally be performed by the agency are handled by the central government. The money available to the Authority is so small that no major task could be undertaken. The Authority was and is primarily a paper experiment in local government". See History of the Gambia, p. 188. For further details see C087/258/33191.

Authority would exercise three main functions. First, it would have a deliberative role, which it was hoped would be reduced as the 'middle structures' were developed. Secondly, it would have a legislative role, which, until such time as powers could be devolved to the local authorities, would remain more-or-less the same as those of the existing Legislative Council. On this subject the Governor wrote:

if the Governor is vested with adequate powers to insist on necessary, and to veto undesirable monor (sic) legislation passed by local authorities, the more legislation there is by delegation the better both from the angle of ready acceptance by those whom it affects and from freeing the Legislative Authority from detail which should not be its concern and with which it is rarely adequately equipped to deal.

Finally, the Legislative Authority was to have a financial role which, as was the case with the legislative role, was to remain unchanged in the first instance.

Basically the Colonial Office expressed a willingness to accept Blood's proposals. As Gerald Creasy minuted:<sup>1</sup>

Constitutional developments are rather to the fore in Africa these days, and even little Gambia comes into the picture. The alteration to be made in her case, however, is not a very substantial one and consists of providing that one of the four unofficial members shall in the future be elected to represent the one urban constituency, the other three being nominated as before.

Indeed, the only real objection to be raised in the Office concerned the franchise. When Sir Hilary was in London during the summer of 1944, he discussed this issue with Williams and Creasy,<sup>2</sup> who informed him that the Secretary of State was not likely to be disposed to the proposal of

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1. C087/256/33037/3: Creasy, minute, 27 June, 1944.

2. C087/256/33037/3: Williams, minute, 1 August, 1944.

universal suffrage. In reply the Governor stated that he would comply with any directive from the Colonial Secretary, but

that he would be sorry if the proposal for universal suffrage were to be turned down. Any basis for suffrage which were to be adopted would inevitably involve the same people, though with a certain number of omissions, and he was by no means convinced that the persons who would be omitted would be any less fit to exercise a vote than those who would be included. He regarded the inhabitants of the villages of the Kombo St. Mary area, despite their primitive appearance and surroundings as much more sensible and reasonable people in many ways than the average Creole of Sierra Leone. They were well used to managing their own affairs and the method of exercising the vote which would be adopted would not necessarily follow the Westminster model. He was confident that some appropriate means could be devised which would be quite well understood and appreciated by the persons concerned.

Sir Hilary again defended his proposal in a letter to Sir George Gater in which he answered two questions raised by the Secretary of State.<sup>1</sup>

The first question related to the Kombo people, and whether or not they were ready for the process of election. To this Blood replied:

the area has a distinctly European flavour; and conditions, already far removed from those obtaining in the Protectorate will approximate more and more closely to Bathurst conditions when the population moves out as envisaged in the Kombo development proposals. An electoral roll and the ballot box will therefore be required at no very distant date.

The second question concerned the franchise, and the desirability of a universal basis. On this issue Sir Hilary noted that he was not inclined to limit the franchise by sex, but that he would consider raising the age limit from twenty-one to twenty-five. He also ruled out a property qualification, because he said it would exclude the bulk of the people in the urban area, and would restrict the vote to that class

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1. C087/256/33037/3: Blood to Sir George Gater, 13 September, 1944.

of people already over-represented in the political arean. As for the idea that a literacy qualification might be instituted, Blood wrote that this too would eliminate a large number of voters. Moreover, it would probably benefit the younger members of society who were more likely to be literate. In concluding he stated:

No doubt there will be political repercussions elsewhere, but there are always repercussions when any colony makes a political advance. For example, the appointment of Unofficial Members to the Executive Councils in Nigeria and the Gold Coast led to immediate repercussions in Sierra Leone; and I have no doubt that, if the political advances under consideration in the Gold Coast are approved, there will be repercussions both in the Gambia and Sierra Leone. As I said in my despatch, I think the Gambia is a good place in which to experiment with universal suffrage in West Africa. If it is a success, well and good: if it is not a success, less harm will have been done than if a similar experiment was tried elsewhere.

In this manner, Sir Hilary places the onus on the Colonial Office.

In the Colonial Office the consensus was that, if the age limit was raised to twenty-five, Blood's proposals for the franchise could be accepted. Both O.G.R. Williams<sup>1</sup> and Gerald Creasy<sup>2</sup> were of this opinion. However, there were dissenters. For example, Sir George Gater minuted:<sup>3</sup>

It is untidy and inconsistent with our general arrangements in West Africa for representation of Africans outside the towns. The Africans in question are evidently primitive village communities although I recognise they may be included in a greater Bathurst.

In the end the Secretary of State approved the policy with qualification

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1. C087/256/33037/3: Williams, minute, 17 October, 1944.
  2. C087/256/33037/3: Creasy, minute, 18 October, 1944.
  3. C087/256/33037/3: Gater, minute, 20 October, 1944.

that the age limit be raised to twenty-five.<sup>1</sup> However, it was made clear to the Governor that this measure was to be considered as "experimental and subject to review". Also, the Secretary of State asked that the Gambian Government should contact the Sierra Leone Government in order to keep it informed of developments. On the 1st of November, Sir Hilary was able to report to the Colonial Office that the Sierra Leone Government did not feel that these measures would be embarrassing, and consequently, on the previous day, he had notified the Gambian Legislative Council of the decision.<sup>2</sup>

Sir Hilary was back in Britain in June, 1945, and at that time he discussed the drafting of the constitution with the Secretary of State. As a result of these discussions Stanley wrote to the Gambian Government to notify them that because of the large number of constitutions that were being dealt with by the Colonial Office there would be a considerable delay before the Gambian Constitutional Instruments could be prepared.<sup>3</sup> Indeed, it was not until July, 1946, that the first drafts of the Letters Patent and the Royal Instructions were despatched to the Gambia.<sup>4</sup> By this time Sir Hilary had decided upon one major modification in the constitution. This alteration concerned the number of unofficials to be appointed to the Legislative Council. As he argued<sup>5</sup>:

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1. C087/256/33037/3: Secretary of State, cypher telegram to Blood, 20 October, 1944.
  2. C087/256/33037/3: Blood to Secretary of State, 1 November, 1944.
  3. C087/256/33037/3: Secretary of State to O.A.G. Gambia, 18 June, 1945.
  4. C087/256/33037/3A: Miles Clifford to Blood, 10 July, 1945.
  5. C087/256/33037/3A: Blood, secret despatch to Secretary of State, 30 August, 1946.

In the time which has elapsed since I wrote my secret despatch of the 18th of February, 1943, . . . political consciousness has been carefully fostered, especially in the Protectorate mainly by the annual Conference of Chiefs. . . . I anticipate that it may be possible to increase the unofficial representation of the Protectorate, a highly desirable proposal in the comparatively near future . . . .

Thus Blood proposed that in the final draft of the constitutional instruments they omit any reference to a specific number of officials or unofficials. In this manner they could alter the composition of the Legislative Council at any time without recourse to an amendment in the Legislative Council Order-in-Council. In fact, as a result of this amendment, when the Constitution finally came into effect in 1947, the number of unofficials representing the Protectorate was increased to four. However, it would seem that much of the Governor's optimism concerning the political development of the Protectorate was somewhat premature because "due to the low level of literacy of the chiefs"<sup>1</sup> the Governor's plan to use the Chief's Conference as an electoral college had to be postponed. The fact remains though that despite the manner in which these representatives were selected this amendment resulted in the unofficials on the Legislative Council gaining parity of numbers with their official counterparts.

From the foregoing it becomes obvious that constitutional developments in the Gambia were far from remarkable. African representation was increased and the elective principle introduced, but little else was achieved. In a very real sense the Gambia had merely reached the stage that Nigeria and the Gold Coast had been before the passage of the

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1. Hailey, History of the Gambia, p. 186.

Richards and the Burns Constitutions. This situation was the result of a lack of political consciousness in the Protectorate, which caused only a portion of the constitutional model which had emerged in Nigeria and the Gold Coast to be embraced. Sir Hilary's solution to the problem was to initiate reform of the institutions at what he had termed the local level in order to foster political consciousness. This was the cornerstone of his system. As he put it:<sup>1</sup>

In considering the establishment of a form of local government for one small area in the Gambia it is important not to lose sight of the final political structure which is envisaged for the whole country. The Government hopes to build, on the foundation of the experience and technique required to run efficiently local government bodies, the next storey in the edifice of which the apex is self-government—the declared aim of British colonial Administration. The inauguration of Protectorate Treasuries and of the Bathurst Town Council should provide opportunities to lay solid foundations. The eventual Kombo St. Mary Rural District Council . . . should supply a further part. The Colony Council, to which reference has frequently been made as a parallel organisation to the Chief's Conference (later to be the Protectorate Council) can then come into being. These two Councils should be the policy making local authorities for internal affairs. After that the Government can do little more. The speed with which the higher storeys of the edifice can rise will be determined by the wisdom with which the people of the Gambia choose their representatives on the local government bodies and the readiness which they show to have their affairs administered by those bodies, and by the industry, courage and efficiency with which local authorities carry out their tasks.

Sadly, these solid foundations proved difficult to sink. At the end of Sir Hilary's Governorship most of his constitutional proposals remained on paper.

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1. CO87/258/33191: Blood to Secretary of State, 6 August, 1946.

Prelude to the 1951 Sierra Leone Constitution<sup>1</sup>

Constitutional developments in Sierra Leone may also be said to date from 1943. In the summer of that year Governor Stevenson was in London, and at that time he discussed the constitutional issue with officials of the Colonial Office. In his talk with the Secretary of State<sup>2</sup> Sir Hubert emphasized the disparity of political consciousness that existed between the Colony and Protectorate regions of his charge. Furthermore, he noted that this gulf had produced antagonism between the Colony Creoles and the people of the Protectorate; the latter objecting to the disproportionate influence of the Creoles, and the former regarding the latter as an 'inferior race'. This basic mistrust Stevenson regarded as one of the fundamental problems standing in the way of a constitutional settlement.

As for the type of settlement that should be sought at that point in time the Governor was quite clear. To begin with there was to be no question of a reconstitution of the Legislative Council. In his words:

The unofficial members of the Legislative Council as at present constituted cannot yet in the interest of the country be given a wider measure of control than they possess now. Protectorate interests are inadequately represented by the three nominated unofficial (African) members. The mere addition of more Protectorate members would not meet this difficulty.

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1. For background information on the Stevenson Constitution one should consult Martin Kilson, Political Change in a West African State; John R. Cartwright, Politics in Sierra Leone 1947-67; T.O. Elias, Ghana and Sierra Leone: The Development of Their Laws and Constitution (London: Stevens and Sons, 1962); and E.W. Blyden III, "Sierra Leone: The Pattern of Constitutional Change 1924-1951" (Harvard: Ph.D. Thesis, 1957).
  2. CO267/683/32375: "Sierra Leone Affairs" A note on points emphasised by Sir Hubert Stevenson in his talk with the Secretary of State on the 16th of July, 1943", handwritten report by Stevenson, 27 July, 1943.

Indeed, in Stevenson's opinion, "The line of constitutional development should be through the expansion of the powers and responsibilities of the Freetown City Council and through the steady development of Native Administrations and Treasuries".

In the Colonial Office the Head of the West African Division was in basic support of Stevenson's approach. As William's minuted:<sup>1</sup>

No appreciation of the constitutional problem of Sierra Leone would be of any value which did not take into account the strongly contrasting circumstances of the Protectorate and Colony. . . . These circumstances constitute a marked differentiation between Sierra Leone and the Gold Coast, where the social advancement, though patchy in both the Colony and Ashanti, is much more widely spread in those two areas as compared with the Protectorate and Colony of Sierra Leone respectively.

Although, therefore, the line which Sir Hubert Stevenson proposed to take may at first sight appear reactionary having regard to what is going on elsewhere, I think that it is on sound lines and that it would be a good thing for the politically-minded elements of the Colony to have the realities of the position presented to them rather emphatically.

It was not until June, 1945, that detailed proposals for the future political development of Sierra Leone were forwarded to the Colonial Office. In a lengthy despatch<sup>2</sup> the Acting Governor submitted Governor Stevenson's thoughts on this issue. One of the prime proposals outlined in this despatch concerned the development of regional councils. This policy was designed to

ensure that the various Tribal Authorities are more closely integrated into the administrative machinery and are able to take a larger part in the general administration of the Protectorate.

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1. C0267/684/32010/9: Williams, minute, 10 November, 1944.
  2. C0267/684/32009: Acting Governor Ramage to Secretary of State, 16 June, 1945.

What was envisaged was the creation of a council in each of the twelve districts of the Protectorate. The District Councils, as they were to be called, were to be composed of two representatives of each of the chiefdoms in the district. The Government thought that one of these representatives should be the chief himself, but that the other could be appointed by a full meeting of the Tribal Authority. However, the second member did not necessarily have to be a member of the Tribal Authority. In terms of function the District Councils were to perform three tasks. First, they were to "advise on any matters brought before them by direction of the Governor or Chief Commissioner . . .". Secondly, they were "to make recommendations to Government or, where more appropriate to the Protectorate Assembly, on matters affecting the welfare of the people of the district as a whole . . .". And, thirdly, "where such recommendations involve expenditure, to suggest the source or sources of funds necessary". The District Councils were to proceed by resolution, however, no councillors were to be entitled to move a resolution involving expenditure. When in session the Councils were to be presided over by the District Commissioner. In closing this particular part of the discussion the Acting Governor noted that, through the encouragement of the Governor, District Councils had already been created in ten districts.

Above the District Councils it was proposed to establish a Protectorate Assembly. In its initial stage, this council was to be purely advisory, and was to be composed of the Chief Commissioner, who would act as president; nine official members: the three Provincial Commissioners, representatives of the Medical, Education, Agriculture, Public Works, and Forestry Departments plus the Planning and Development

Officer; and thirty unofficial members: two representatives from each of the twelve districts; four African members nominated by the Governor to represent interests such as trade unions which otherwise would not be represented; one member nominated by the Governor to represent Commerce; and one member nominated by the Governor to represent the Missions. In addition, there was to be provision to nominate extraordinary members should the occasion arise. The Protectorate Assembly was to be charged with four duties. First, it was to advise on any matters referred to it by the Governor. Second, it was to make recommendations to the Government on any issue affecting the Protectorate. Third, it was to consider any matter referred to it by a District Council. And, finally, it was to have a say in the expenditure of funds derived from the Protectorate Mining Benefits Fund. Like the District Councils the Assembly was to proceed by resolution, and again no member was entitled to propose a resolution involving the expenditure of Government funds.

These were the Governor's major proposals. However, Stevenson had also begun to consider the reconstitution of the Legislative Council, although in this area it was made clear that his view was purely tentative. To begin with it was proposed that the eleven existing official members of the Legislative Council should be retained in order to provide for the membership of all the 'principal officers' of Government. The unofficial contingent on the Council, however, was to be greatly expanded in order to yield an unofficial majority. At this stage it was proposed that the unofficial membership of the Legislative Council should embrace the three elected members from the Colony; twelve representatives drawn from the ranks of the Protectorate Assembly; two nominees of the Governor, who

would 'in practice' be Europeans, to represent commerce; and one African member to be nominated by the Governor to represent "interests which might otherwise not have adequate representation". The resultant council would thus have a clear African majority. However, in order to safeguard 'public faith, good order and good government' it was thought that the Governor should be invested with reserve powers.

Whether or not it was appreciated at the time, this despatch contained the salient features of the 1947 proposals for the reconstitution of the Legislative Council. And, of course, these proposals in turn were the basis of the Sierra Leone Constitution of 1951.

Between 1945 and the issue of the Constitutional Proposals in 1947, the Sierra Leone Government focused its attention on the development of local government which was considered the precursor of constitutional change. In the words of one Colonial Office official:<sup>1</sup>

it will be remembered that it was his [Stevenson's] intention that the Protectorate Assembly which is to be created should in due course send representatives to the Legislative Council and so provide an organic link between the Council and the people, on lines which have already been adopted elsewhere in Africa. He did not propose, however, that a change of this nature should take place in the near future. So far as the Protectorate is concerned the first thing is to get the local Councils and the Assembly well established, while as regards the Colony the Governor, of course, intended that the new Freetown Municipality Ordinance should be the first step, with constitutional changes to follow.

In the Protectorate, Stevenson's scheme depended upon the development of the District Councils. As Hailey has pointed out such councils had been contemplated as early as 1905, although it was not until 1940 that the Government began to pursue this policy systematically.<sup>2</sup>

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1. CO267/684/32010/9: Gerald Creasy, minute, 26 November, 1945.

2. Hailey, Native Administration, Part III, p. 315.

Established by the Protectorate (Amendment) Ordinance, No. 27 of 1945, the District Councils were constituted in the manner elaborated in Acting Governor Ramage's despatch of 16 June, 1945. In addition to the functions that Ramage had outlined for the District Councils in his despatch the Councils were delegated what Hailey has described as<sup>1</sup>

a more specific function in framing Rules altering or modifying native customary law in the District, which, when approved by the Governor, were to have effect in all the Native Courts of the District.

The first meetings of the District Councils were held in 1946.

Another integral component of Stevenson's Protectorate programme was the Protectorate Assembly which, like the District Councils, was created by the Protectorate (Amendment) Ordinance. In terms of composition and function the Protectorate Assembly was constituted as per Ramage's despatch. The first meeting of the Assembly was held at Bo in July, 1946.<sup>2</sup>

While developments in the Protectorate proceeded smoothly the same could not be said of the Government's attempt to revitalise municipal government in Freetown. As one of the earliest experiments in self-government in Africa the Freetown City Council was far from a success. According to Hailey, throughout its history it was plagued by chronic inefficiency and failed consistently to collect its rates.<sup>3</sup> Matters

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1. Hailey, Native Administration, Part III, p. 315.

2. Government of Sierra Leone, Protectorate Assembly, Proceedings of First Meeting at Bo, 23rd to 26th July, 1946 (Freetown: Government Printer, 1946).

3. Hailey, Native Administration, Part III, pp. 287-88.

reached crisis proportions in 1925, when several of the Council's officers were convicted of fraud.<sup>1</sup> In order to combat this inefficiency and corruption the Government reconstituted the Council two years later.<sup>2</sup> By this legislation the old Council, which was composed of fifteen elected and three appointed members, and which chose its own Mayor, was replaced by a body composed of an ex-officio president, in practice the Chief Commissioner; four appointed councillors, three of whom were to be Government officials; and three elected councillors. With the exception that a fourth elected councillor was added to the Council in 1934,<sup>3</sup> this was the situation as it existed at the outbreak of the war.

Having decided that the reform of the Freetown City Council was an integral part of his overall programme of reform Governor Stevenson proceeded to create a committee to investigate the whole question of municipal government. In its report<sup>4</sup> the committee recommended that a new council should be constituted, and that the unofficial majority should be conceded. In addition, the committee added the qualification that the Governor should be given ultimate control over the Council's estimates. This qualification, along with the committee's other recommendations, was translated into legislation, and became Ordinance No. 1 of 1945.<sup>5</sup>

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1. For details see C0267/616/XF5148: "Criminal Proceedings Against C. May (Ex Mayor of Freetown) and Others"; C0267/616/XF702: "Freetown Municipality", and C0267/617/XF6906: "Freetown Municipality Report on Affairs".
  2. Ordinance No. 38 of 1927.
  3. Ordinance No. 12 of 1934.
  4. Sierra Leone Government, Reconstitution of the Freetown City Council, Sessional Paper No. 4 of 1944 (Freetown: Government Printer, 1944).
  5. For details of the drafting of this legislation and the subsequent difficulties encountered by the Government see C0267/688/32348/1: "Freetown Municipality Legislation"; and C0267/690/32397/1: "Freetown City Council-Reconstitution".

Unfortunately, the clause concerning the Governor's control over the estimates met with resistance. This resistance took the form of a non-registration campaign by the potential voters of Freetown. So successful was this campaign that the Government was forced to withdraw the legislation, and the 1927 Ordinance came back into effect. The Government tried to implement the 1945 ordinance once again in 1946, but a similar campaign of non-registration was begun, and the attempt failed. In fact, the situation was not resolved until 1948, when a new ordinance was drafted upon the recommendation of yet another committee. This legislation omitted any reference to Gubernatorial control over the Council's estimates, and was successfully implemented.<sup>1</sup>

Despite the difficulties encountered in Freetown the Governor had decided by 1947, that the time had arrived for the publication of concrete proposals for the reconstitution of the Legislative Council. Stevenson began by discussing his ideas with the members of the Protectorate Council. On the basis of these discussions he drafted and submitted to the Secretary of State plans for a new constitution.<sup>2</sup>

In his despatch Stevenson re-iterated that the establishment of the District Councils and the Protectorate "were essential conditions precedent to reconstruction of the Legislative Council". With this having been accomplished in 1946, the Governor believed that the the situation justified "a further advance in the political development of this territory".

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1. Hailey, Native Administration, Part III, p. 288.

2. Sierra Leone Government, Proposals for the Reconstitution of the Legislative Council in Sierra Leone, Sessional Paper No. 2 of 1948 (Freetown: Government Printer, 1948). See Stevenson to Secretary of State, 13 October, 1947.

This development, he stated, would have to fulfill two basic conditions:

First, it must have a majority of elected members if it is to be acceptable to the people and if it is to serve as a step towards further political development. Secondly, it must provide for the people of the Protectorate to take an increased and increasing effective share in the management of the affairs of the country.

With this in mind he put forward his recommendations.

Briefly, the new Legislative Council was to be composed as follows. On the official side of the Council there were to be seven members: the Colonial Secretary, the Chief Commissioner, the Attorney General, the Colonial Treasurer, and the Directors of Medical Services, Education, and Agriculture. Meanwhile, the unofficials were to number sixteen, and included: four members elected to represent the Colony; nine members elected by the elected members of the Protectorate Assembly to represent the Protectorate; one African nominated member of the Protectorate Assembly chosen by the elected members of the Assembly; and two members to be nominated by the Governor to represent the commercial interests. The Governor himself was to preside over the Council, but was to have neither an original nor a casting vote. In addition, there was to be provision for the nomination of extraordinary members. However, assuming that no extraordinary members were on the Council, it would have been composed of fourteen African members as compared with nine Europeans.

Stevenson was not entirely happy with the ratio of members proposed for the Colony and Protectorate, but he did concede that the country was not ready for proportional representation. In his words:

the present proposals represent one stage only in development and it would not, in fact, be practicable suddenly to provide for representation of the whole

territory on the basis now applicable to the Colony. I have accepted throughout, therefore, that the Colony should, at this stage, continue to receive more generous representation than the Protectorate although there should be a marked improvement in favour of the latter as compared with the present Constitution.

Moreover, Sir Hubert noted that the figure of four elected members to represent the Colony was arrived at only after much pressure was brought to bear from the Colony for the Governor to modify his original proposal of three members.

With regard to the Protectorate representatives the Governor noted that of the nine members, four would represent the Northern Province, while the South-Western and South-Eastern Provinces were to be represented by three and two members respectively. This ratio, he stated, was determined by the number of members each Province sent to the Protectorate Assembly. As for the means by which these representatives were to be selected the Governor was adamant that they should be selected "by the members representing that Province in the Protectorate Assembly". As he wrote:

It is important that the members of Legislative Council, elected to represent the Protectorate, should be members of the Protectorate Assembly. This provision will ensure that any member elected by the Protectorate Assembly has been chosen as a representative in the first place by a full meeting of a Tribal Authority and subsequently by a District Council. There will thus be a direct link between the people in the Chiefdoms and the elected representatives on the Legislative Council. To depart from this principle would mean disregard of the possible wishes of the people.

In the Governor's opinion this form of election would be better understood in the Protectorate, and would "ensure membership on a more truly representative basis than any other".

If the disparity that existed between Colony and Protectorate was reflected in the ratio of seats given to each area; it was also

apparent in the section of Stevenson's despatch which dealt with literacy. Here he recommended:

It is clearly desirable that members of the Legislative Council should be literate, but after considerable thought and a number of discussions, I have reached the conclusion that it would be unwise initially to exclude potentially useful members on the grounds of their inability to pass a literacy test in English. It is important that interest in the newly constituted Legislative Council should be aroused and fostered throughout the Protectorate. Efforts to this end would be considerably handicapped if a literacy test for members was imposed in the case of the first members to be elected for the Protectorate.

Therefore, he suggested that they permit the system to operate for at least three years before they considered the question of literacy qualifications.

In his closing paragraphs, the Governor proposed that membership of the Council should be for a period of four years, and that, because of the grant of the unofficial majority, the Governor should be invested with sufficient reserve powers to safeguard any situation which might arise. Also, it was made explicit that in terms of function and general procedure the Legislative Council would remain unchanged.

The franchise qualifications were set out in an appendix to Stevenson's despatch. By these the vote was to be given to any British Subject or native of the Protectorate provided that he or she was a minimum age of twenty-one; had resided in the constituency for a minimum period of six months before the date of registration; was the owner or occupier, for a similar period, of premises rated at an annual value of six pounds or was in receipt of a minimum salary of sixty pounds per annum; and was literate in either Arabic or English.

These proposals were the direct descendant of those set out in Acting Governor Ramage's despatch of 16 June, 1945. They were also in

accord with Colonial Office policy, and received the support of the Secretary of State on 11 February, 1948.<sup>1</sup> However, these proposals touched off what Cartwright has called a 'constitutional crisis'.<sup>2</sup> As a result, Governor Stevenson's proposals, with minor modifications<sup>3</sup>, did not actually become law until 1951.

From the forgoing it becomes obvious that, between the years 1943 and 1945, both the Gambia and Sierra Leone came to accept, in theory, the constitutional model which had evolved in the Gold Coast and Nigeria. Indeed, according to the colonial authorities, it was only the relative lack of Westernization in these colonies, and more particularly in the hinterlands of these colonies, that resulted in a lengthy delay in the implementation of this policy. However, the policy was embraced,

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1. Sessional Paper No. 2 of 1948: Secretary of State to O.A.G. Sierra Leone, 11 February, 1948.
  2. See Cartwright, Politics in Sierra Leone, pp. 43-54; and Kilson, Political Change, pp. 161-170.
  3. As a result of the clash between the Colony Creoles and the Protectorate Chiefs over the constitutional proposals a Select Committee was formed to consider what modifications could be made to the proposals. These revisions were set out in Sierra Leone Government, Reconstitution of the Legislative Council in Sierra Leone, Sessional Paper No. 8 of 1948 (Freetown: Government Printer, 1948), and recommended that the number of representatives from the Protectorate should be increased from nine to thirteen, while those from the colony should be increased from four to seven. In addition, the period of membership of the Council was increased from four to five years. Also, it was decided that there would be no reference to literacy qualifications. Finally, it was recommended that the principle of appointing elected members of the Legislative Council to the Executive Council should be adopted. Unfortunately, these concessions did not terminate the conflict between the educated elite and the chiefs. Thus, in 1950, the Governor made two additional concessions which involved the institution of literacy qualifications, and made provision for more educated men to be appointed to the District Councils. See Sierra Leone Government, Reconstitution of the Legislative Council of Sierra Leone, 1950, Sessional Paper No. 2 of 1950 (Freetown: Government Printer, 1950).

and thus at this early date the constitutional fate of these colonies was linked to that of their more rapidly advancing neighbours.

## EPILOGUE

Throughout this study of the development of British colonial policy towards West Africa between the years 1938 and 1947, our concentration has been directed towards the individual strands which collectively made up policy for this region. Indeed, the detailed documentation of these specific reforms and shifts in policy was, of necessity, one of the major objectives of what is in fact the first thesis on this topic to be based on official records. With this task accomplished, it remains to draw these strands together into a coherent whole, and from this whole to comment on the development and nature of this reforming process.

This study began with the proposition that, by the close of the inter-war period, the Colonial Office had become acutely aware of the need to rationalise its policy in Africa. In particular, the Office sought to devise a plan whereby the two types of political systems it had erected in Africa could be integrated. As the Secretary of State for the Colonies at that time put it, "We should . . . have a clearer idea as to how the development of Native Authorities and of Legislative Councils in the same territories was to be harmonised".<sup>1</sup> Although essentially a short-term problem, this question had long-range implications as its resolution would establish the institutional framework in which future political develop-

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1. CO847/17/47135: Malcolm MacDonald addressing the Carlton Hotel Conference, 6 October, 1939.

ments would occur. Thus it was that, in the policy review that Malcolm MacDonald initiated in 1938, the terms of reference were extended beyond the native administration problem to embrace the broader question of the future political development of the African colonies. Consequently, the review process under consideration operated on two levels. On the one hand there was a general, and often theoretical level, at which the basic principles and ultimate objectives of policy were discussed; while on the other hand, there was a more pragmatic plane which dealt with problems of a specifically regional nature. Although this study has been concerned with the latter, elements of the former have been dealt with in order to place the West African case in its proper context.

In fact, the British West African aspect of the colonial policy debate which took place in the decade after 1937 was dominated by the question of how the Native Authorities and the Legislative Councils were to be made more compatible, and it can be divided into three stages. First, there was the period from 1938 until 1943, when planning was primarily a Colonial Office affair. Admittedly, there were external pressures on the Office during this time. For example, there was the Atlantic Charter which had a catalytic effect and forced the Office to bring the ultimate objectives of its policy into sharper relief. Also, there were specifically West African pressures. These pressures came mainly from the Governors of the Gold Coast, and resulted in the admission of Africans to the Executive Councils of British West Africa. But, despite these pressures, this period saw the Colonial Office firmly in control of a methodical, if somewhat slow, planning process. Then, in the summer of 1943, the initiative in planning shifted dramatically to West Africa. In this the second stage of the policy debate the long-

range schemes that the Colonial Office had been trying to develop were suddenly foreshortened to the drafting of constitutional instruments for immediate adoption in British West Africa. By 1946, these constitutional reforms had been more-or-less finalised, and the Colonial Office had the opportunity of turning its attention once again to more theoretical matters. As will be seen, in this the third stage of the colonial policy debate, a new direction was plotted; a direction which was to make much of the work accomplished during the previous decade redundant.

The year 1938 was chosen as the starting point for this planning process for three reasons. First, in that year a new Colonial Secretary, Malcolm MacDonald, was appointed. MacDonald had held this post some three years previous, and, as a result of his earlier experience, he returned to the Colonial Office convinced that fundamental changes would have to be made in Britain's colonial policy. Secondly, this reforming Colonial Secretary came upon the scene at the very moment when the colonial issue, because of the trouble in the West Indies, had been propelled into the political arena in Great Britain. This crisis, as MacDonald himself has acknowledged, greatly facilitated colonial reform. And, thirdly, 1938 was the year of publication of Lord Hailey's African Survey which set out clearly the deficiencies of British rule in Africa. The questions raised by Hailey and others were echoed by MacDonald, and, in fact, became the point of departure in the colonial debate which was to follow. Thus, the year 1938 was one in which a reforming Colonial Secretary was supplied with both the political lever and the requisite guidelines for the initiation of a policy review.

The first evidence of fundamental change under MacDonald's stewardship came in the social and economic sphere with the passage of

the Colonial Development and Welfare Act of 1940. This Act, which was inspired jointly by Hailey's African Survey and Lord Moyne's report on the West Indian Disturbances, was a radical break with tradition, and was designed, to quote MacDonald, "to develop the colonies so that as far as possible they become self-supporting units".<sup>1</sup> So important did MacDonald consider this piece of legislation that, had domestic political and economic crises not intervened, this Act may well have been dated 1938! In the years that followed, the importance of social and economic development became a cardinal feature of British policy, and the notion grew that political advances in the colonies should be made contingent upon it.

Indeed, this economic argument was at the very heart of the proposal put forward in 1939 for the federation of the British West African dependencies. According to the prevailing view, federation was desirable because small territories, such as the Gambia, were incapable of becoming an economically viable unit, and thus were not capable of becoming a politically viable unit. However, in the case of British West Africa, federation was rejected as a 'theoretical abstraction' because the areas concerned were not coterminous, and because colonies such as the Gold Coast and Nigeria had progressed to the point where it would be difficult to arrest national development. Thus, the first major decision affecting the political future of British West Africa was taken: that the region was to be developed on the basis of existing boundaries and not on the basis of a federated territory.

While the federation question was being discussed the Colonial

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1. Hansard, 21 May, 1940.

Office initiated a general review of its policy in Africa. The method devised for this review was an independent commission. Lord Hailey was chosen to head this mission which was charged with the responsibility of investigating the problems of native administration and the question of the future political development of the African dependencies. Basically, Hailey was placed in charge of a fact finding mission which was designed to supply the necessary information and recommendations upon which a new policy could be framed.

The Hailey mission spent the early months of 1940 in Africa, and the period between 4 February and 16 March in British West Africa. However, the much awaited reports were not available until 1941. In addition to a great deal of factual material the Hailey Reports put forward a solution which, while relegating the native administration system to the sphere of local government, employed that system as the basis for future parliamentary institutions. As such it was a policy which attempted to both contain and re-vitalise indirect rule.

Lord Hailey's prime directive was for the development of efficient local institutions. This in effect meant a continued reliance on the Native Authorities, although in those areas where the Authorities did not function it meant a reliance upon institutions of a yet to be determined nature, and in the urban areas a reliance upon municipal governments. However, amongst these three groupings, the Native Authorities were massively in the preponderance. Above this level of administration Hailey envisaged a series of regional councils. These councils were to be composed of representatives of the Native Authorities, the township authorities, and of those bodies created in the districts where the Native Authorities did not exist. Hailey recommended further that from the

outset these bodies should have been granted specific duties, such as the review of by-laws, and that if they proved capable then further powers could have been considered for devolution from the central administration. Moreover, he suggested that the regional councils should act as electoral colleges for the legislative councils. Indeed, in this manner he hoped to marry the Native Authorities and the Legislative Councils. With regard to the Legislative Councils, Hailey recommended no change at all until such time as the regional councils had become operative and had indicated the degree to which central functions could be devolved. Clearly Hailey's solution was one which catered to the traditional leaders. The educated elite, however, was not totally omitted from Hailey's scheme, although the concessions made to this group were more modest and restricted to the less sensitive areas of municipal government and the civil service.

Two years were to pass before the Colonial Office was to employ the Hailey Reports for anything other than reference material. In the interim, the Office had to respond to external pressures which furthered the review process.

One of the major pressures on the Colonial Office during this period was world, and in particular American, opinion on the colonial issue. This opinion was focused as a result of the Atlantic Charter which, if taken literally, called for the extension of self-determination to all subject peoples. Churchill's repudiation of this interpretation in the House of Commons brought both the British Government and the Colonial Office under attack, and forced both of these agencies to consider more carefully the concept of self-government for the colonies. This encounter brought with it the realisation that Britain's position

on the question of self-government for the colonies was not as explicit as had been thought. Between 1941 and 1943, mainly as a result of negotiations with the Americans over the drafting of a joint statement on the interpretation of the Atlantic Charter, Britain arrived at a more coherent position on the question of self-government. This policy had three main features: First, it was predicated on the new economic policy which had been proclaimed in the Colonial Development and Welfare Act of 1940. Secondly, it was a policy which was not to be bound by a timetable as the United States had urged. And, thirdly, self-government was interpreted, not as independence, but as occurring within the context of the British Empire. That is to say, self-government for most of Britain's colonial dependencies was to mean local self-government. For British West Africa this effectively meant a form of indirect rule, and thus the question of harmonising the Native Administrations and the Legislative Councils took on even greater importance.

In one other area the Colonial Office was pressured into formulating policy in advance of the over-all scheme that was to be developed on the basis of the Hailey Reports. This decision was as a result of pressures from the Governors of the Gold Coast and Nigeria for the admission of unofficials to the Executive Councils of those colonies. This modest reform was as a result of the initiative of Governor Burns of the Gold Coast who, with the active support of the Governor of Nigeria and the passive support of the Governors of Sierra Leone and the Gambia, was able to force an unwilling Colonial Office to relent and to permit African representation on his Executive Council. This reform was modest because the Executive Councils, as then constituted, were purely advisory bodies. Thus, any African appointed to these Councils was not granted

any additional powers. However, this action was an important constitutional precedent, and one which was adopted by the rest of the British West African Governments by the end of the period under discussion.

This first phase in planning was brought to a close in the summer of 1943, when the West Africa Division of the Colonial Office finally completed its plans for the political advance of its region. This plan, entitled "Constitutional Development in West Africa", was based on the Hailey Reports, and provided the Colonial Office with its first statement of possible long-range political objectives for this region.

Although based almost exclusively on Hailey's recommendations these proposals differed in one important respect: they advocated the reform of the legislative council in order to prevent the educated elites from being alienated. However, the plans were in agreement with Hailey on two fundamental points. First, that political developments should be made contingent upon social and economic development. And, secondly, that in developing a constitutional policy for West Africa there was no need to take into account possible reactions in British East Africa.

The scheme was divided into five stages, the first three of which emphasised the development of local government. In the municipal sphere increased responsibilities were to be devolved to the municipal councils, and African representation was to be increased with a view to first establishing African elected majorities and finally all-African councils. Meanwhile, the Native Administrations were to be modernised through the introduction of younger and better educated members, the eradication of authoritarian regimes, and the devolution of greater responsibilities. Parallel to these developments it was proposed that regional councils should be established. These bodies were to be created in all areas where

municipal authorities could not be created, and were to be composed of Native Authorities. In the first instance they were to be advisory in capacity, although during stage three they were to receive increased functions and responsibilities. Also, at this stage, the regional councils were to begin to act as electoral colleges for the legislative councils. As for the legislative councils, during these stages their representative nature was to be increased either through an increase in the number of directly elected African members or through nomination.

The final stages of this scheme were very loosely defined. In stage four a decision was to be made as to whether or not the unofficial majority would be conceded, while in stage five, entitled "Towards Self-Government", no concrete proposals, outside of ones for the progressive Africanisation of the senior civil services, were made. In fact, it was thought that at this point a series of constitutional conferences would have to be called in order to work out the details of future plans. Unfortunately, these proposals, which were to be affected over a good many generations, were only discussed once before the balance in planning shifted to West Africa.

From this it can be seen that the first stage in the policy review process was mainly deliberative. Those decisions that were taken, such as the decision to admit Africans to the Executive Councils, were the result of external pressures, and were made in advance of the development of comprehensive constitutional proposals. However, it can be said that by 1943, the Colonial Office had reached the point where it had a clearer idea of the ultimate objectives of its policy, and what could be called a blueprint for the political development of its West African territories.

Barely had the Colonial Office begun to consider the tentative constitutional proposals prepared by the West Africa Division when, in August, 1943, Governor Burns informed the Office of his intention to revise the Gold Coast Constitution. This event effectively ended the first stage of the policy review and started the second which was to see the drafting of new constitutions for the Gold Coast, Nigeria, and the Gambia, and the publication of draft constitutional proposals for Sierra Leone.

Burns' lead was followed immediately in Nigeria, and, as a result of constitutional developments in these two colonies, what might be called a 'constitutional model' was developed for British West Africa. Designed to harmonise the development of Native Authorities and Legislative Councils in the same territory this model operated on three levels. At its lowest tier, the model was concerned with local government, and, in this regard, it employed Native Administrations and, in the urban areas where indirect rule did not function, municipal governments. The intermediate tier also contained two elements. On the one hand were regional councils which, in essence, were assemblies of Native Authorities. These councils were mainly advisory in capacity, although there were provisions for some financial and legislative powers to be devolved to them. In addition, they had an integrative function to perform because they were to act as 'electoral colleges', and were to nominate Native Authority representatives to the Legislative Councils. On the other hand, there were a series of constituencies which, by democratic process, were to elect urban representatives to the Legislative Councils. Finally, at the apex, came the Legislative Councils themselves which, if the intermediate tier functioned as planned, were fully integrated with the native administration

system. In theory, it was a scheme which resolved what Ken Post has termed 'the cumulative structural problems of years of pragmatism'<sup>1</sup> which were identified by Hailey and MacDonald in 1938. Between the years 1943 and 1945 both the Gambia and Sierra Leone came to embrace this constitutional model, although, because of the relative lack of Westernization in the hinterlands of these colonies, full implementation of this programme was severely delayed.

As the pressures of constitution-mongering receded the Colonial Office was given the opportunity to turn its hand once again to more theoretical matters. Indeed, in 1946, the whole question of native administration policy came up for discussion in the Office, and a new chapter in the policy review was opened.

The debate was prompted by the confidential "Memorandum on factors affecting Native Administration policy" which was drafted by a former Gold Coast District Commissioner who was seconded to the Colonial Office at the end of the war.<sup>2</sup> Although this memorandum did not make any recommendations as to the direction which native administration policy should take, it did call for revision, and, as a result, prompted considerable discussion on the issue. An examination of this memorandum and the response it elicited is instructive because it reveals that a significant shift in opinion had occurred in the Colonial Office. Indirect rule was no longer merely subject to criticism; rather it was in the process of wholesale rejection. Indeed, the views to be expressed a year later in the Local Government Despatch were already being voiced.

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1. Ken Post, "British policy and representative government in West Africa, 1920-1951", in Colonialism in Africa, p. 34.
  2. CO847/25/47234: Cartland, "Memorandum on factors affecting Native Administration policy", undated, but early 1946.

Cartland's personal view of native administration policy was particularly damning. As he put it:

In many parts of Africa the Native Administration has achieved little and is little more than a rather inefficient school for giving local dignitaries and their clerks some rudimentary training in administrative work. If the policy of Native Administration is justified then the native Authorities must be transformed into reasonably efficient organs of local Government, which must fulfil some useful local functions now while their personnel is gaining experience.

Cartland noted that indirect rule, or as he preferred to term it 'the philosopher's stone of Colonial administration', had come under attack even before the war, and he enumerated three major criticisms that were levelled against it at that time. To begin with, it was argued that the basis of the Native Administrations was too narrow. Secondly, it was felt that they were not 'sufficiently efficient' to carry out the duties imposed upon them. And, finally, there was the opinion that the time had arrived for a general review of policy 'with a view to reinforcement and re-direction'. He noted further that during the war two new factors had emerged:

(1) Native Administrations as at present constituted may find it difficult to satisfy the more critical demands of the returning African troops, experienced as they will be, whether literate or illiterate, in the affairs of the world.

and

(2) the new policy of development on which we are now embarking will make increasing demands on the machinery of the Native Administrations and impose upon it a greater strain than in pre-war years. It is essential that real political development should keep pace with the material and social development which is planned, both in order to satisfy the widening political horizon of the new classes including the returned soldiers, and in order to play an effective part in the execution and administration of the new development policy. It is no longer sufficient for the Native Administrations to be a mere expedient to provide the Central Government with cheap local agents to carry out the details of its day to day administration

but it is necessary that it should become an active partner in, and an essential instrument of, the development policy.

As a result of these factors, Cartland felt that the time had arrived for the issuing of 'an authoritative statement of policy'.

In this statement, Cartland hoped that the opportunity would be taken to rename the system and "to describe it as local Government or or African local government". He felt that such a change would have three main benefits. First, it would eliminate the term 'native'. Secondly, it would distinguish 'the new phase of policy from the old'. And, thirdly, it would indicate 'the proper and intended sphere of this form of Government'.

Also, Cartland hoped the opportunity would be taken to answer the important question that Hailey had raised in 1940. That is to say, "whether the Central Government should ultimately be formed of a federation of Native Administrations or whether the Central Government should continue in its present form with the Native Administrations acting as its local agencies".

The replies to the Cartland Memorandum reveal there were still strong supporters of the more conservative form of indirect rule in the Colonial Office. For example, Mr. Footman was of the belief that "the final aim should be that the Central Government should ultimately be formed of a federation of local Governments or Native Administrations".<sup>1</sup> Others, such as Mr. Varvill, argued that the proposed new constitutions for British West Africa, which were based on the native administration

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1. CO847/25/47234: Footman [principal officer East and Central Africa Division], minute, 15 March, 1946.

system, had not yet been tested. In his words:<sup>1</sup>

Plainly the answer must depend on the speed with which native administrations develop and the reality of their hold on public opinion. The new constitutions of the Gold Coast and Nigeria are perhaps the first steps towards federation but a decision on the political goal of these two colonies must necessarily await the success or failure of these two experiments.

Furthermore, Varvill was not overly impressed with the idea of redefining native administration as local government. As he rather sarcastically put it, "I think that the London County Council or the Borough of Stepney might . . . be dismayed at the prospect of finding their administration classified as local government with that of a naked pagan tribe in the Nigerian plateau". O.S. Wallace was in agreement with Varvill that the plans made during the war were adequate for the moment, but he departed from Varvill as to the ultimate goal. In his view:<sup>2</sup>

It is inevitable that a system of government . . . which was built up around hereditary chieftainship and councils should require adaptation in the course of time: to bring it into more democratic form. I believe that as the scope and function of the native authorities increases, there will be plenty of work for highly educated and skilled Africans to undertake. As the native authorities get more help from these folk they will see the necessity to broaden the structure of their councils, and constitute them on more democratic lines.

Then there were those who looked on indirect rule with far less reverence. Mr. C. Rankin was one of those who argued that "often a Native Administration is a useful means to our end; but if the makings of one aren't there, or an existing one is a stumbling-block, in the one case we need not worry, and in the other we need have no qualms about

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1. CO847/25/47234: Varvill √District Officer, Nigeria, seconded to Colonial Office 1943-77, minute, 19 February, 1946.
  2. CO847/25/47234: Wallace √District Officer, Northern Rhodesia, seconded to Colonial Office 19447, minute, 23 February, 1946.

sweeping it aside".<sup>1</sup> J.B. Williams was another who believed that indirect rule had little intrinsic value. As he declared, "If the native administrations are to become anything more than an interesting historical relic, the only possible line of development seems to be to transform them gradually into organs of local government".<sup>2</sup>

The views of A.H. Dutton may be taken to represent the views of the disillusioned former Administrative Officers. In his minute<sup>3</sup>, Dutton freely confessed that his experience as an Administrative Officer in West Africa before the war led him to the conclusion that the native administrations "only serve to crystallise a 'status quo' which existed when we first took over from the Trading Corporations". Dutton condemned the 'nepotism' and self-interest exhibited by the Native Authorities, and noted that

the use of traditional councils elected by archaic custom put most undesirable men in what might have been responsible positions, and left many able and public spirited Africans outside to form an inevitably disgruntled minority.

As a general observation he stated: "I came back to England in 1939 with the feeling that the N.A.'s, formed as they were, created a definite barrier to progress and an incitement to discontent among educated Africans". However, Dutton stopped short of advocating the abolition of the Native Administrations, although he did urge their "reform to represent all classes of African".

C.Y. Carstairs' criticism of indirect rule, or as he called it

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1. CO847/25/47234: Rankin, minute, 27 February, 1946.
  2. CO847/25/47234: Williams [Assistant Secretary, Colonial Office], minute, 11 June, 1946.
  3. CO847/25/47234: Dutton, minute to F.J. Pedler, 9 March, 1946.

'Lugardism', was even more scathing.<sup>1</sup> In his opinion, indirect rule had failed because circumstances were now fundamentally different. Whereas 'Lugardism' had been devised to deal with 'elementary' duties, such as the preservation of law and order, the present situation was one which had "advanced beyond elementary fundamentals into a period where problems are far more complex and difficult to grasp, let alone solve . . .". As a result, the Native Administrations had degenerated, and exhibited 'limpness and inefficiency'. Like Cartland, Carstairs did not suggest 'what form policy should in future take', but he did conclude with an important warning:

we are being carried along in a tide of change which we could not stop if we would and the best we can do is to understand and if possible guide the forces so released into channels likely to favour the greatest possible development of Africans as moral beings. We are committed to a policy of "development". . . . We do not know our facts and cannot wait until we have them all, and our goals will change the more we find out and the more we know of the success or failure of the measures we take. The time when there could be a clear and simple "policy" laid down, obviating the painful examination of fundamentals, has gone, if it ever existed, and we need not regret its passing.

Here at last was recognition of the fact that Britain no longer had generations in which to modernise her native administration policy.

But, perhaps the most severe critic of the existing policy was the Colonial Office official who had worked most closely with Lord Hailey in providing the basis for a post-war colonial policy: F.J. Pedler. In his minute<sup>2</sup>, Pedler agreed with Cartland that there was "a most urgent and vital need for a definitive policy . . .". As he put it, "Lugard's ideas

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1. CO847/25/47234: Carstairs [Head of Research Department], minute to Cohen, 5 March, 1946.

2. CO847/25/47234: Pedler, minute to Cohen, 11 March, 1946.

. . . have played themselves out. Decades have gone by, and the present age demands something more up to date". Discussing the reasons for this failure, he wrote:

The main reason why Lugardism ceased to be valid as theory and practice in African Government was that it attempted to find in the native authorities something more than mere local authorities. It always played with the idea that the native authorities were in fact the sovereign power governing the land before the British came. . . . On the more purely political side, this idea . . . led towards the notion that central legislatures might be composed as a sort of pinnacle on a pyramid of native administrations. In some Colonies this has had very undesirable results, in particular alienating the class of educated Africans . . . . The very phrase "indirect rule" carries with it the notion of this sovereign authority residing in the native authorities, and it is a bad and misleading phrase.

Indeed, Pedler felt that this notion had retarded the growth of the Native Administrations. For example, in Northern Nigeria where this view prevailed, there could not be any advance in the taxation system until such time as the colonial administrators ceased to conceive that system as one of the inherent rights of the Emirs.

However, Pedler did concede that the Native Administrations had been 'admirable things in their time'. Moreover, he was of the opinion that they could still "form an excellent basis upon which to construct a new storey". Despite their limitations, they provided "a vehicle through which local government of a progressive kind can be operated using forms and titles which are familiar to the native inhabitants, and in which therefore they find it much easier to participate . . .". But, the creation of this new storey was to involve a substantial re-interpretation of native administration policy. Pedler then set out the direction which he thought policy should take:

The native authority policy needs re-defining as a policy

for local government in Africa. We should see that it functions as a local government. That is to say, where the units are so big that they can only lead to a sort of local despotism, where the native authority is too remote from the ordinary villager to be effective as local government in the proper sense of the word, we should break down those units. . . . Similarly, where native authorities are too small we ought to be working towards amalgamation. . . .

Not only their size but their functions ought to be those of local governments; and they ought to be led to undertake, and be provided with the means of undertaking the functions which are appropriate for local governments. In particular, the function of levying taxes for local purposes. . . .

It ought further to be a definite element in the forefront of policy to make the native authorities as democratic as possible. . . . This is absolutely vital and it ought to be pushed along as quickly as possible.

In effect, Pedler was calling for Sir Donald Cameron's theory of indirect administration to be taken to its ultimate expression. Whereas Cameron had advocated a system of representative local government to safeguard against autocracy; Pedler now called for the democratic element implicit in representative government to be made explicit. Furthermore, he called for the pace by which this process was to be accomplished to be transformed from one of gradualism to 'as quickly as possible'. Less than a year later the principles that Pedler had elaborated in his memorandum were official British colonial policy.

On 25 February, 1947, the Secretary of State for the Colonies, Arthur Creech Jones, issued a despatch to the Governors of all the British African territories. In its opening remarks, the so-called Local Government Despatch read:<sup>1</sup>

I believe that the key to success lies in the development of an efficient, democratic system of local government. I wish to emphasize the words efficient, democratic and local. I do so, not because they import any new conception into

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1. As quoted in Kirk-Greene, Principles of Native Administration, p. 238.

African administration; indeed these have been the aims of our policy for many years. I use these words because they seem to me to contain the kernel of the whole matter; local because the system of government must be close to the common people and their problems, efficient because it must be capable of managing the local services in a way which will help to raise the standard of living, and democratic because it must not only find a place for the growing class of educated men, but at the same time command the respect and support of the mass of the people.

This process, he stated a few paragraphs later, was "to progress everywhere as rapidly as possible to the stage at which it can play its effective part in the development of the Territories".<sup>1</sup>

With this statement, as Kirk-Greene has noted, Creech Jones wrote "the official finis both to Lugard's indirect rule and its restatement in Cameron's indirect administration . . .".<sup>2</sup> Henceforth, African local government was to be developed along the lines of the British model.<sup>3</sup>

However, as R.E. Robinson has pointed out, there was really no "revolutionary break with the past".<sup>4</sup> Indeed, he has summed up this transformation as follows:

the change in nomenclature from "Indirect Administration" to "Local Government" signifies a logical and consistent development of tendencies of thought already apparent in Cameron's thought. At the same time it symbolises the adoption for Africa of the democratic ideal of English

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1. As quoted in Kirk-Greene, Principles of Native Administration, p. 240.
  2. Kirk-Greene, Op. cit., p. 28.
  3. However, the impact of this new policy was not immediately apparent for local government ordinances were not placed on the statute books of British West Africa until the early 1950's. For further details see Ursula K. Hicks, Development from Below: Local Government and Finance in Developing Countries of the Commonwealth (Oxford: Clarendon Press, 1961), pp. 167-205.
  4. R.E. Robinson, "Why "Indirect Rule" Has Been Replaced By "Local Government" In The Nomenclature Of British Native Administration", Journal of African Administration, Vol. III, No. 3 (July, 1950), pp. 14-15.

local government to an extent hitherto unknown, although foreshadowed by the later exponents of Indirect Administration. But continuity with the past policy is ensured in that in territories of Indirect Administration the traditional authorities will continue to be envisaged as the basis upon which development should proceed.

But, this was only the beginning. By May, 1947, a 'high level' Colonial Office committee, formed to consider 'the possibility of more rapid political, economic, and social development', had produced a report which set out a four stage programme for the establishment of internal self-government in Africa.<sup>1</sup> In this document's first stage African legislative councillors were to be appointed to the executive council. During stage two these men were to be given responsibility for the direction of government departments concerned with internal affairs; while, in the third stage, they were to be granted full ministerial status. Finally, proper cabinet government with collective responsibility to the legislature was to be established. Meanwhile, the Africanisation of the senior civil service was to be accelerated, and the native administration system was to be democratised. Professor Robinson has styled this document the 'Durham Report of Africa', and he dates decolonisation from this point. A new era had dawned, and one which makes it clear, as Ken Post has pointed out, that the constitutions of 1946 and 1947 "must be regarded as the culmination of the developments of the 1920's, and 1930's, rather than as the beginning of a new era".<sup>2</sup>

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1. This paragraph is based on information contained in a paper delivered by Professor Robinson to the Oxford Commonwealth History Seminar, Trinity Term, 1973: "Andrew Cohen and the Decolonisation of Africa, 1943-1951".
  2. Ken Post, "British policy and representative government in West Africa, 1920-1951", in Colonialism in Africa, p. 53.

It remains to comment on the nature of the review-process we have been considering; a task which also permits us to comment briefly upon the historiography of the devolution of power in British Africa. With regard to this latter task no pretense is made to completeness, indeed, the vastness of the historiography of decolonisation precludes such an examination at this time. However, some appreciation of the manner in which the decolonisation literature has interpreted the period under consideration is necessary in order to place this study in its academic perspective. Moreover, this contrast will reveal the standard interpretation to be misleading.

In retrospect, the nature of British colonial decision-making in the period 1938 through 1947 was, in a single word, bureaucratic. This interpretation differs somewhat with what has been the dominant view of the mechanics of decolonisation. There is a slight problem here because, in studying decolonisation, scholars have tended to concentrate on the post-war period. Thus, their interpretation of the transfer of power has been based more on developments in the 1950's than in the 1940's. Nevertheless, the model developed has been accepted, if not explicitly, implicitly as applying to the immediate post-war period in West Africa. According to the conventional wisdom, decolonisation has been the product of nationalist pressures and Imperial design. This interpretation has been conveniently summarised by C.E. Carrington. In his words:<sup>1</sup>

It is in the history of the Gold Coast from 1948 to . . . 1957 that the dual nature of the political process by which British colonies attain independence may most clearly be studied. On the one hand there was Dr. Nkrumah, leading a "fight for liberation" and obliging the authorities to confine him in prison from which he emerged a hero and a martyr; on the other hand there was the colonial

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1. C.E. Carrington, The Liquidation of the British Empire (Toronto: Clarke, Irwin & Company Limited, 1961), p. 62.

administrator, patiently preparing the steps by which he advanced toward the goal which both had in view.

As indicated, this interpretation has been transposed to the immediate post-war period in West Africa. For example, Ken Post has written:<sup>1</sup>

The post-war governments of Britain and France were aware of this [nationalist agitation stimulated by wartime social and economic unrest]. New constitutions were granted to the Gold Coast in 1946 and Nigeria in 1947, while a third, for Sierra Leone, was first suggested in 1947, though it was not in fact introduced until 1951. In acting like this the British government was taking the West African territories one step further along the path of colonial constitutional development which had begun at the time of the Durham Report on Canada in 1839.

However, as this study indicates, the decisions taken to implement the Burns and Richards Constitutions were taken in advance of nationalist agitation by civil servants, both in London and West Africa, who were motivated primarily by considerations of 'efficiency' and 'expediency', rather altruism. Consequently, this study goes some way to confirm W.R. Crocker's adage that "Colonial administration, not Colonial policy, is the question . . .".<sup>2</sup>

The proposition that decolonisation was the product of nationalist agitation is the result of early studies of the post-war period which focused on African nationalism. Perhaps the most influential of these studies was James S. Coleman's, Nigeria: Background to Nationalism, which set out the nationalist interpretation in its introduction:<sup>3</sup>

During the period 1945-1951 the outside world was shocked into a realization that Africans were determined

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1. Ken Post, The New States of West Africa (London: Penguin Books, 1968), p. 20.
  2. W.R. Crocker, NIGERIA: A Critique of British Colonial Administration (London: George Allen & Unwin Ltd., 1936), p. 263.
  3. Coleman, Nigeria, p. 3.

to assert control over the pace and direction of their political development. In both the Gold Coast . . . and Nigeria the British government was compelled to make radical political concessions pointing toward the early creation of independent African states. These concessions were forced by nationalist movements inspired by the doctrine of national self-determination.

By his choice of dates, Coleman has created the illusion that the Burns Constitution, the Richards Constitution, the Blood Constitution, and the draft constitutional proposals for Sierra Leone, all of which fall into this period, were the result of nationalist compulsion. There is, however, no evidence to support this view. Indeed, the years 1945 through 1947, as the inability of the National Council of Nigeria and the Cameroons to wrest changes in the Richards Constitution reveals, indicate that mass nationalism had not yet achieved the kind of power necessary to coerce a colonial government. The reforms under consideration, therefore, must not be seen in terms of nationalist coercion, but, as Dennis Austin has characterised them in the Gold Coast, "a bold attempt to meet any widespread demand for political rights before it reached the final point of widespread controversy".<sup>1</sup> Above all, these reforms attempted to ensure, as Lord Hailey had recommended, that "dissatisfaction is as far as possible expressed in 'constitutional' methods, and takes channels other than those which lead to permanent racial estrangement".<sup>2</sup>

Recently, the nationalist interpretation has come under fundamental attack. In his study of constitutional decolonisation in Jamaica, Trevor Munroe has come to the conclusion, as has this study, that "Conceptions of administrative expediency were at the basis of constitutional change".<sup>3</sup>

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1. Austin, Politics in Ghana, p. 9.

2. See page 13.

3. Trevor Munroe, The Politics of Constitutional Decolonisation: Jamaica 1944-62 (London: Unwin Brothers, 1972), p. 33.

Munroe is of the opinion that constitutional concessions were made in response to social and economic unrest, and in order to prevent the fusion of nationalism with the inevitable protest that this unrest bred. As he would have it, 'mass rebellion' and not 'mass nationalism' was the great fear of the Colonial Office. In his words, "constitutional recommendations were designed in part to deflect nationalist agitation into governmental cooperation and thus remove any vested interest in - indeed to create a counter interest against - any mass rebellion".<sup>1</sup> Thus, in his view, "Judicious constitutional retreat at the first sign of trouble, but before it was necessary, meant that mass nationalism was invariably unnecessary for the creation of the new state out of the former dependency".<sup>2</sup> Moreover, "Not only was nationalism unnecessary to trigger off the highly sensitive constitutional-concession mechanism of the Colonial Office, but it could become a positive liability, threatening the agreed programmes of the joint partnership".<sup>3</sup>

From the evidence available, this radical view has application to the British West African situation in the period under consideration. In the first place this study agrees with Munroe's emphasis on administrative expediency. Secondly, it supports the proposition that nationalism was not absolutely necessary for the granting of constitutional concessions. After all, the concessions made in British West Africa between 1938 and 1947 were made in the absence of strong nationalist pressure. And, for that matter, they were made in the absence of nationalist participation. Even in the Gold Coast, where the constitutional measures were discussed publicly, there was little nationalist input because the measures were

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1. Munroe, The Politics of Constitutional Decolonisation, p. 32.

2. Ibid.

3. Ibid., p. 33.

in fact presented as a fait accompli. Thirdly, evidence emerges from this thesis to support Munroe's contention that nationalism could actually delay constitutional reform. As has been seen, Sierra Leone was the only British West African possession to experience the emergence of radical nationalism before the outbreak of the war, and the only colony in this region not to receive a new constitution at the end of the war. Undoubtedly, there is a relationship between these two events, although a deeper examination of Sierra Leone politics will be necessary to make the connection firm. And, finally, this study concurs with Munroe's suggestion that constitutional concessions were designed to 'deflect' nationalist agitation into cooperation. Indeed, this notion may almost be considered axiomatic. However, the West African situation, unlike the West Indian situation, was complicated by the presence of a large number of traditional rulers. Thus, the constitutional reforms of this period were ones that had to accommodate both traditional and nationalist leaders. Unfortunately, and it falls to others to document the collapse of these arrangements, the formula arrived at for making concessions to these two potentially antagonistic groups was a failure. The scheme was conceived early in the war while the Colonial Office was still strongly committed to the theory of indirect rule. Consequently, nationalism was not effectively aligned against mass rebellion; a fact which the Gold Coast Riots of 1948, which have yet to be examined from the viewpoint of Munroe's 'riot-agitation-concession-peace' model, amply demonstrate. The bureaucrats had erred.

On the face of it, the argument that colonial decision-making was the product of administrators would indicate that decolonisation was the result of Imperial design. However, there is no evidence that the Colonial Office was motivated by what Schaffer has termed the 'preparation theory'.<sup>1</sup>

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1. B.B. Schaffer, "The Concept of Preparation: Some Questions about the

According to the preparation theory, each British colony was consciously readied for self-government, and to this end passed through a series of stages which began with the separation of executive and legislative functions and ended with Dominion Status. As already seen this Whiggish notion of progress stands out prominently in the constitutional literature.<sup>1</sup> Thus, in the Imperial historiography, we have the image of the Colonial Office and the Colonial Service 'guiding'<sup>2</sup> or 'patiently preparing the steps'<sup>3</sup> by which the colonies were to achieve self-government. However, as Schaffer has pointed out:<sup>4</sup>

Studies of particular colonial records show that it is difficult to trace any continual preparatory process at work, or any signs of a preparatory polity, until after the war. The colonial polity was essentially bureaucratic. Colonial government was dominated by the secretariat. Its aim was efficiency.

The evidence produced by this study indicates that Schaffer's interpretation is absolutely correct.

K.E. Robinson has attempted to explain the genesis of the preparation theory. In his words:<sup>5</sup>

So long as Legislative Councils existed they were bound to suggest development by well-recognised stages - elected

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Transfer of Systems of Government", World Politics, Vol. XVIII (October, 1965), pp. 42-67.

1. Wight, Development of the Legislative Council, 1606-1945 and The Gold Coast Legislative Council; Wheare, The Nigerian Legislative Council; Wiseman, The Cabinet in the Commonwealth; Price, Political Institutions of West Africa; etc.
2. Sir Charles Jeffries, Transfer of Power: The Problems of the Passage To Self-Government (London: Pall Mall, 1960), p. 20.
3. Carrington, Liquidation of the British Empire, p. 62.
4. Schaffer, Op. cit., p. 52.
5. Robinson, Dilemmas of Trusteeship, p. 90.

minority, unofficial majority, responsible government. The combined effect of this fact and the habit of mind I have tried to describe was the gradual development in the inter-war period that while British overall responsibility would continue for an indefinite period, colonial government would pass through progressive stages to self-government.

Indeed, by 1938, this notion had begun to take hold as Malcolm MacDonald's Summer School Speech of that year indicates.<sup>1</sup> However, MacDonald's subordinates and successors were not so convinced, and hesitated to commit themselves to Dominion Status. However, as Robinson has pointed out, they failed to put forward an alternative to the Westminster model which thus won the debate by default.<sup>2</sup> As a result, with the publication of the Cohen Memorandum<sup>3</sup> in 1947<sup>4</sup>, preparation became the accepted policy.

In the interim, policy was dictated, to belabour the point, by considerations of expediency and efficiency. Recall, for example, Sir Alan Burns advocacy of African representation on his Executive Council 'on the grounds of expediency alone', or Sir Bernard Bourdillon's argument that the absence of Africans on Executive Council 'seriously hampered' the working of government.<sup>5</sup> Even the critical debate of 1946/47 which led to the rejection of indirect rule was conducted with a view to creating efficient local government.

That the key to the reforms under consideration in this study lie in the bureaucratic mind should come as no surprise. After all the reforming process which led to the admission of Africans to their Executive

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1. See page 10.

2. Robinson, Dilemmas of Trusteeship, p. 90.

3. See page 283.

4. Schaffer argues (p. 55) that the adoption of the preparation theory was not 'even immediately post-war'. In this he is incorrect.

5. See pages 123-124.

Councils; to the establishment of the principle of the unofficial majority on the Legislative Councils, and, in the case of the Gold Coast, representative government; to the establishment of the federal system in Nigeria; and the experimental introduction of universal suffrage in the Gambia; was the result of an administrative decision to rationalise Britain's colonial policy in Africa. However, the 'seething of thought' which Malcolm MacDonald had initiated in 1938 did not terminate with the implementation of the Burns and Richards Constitutions. Indeed, the process which had begun in 1938 had resulted in a commitment in the Colonial Office to long-range, rather than ad hoc, planning. Ironically, the continuance of this debate led to the rejection of the theory of indirect rule at the very moment when the Burns, Blood, and Richards Constitutions, which were predicated on indirect rule, were being implemented. Thus, when the Watson Commission Report, the publication of which Professor Kirlwood regards as the most decisive event in post-war Africa<sup>1</sup>, concluded in 1948 that the Burns Constitution was "outmoded at birth"<sup>2</sup> it was more correct than it could ever have imagined.

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1. Kenneth Kirlwood, Britain and Africa (London: Chatto & Windus), p. 78.
  2. Great Britain, Report of the Committee of Enquiry into Disturbances in the Gold Coast, 1948, Col. No. 231 (Accra: Government Printer, 1948).

APPENDIX

BIOGRAPHICAL NOTES

- BLOOD, Sir Hilary Rudolph Roberts, G.E.B. K.C.M.G. (1889-1967) Military Service, Captain Royal Scots Fusiliers (1914-1919); Ceylon Civil Service (1920-1930); Colonial Secretary, Grenada (1930-1934); Colonial Secretary, Sierra Leone (1934-1942); Governor and Commander-in-Chief, the Gambia (1942-1947); Governor and Commander-in-Chief, Barbados (1947-1949); Governor and Commander-in-Chief, Mauritius (1949-1954); Constitutional Commissioner, British Honduras (1959); Constitutional Commissioner, Zanzibar (1960); Chairman Constitutional Commission, Malta (1960).
- BOURDILLON, Sir Bernard, K.C.M.G., K.B.E. (1883-1947) Service: Indian Civil Service (1908-1917); Iraq Civil Service (1921-1927); Acting High Commissioner Iraq (1925-1926); Colonial Secretary, Ceylon (1929-1932); Governor and Commander-in-Chief, Uganda (1932-1935); Governor and Commander-in-Chief, Nigeria (1935-1943).
- BURNS, Sir Alan Cuthbert, G.C.M.G., Knight of the Order of St. John of Jerusalem (1887—) Service: Leeward Islands (1905-1912); Nigeria (1912-1924); Cameroons Expeditionary Force (1914-1915) and during Egba Revolt (1918); Colonial Secretary, Bahamas (1924-1929); Deputy Chief Secretary, Nigeria (1923-1934); Governor and Commander-in-Chief, British Honduras (1934-1940); Assistant Under Secretary of State, the Colonial Office (1940-1941); Governor and Commander-in-Chief, Gold Coast (1941-1947); Acting Governor, Nigeria (1942); Permanent United Kingdom Representative on the Trusteeship Council of the United Nations (1947-1956); Chairman of Enquiry into Land and Population Problems, Fiji (1959-1960).
- COHEN, Sir Andrew Benjamin, K.C.M.G., K.C.V.O., O.B.E. (1909-1968) Service: entered inland revenue department (1932); transferred to Colonial Office (1933) Assistant Secretary (1943); Superintendent Assistant Secretary (1947); Assistant Under Secretary of State (1947-1951); Governor and Commander-in-Chief, Uganda (1952-1957); Permanent British Representative on the United Nations Trusteeship Council (1957-1961); Director General of Technical Co-operation (1961).
- CRANBORNE, Viscount later 5th Marquis of SALISBURY (1893-1972) Member of Parliament for South Dorset (1929-1941); Parliamentary Under Secretary of State Foreign Office (1935-1938); Paymaster General (1940); Secretary of State, Dominions Office (1940-1942); called to Lords (1941); Secretary of State, Colonies (1942); Lord Privy Seal, (1942-1943) and (1951-1952); Secretary of State, Dominions Office (1943-1945); Secretary of State, Commonwealth Relations (1952); Leader of the House of Lords (1942-1945) and (1951-1957); Chancellor, Order of the Garter (1960); Director Westminster Bank (1957-1968); Director British South Africa Company (1957-1961).

- CREASY, Gerald Hallen, K.C.M.G., O.B.E. (1897-) Service: military (1916-1919); entered Colonial Office (1920); Chief Secretary to West African Council (1945-1947); Assistant Under Secretary of State (1945); Governor and Commander-in-Chief, Gold Coast (1947-1949); Governor and Commander-in-Chief, Malta (1949-1954); retired (1954).
- CREECH-JONES, Arthur (1891-1964) Service: clerical staff, War Office (1907); Secretary Borough of Camberwell Trade and Labour Council (1913-1922); conscripted, but refused to serve in a fighting unit and court martialled (1916); imprisoned (1916-1919); National Secretary, Transport and General Workers Union (1919-1929); Executive Member London Labour Party (1921-1928); Member of Parliament, Shipley Division, Yorkshire (1935-1950); Member of Parliament Wakefield Division, Yorkshire (1954-1964); member Colonial Office Advisory Committee on Education in the Colonies (1936-1945); Vice-Chairman, Elliot Commission on Higher Education in West Africa (1943-1944); Governor of Ruskin College, Oxford (1923-1956); Governor Queen Elizabeth House, Oxford (1954-1964); first Chairman Fabian Colonial Bureau (1940); Parliamentary Private Secretary to Ernest Bevin (1940-1945); Parliamentary Under Secretary of State, Colonies (1945); Secretary of State, Colonies (1946-1950); Privy Council (1946); Chairman, British Council of Pacific Relations (1952-1954).
- DAWE, Arthur James, K.C.M.G., O.B.E. (1891- ) Service: Military (1914-1918); temporary appointment in Colonial Office (1918); appointed second class clerk in Colonial Office under reconstruction scheme (1919); assistant principal (1920); Private Secretary to Mr. Amery (1920); Private Secretary to Mr. E.F.L. Wood (1921); principal first (1921); Deputy Secretary to Imperial Economic Conference (1923); visited Sierra Leone as Secretary to Commission of Enquiry into the affairs of the Freetown Municipality (1926); accompanied Parliamentary Under Secretary of State to Palestine and Cyprus (1930); Secretary of Malta Royal Commission (1931); mission to Malta (1933-1934); assistant secretary (1936); Deputy Under Secretary of State, Colonial Office (1945).
- EASTWOOD, Christopher Gilbert, C.M.G. (1905-) Service: entered Home Civil Service (1927); appointed to Colonial Office (1932); acted as Private Secretary to High Commissioner for Palestine (1932-1934); Secretary of International Rubber Regulation Committee (1934); Private Secretary to Lords Lloyd and Moyne when Secretaries of State (1940-1941); Principal Assistant Secretary, Cabinet Office (1945-1947); Assistant Under Secretary of State, Colonial Office (1947-1952); Commissioner of Crown Lands (1952-1954).
- GATER, George Henry, G.C.M.G., K.C.B., D.S.O. and Bar (1886-1963). Service: Oxfordshire Education Committee (1911-1912); Assistant Director of Education Nottinghamshire (1912-1914); military service, Gallipoli, Egypt, France; twice wounded, awarded D.S.O. Commander Legion of Honour, Croix de Guerre (1914-1919); Director of

Education, Lancashire County Council (1919-1924); Education Officer, London County Council (1924-1933); Clerk, London County Council (1933-1939); Permanent Under Secretary of State, Colonial Office (1939-1947); seconded as Joint Secretary Ministry of Home Security (1939-1940); Secretary Ministry of Supply (1940); Secretary, Ministry of Home Security (1940-1942); retired (1947).

HAILEY, Lord, P.C., O.M., G.C.S.I. (1872-1969) Service: Indian Civil Service (1895); Colonisation Officer, Jhelum Canal Colony (1902); Chief Commissioner, Delhi (1912-1918); Major India Defence Force (1912-1918); Member of Executive Council of Governor General, and in Finance and Home Departments (1919-1924); Governor, Punjab (1924-1928); Governor of the United Provinces (1928-1930) and (1931-1934); Director of African Research Survey (1935-1938); Member of Permanent Mandates Commission, League of Nations (1935-1939); Chairman, Air Defence Committee (1937-1938); Chairman Committee for Co-ordination of Work on Refugees (1938-1939); Head of Colonial Office Mission to Africa (1940); Head of Mission to Belgian Congo (1941); Chairman, Governing Body of School of Oriental and African Studies (1941-1945); Chairman of International African Institute (1945-1947); President, Royal Central Asian Society (1943-1947); Chairman, Colonial Research Committee, Colonial Office (1943-1948); President, Research Defense Society (1945-1954).

MACDONALD, Malcolm, O.M., P.C. (1901-) Service: member, London County Council (1927-1930); contested Bassetlaw Division, Nottinghamshire, in 1923 and 1924 elections; Member of Parliament, Bassetlaw Division (1929-1935); Parliamentary Under Secretary of State, Dominions Office (1931-1935); Secretary of State, Colonial Office (1935); Secretary of State, Dominions Office (1935-1938); Secretary of State, Colonial Office (1938-1940); Minister of Health (1940-1941); High Commissioner, Canada (1941-1946); Governor General Malayan Union and Singapore (1946); Governor General Malayan Union, Singapore, and British Borneo (1946-1948) Special Ambassador at inauguration of the Indonesian Republic (1949); Commissioner General in South East Asia (1948-1955); United Kingdom representative of South East Asia Defence Treaty Council (1955); High Commissioner, India (1955-1960); Governor and Commander-in-Chief, Kenya (1963); High Commissioner, Kenya (1963-1965); British Special Representative in East and Central Africa (1965-1966); Special Representative of Her Majesty's Government in Africa (1966-1969); Special Envoy to the Sudan (1967); Special Envoy to Somalia (1967); Leader of British Delegation and Co-Chairman of International Conference on Laos (1961-1962); Chancellor of University of Malaya (1949-1961); President of the Royal Commonwealth Society (1971-); Chancellor of Durham University (1970-).

MAYHEW, Arthur, Innis, C.M.G. (1878- ) Service: entered Indian education service (1903); education advisor Hyderabad State (1910); director public instruction, Central Provinces (1913); Acting Education Commissioner to Government of India (1921); member of Eton College staff (1922-1929); Joint Secretary to Advisory Committee on Education, Colonial Office (1929).

MOYNE, Lord, (1880-1944) Service: South African War, awarded Queen's medal with four clasps; unsuccessful Conservative candidate, Stowmarket Division (1906); Member of Parliament Bury St. Edmunds Division (1907-1931); Member of London County Council (1907-1910); military service, reached rank of Lieutenant Colonel, and awarded D.S.O. and Bar (1914-1918); Under Secretary of State, War Office (1922); Financial Secretary, Treasury Department (1923); Secretary to Chancellor of Exchequer (1924-1925); Privy Councillor (1924); Minister of Agriculture (1925); Peerage (1932); Chairman, Departmental Committee on Housing (1933); Chairman, Royal Commission on the University of Durham (1934); Financial Commissioner, Kenya (1932); Chairman, West Indian Royal Commission (1938-1939); Chairman, Polish Relief Fund (1939); Parliamentary Secretary to Minister of Agriculture (1940); Secretary of State, Colonies (1941); Leader, House of Lords (1941); Deputy Minister of State, Cairo (1942); Resident Minister, Middle East (1944); assassinated by terrorists from the Stern gang in Cairo (6 November, 1944).

PEDLER, Frederick Johnson Kt. (1908-) Service: entered Colonial Office (1930); seconded to Tanganyika (1934); Secretary to Commissioner on Higher Education in East Africa and the Sudan (1937); Secretary to Lord Privy Seal (1938); Secretary to Lord Hailey in Africa (1939) and the Belgian Congo (1940); Chief British Economic Representative, Dakar (1942); Finance Division, Colonial Office (1944); joined United Africa Company (1947); Director, U.A.C. (1951); Deputy Chairman, U.A.C. (1965-1968); Director Unilever Limited (1956-1968); Chairman, Council for Technical Education and Training for Overseas Countries (1962-1973); Chairman, East African and Mauritius Association (1966-1968); Director William Baird Limited (1968-); Treasurer, School of Oriental and African Studies (1969-).

RICHARDS, Arthur, K.C.M.G. Knight of the Order of St. John of Jerusalem, later Lord MILVERTON, First Baron of Lagos and Clifton (1885-) Service: Cadet, Malayan Civil Service (1908); District Posts, Federated Malay States (1910-1920); Second Assistant Colonial Secretary, Straits Settlements (1920); Secretary, Select Committee on Constitution of the Legislative Council (1921); First Assistant Colonial Secretary, Straits Settlements, Clerk of Council; Secretary to Trade Commissioners Straits Settlements and Federated Malay States; General Secretary Straits Settlements Retrenchment Committee (1922); Secretary to High Commissioner Malay States (1923); Chairman, Executive Committee British Malaya (1924); Secretary, Opium Committee, British Malaya (1924); Secretary, Committee on Postal Services, Straits Settlements, Federated and Unfederated Malay States (1924); Under Secretary to Government Federated Malay States (1926); Acting General Advisor to Government of Johore (1929); Governor, North Borneo (1930-1933); Governor and Commander-in-Chief, the Gambia (1933-1936); Governor and Commander-in-Chief, Fiji, and High Commissioner for the Western Pacific (1936-1938); Captain General and Governor-in-Chief, Jamaica (1938-1943); Governor and Commander-in-Chief, Nigeria (1943-1947); part-time Director, Colonial Development Corporation (1948-1951);

Chairman of the Council of the London School of Hygiene and Tropical Medicine (1948-1951); Director West Indian Sugar Company Limited (1950-1965); Director, Bank of West Africa (1950-1965); Director Kamuning (Perak) Rubber and Tin Company Limited (1956-1965); received Peerage (1947).

STANLEY, Oliver Frederick George, M.C. (1896-1950) Service: military, awarded M.C. and Croix de Guerre (1914-1918); entered law (1919); elected Conservative Member of Parliament for Westmorland Division (1924); Parliamentary Private Secretary to President of the Board of Education (1924-1929); Parliamentary Under Secretary of State, Home Office (1931); Minister of Transport (1933-1934); Minister of Labour (1934-1935); Privy Councillor (1934); Board of Education (1935); President, Board of Trade (1937-1940); Secretary of State, War Office (1940); joined Army (1940); Secretary of State, Colonies (1942); Member of Parliament for Bristol West Division (1945); Chairman of Conservative Party Committee on Finance and Imperial Affairs (1945-1950).

STEVENSON Hubert Craddock, K.C.M.G. Kt., O.B.E., M.C. (1888-1972) Service: Military (1915-1919); Nigerian Administrative Service (1920); Resident (1934); Chief Commissioner, Ashanti (1936); Governor and Commander-in-Chief, Sierra Leone (1941-1947).

WILLIAMS, Owen, Gwyn Revell, C.M.G. (1886-1954) Service: entered Secretary's Office, Internal Revenue (1910); Second Class Clerk, Colonial Office, (1911); Private Secretary to Mr. Steel-Maitland (1916); Private Secretary to Mr. Hewins (1917); Private Secretary to Colonel Amery (1919); First Class Clerk (1910); Principal (1919); Assistant Secretary (1926); Head, West Africa Department (1938).

## NOTE ON SOURCES

This work has been based principally on the records, hitherto restricted to scholars, of the Colonial Office. These files provide the thesis with both its rationale and its originality. The series consulted included:

CO87	Volumes 253-259	(Gambia)
CO96	Volumes 753-782	(Gold Coast)
CO267	Volumes 676-690	(Sierra Leone)
CO323	Volumes 1692-1871	(Colonies General)
CO554	Volumes 119-140	(Africa West)
CO583	Volumes 244-286	(Nigeria)
CO847	Volumes 13-25	(Africa General)

In addition to these previously unexamined sources this work has consulted the relevant Parliamentary Debates, Command Papers, Sessional Papers, Legislative Council Debates, Gazettes, Staff Lists, and Blue Books which have formed the basis of earlier studies. These sources are well known and readily accessible, thus it is considered superfluous to list in detail what can already be found in the standard bibliographies.

Private papers have also been examined, but this avenue has proved to be of marginal value. In the first place, most of the major papers remain confidential, e.g. those of Malcolm MacDonald and Sir Alan Burns. On the other hand, those that are available are notable for the lack of insight they give into the questions raised in this thesis. This statement is true for all the papers listed below, which incidentally are housed in Rhodes House Library, Oxford.

The Papers of Sir Hilary Blood  
The Papers of Arthur Creech Jones  
The Papers of the Fabian Colonial Bureau  
The Papers of Lord Hailey

Interviews have provided one very profitable source of information. This is particularly true of two interviews conducted by the author and one conducted by A.H.M. Kirk-Greene. By far the most important interview conducted was a two part conversation with Malcolm MacDonald which took place on 26 September, and 8 October, 1974. Also of importance was an interview conducted with Sir Alan Burns on 25 July, 1975. Both of these interviews, it should be noted, have been appended to existing confidential interviews in Rhodes House. The Kirk-Greene interview of significance was conducted with Lord Milverton /Sir Arthur Richards/ on 22 February, 1969. This latter interview is one of a series which comprise a portion of the Oxford Colonial Records Project which is housed in Rhodes House.

Secondary sources have proved to be a major disappointment, although not an entirely unexpected disappointment given the fact that none of them have been based on official files. While most of the material cited below has failed to provide any significant details of the deliberations under examination in this thesis it does supply valuable background information. However, it should be noted that this list is in no way exhaustive, nor does it contain all of the studies drawn upon in this work.

For a brief introduction to the period one should consult Kenneth Robinson's excellent study, The Dilemma of Trusteeship: Aspects of British Colonial Policy Between the Wars (Oxford: Oxford University Press, 1965); and Andrew Cohen's equally concise British Policy in Changing Africa (London: Routledge and Kegan Paul, 1959). These works may be supplemented by Rudolf von Albertini's fine summary of the printed materials of decolonisation contained in his Decolonization: The Administration and Future of the Colonies in 1919-1960 (New York: Doubleday, 1971), a somewhat shortened version of which is to be found in his article, "The Impact of Two World Wars on the Decline of Colonialism", Journal of Contemporary History, Vol. 4, No. 1 (January, 1969), pp. 17-36. For details of the role of colonial affairs in British politics one should consult J.M. Lee, Colonial Development and Good Government: A Study of the Ideas Expressed by the British Official Classes in Planning Decolonisation 1939-1964 (Oxford: Oxford University Press, 1967); S.A.H. Haqqi, The Colonial Policy of the Labour Government (Aligarh, India: Muslim University Press, 1960); and D.J. Goldsworthy, "Colonial Affairs in British Politics 1945-1959" (Oxon: D.Phil. Thesis, 1969). Of the many works dealing specifically with the transfer of power to the colonies the following are the most useful: Sir Ivor Jennings, The Approach to Self-Government (Cambridge: Cambridge University Press, 1956); Sir Charles Jeffries, Transfer of Power: Problems of the Passage to Self-Government (London: Pall Mall Press, 1960); W.M. Macmillan, The Road to Self-Rule: A Study in Colonial Evolution (London: Faber and Faber, 1959); C.E. Carrington, The Liquidation of the British Empire [the Reith Lectures, 1959] (London: George C. Hanap & Co. Ltd., 1961); B.B. Schaffer, "The Concept of Preparation: Some Questions about the Transfer of Systems of Government", World Politics, Vol. XVIII, (October, 1965), pp. 42-67; and Trevor Munroe, The Politics of Constitutional Decolonization: Jamaica, 1944-62 (London: Unwin Brothers, 1972).

The economic side of British colonial policy has not yet been dealt with adequately. The available material has concentrated on the Colonial Development and Welfare Act of 1929, and in this regard one should consult George C. Abbott, "A Re-examination of the 1929 Colonial Development Act", Economic History Review, Vol. 24 (1971), pp. 68-81, and E.A. Brett, Colonialism and Underdevelopment in East Africa: The Politics of Economic Change 1919-1939 (London: Heinemann, 1973), Chapter 4: "British Unemployment and Colonial Aid". The only publication on this topic to go beyond the inter-war is E.R. Wicker's rather unsatisfactory article, "Colonial Development and Welfare, 1929-1957: The Evolution of a Policy", Social and Economic Studies, Vol. 7, No. 4 (December, 1958) pp. 170-191. Research in this area is desperately needed, and should prove to be very fruitful.

This thesis has also attempted to contribute to the literature on the Atlantic Charter by revealing the impact of that document on the Colonial Office. Previous works have dealt with the negotiations, themselves or with Anglo-American relations. Anyone consulting these materials should begin with Theodore A. Wilson's definitive study of the Atlantic Conference: The First Summit: Roosevelt and Churchill at Placentia Bay 1941 (London: Macdonald, 1970). More general accounts are to be found in H.C. Allen, Great Britain and the United States: A History of Anglo-American Relations 1783-1952 (London: Odhams Press Ltd., 1954); and Ruth B. Russell, A History of the United Nations Charter: The Role of the United States (Washington: The Brookings Institution, 1958). The principals in this event have also set down their versions of the proceedings: Winston S. Churchill, The Second World War: The Grand Alliance (London: Cassell & Co. Ltd., 1950); Sumner Welles /Under Secretary of State, State Department/, Where Are We Heading? (New York: Harper and Brothers, 1946); and David Dilks (ed), The Diaries of Alexander Cadogan /Permanent Under Secretary of State, Foreign Office/ (London: Cassell & Co. Ltd., 1971). Although Franklin D. Roosevelt has not left us his account of this event his son, who was in attendance at the conference, has provided us with a record of his father's role: Elliot Roosevelt, As He Saw It (New York: Duell, Sloan and Pearce, 1946).

Turning to the historiography of West Africa it is recommended that any examination should begin with Michael Crowder's fine survey, West Africa Under Colonial Rule (London: Hutchinson, 1968). This may be supplemented by the valuable second volume of the History of West Africa (London: Longmans, 1974) edited by Ajayi and Crowder. Of particular interest are chapters sixteen, seventeen, and eighteen: "Political Activity in British West Africa, 1900-1940" by J.B. Webster; "The 1939-1945 War and West Africa" by Crowder; and "Politics of decolonisation in British West Africa, 1945-1960" by Olajide Aluko. For an economic history of this region there is no better source than A.G. Hopkin's recent offering An Economic History of West Africa (London: Longmans, 1973). For general histories of the Gold Coast one can consult F.M. Bourett, Ghana the Road to Independence 1919-1957 (Stanford: Stanford University Press, 1960); and W.E.F. Ward, A History of Ghana (London: George Allen and Unwin Ltd., 1966). For the immediate background to the period under consideration see David Kimble's excellent A Political History of Ghana: The Rise of Gold Coast Nationalism 1850-1928 (Oxford: Oxford University Press, 1971); and E.Y. Twumasi, "Aspects of Politics in Ghana 1929-1939: A Study of the Relationships Between Discontent and the Development of Nationalism" (Oxon: D.Phil. Thesis, 1972). The period of Sir Alan Burns' governorship is best dealt with with Burns' own autobiography: Colonial Civil Servant (London: George Allen & Unwin Ltd., 1949) which is indispensable. There are several volumes on the transfer of power in Ghana, and all contain valuable background information. See David E. Apter, The Gold Coast in Transition (Princeton: Princeton University Press, 1956); Dennis Austin, Politics in Ghana, 1946-1960 (Oxford: Oxford University Press, 1964); Immanuel Wallerstein, The Road to Independence: Ghana and the Ivory Coast (Paris: Mouton & Co., 1964); Richard Rathbone, "Transfer of power in Ghana 1945-1957" (London: Ph.D. Thesis, 1968); and Rathbone's "The Government of the Gold Coast After the Second World War", African Affairs, Vol. 67, No. 268 (July, 1968), pp. 209-218. The best

general history of Nigeria remains Michael Crowder's The Story of Nigeria, 3rd edition (London: Faber and Faber, 1973), although Sir Alan Burns' History of Nigeria, 8th edition (London: George Allen and Unwin, 1972) is also of interest. In addition James S. Coleman's Nigeria: Background to Nationalism (Berkeley: California University Press, 1958), despite its age, remains essential reading. More recently there has been Robert Heussler's contribution The British in Northern Nigeria (London: Oxford University Press, 1968), and G.O. Olusanya's The Second World War and Politics in Nigeria 1939-1953 (University of Lagos: Evans Brothers Limited, 1973). The latter of which, however, does not prove as useful as the title suggests. Turning to Sierra Leone, the work of the greatest importance is Martin Kilson's Political Change in a West African State: A Study of the Modernization Process in Sierra Leone (Cambridge: Harvard University Press, 1966). Valuable background information is also contained in John R. Cartwright's Politics in Sierra Leone, 1947-1967 (Toronto: Toronto University Press, 1970). For details of the political situation in Sierra Leone at the outbreak of the war see Curtis R. Nordman, "Pex Vs Wallace-Johnson: A Case Study of the Colonial Service's Response to Political Agitation in British West Africa, 1935-1939" (Dalhousie University: M.A. Thesis, 1972). Sierra Leone does not possess a decent general history, and recent offerings such as A.P. Kup's Sierra Leone: A Concise History (Vancouver: David & Charles, 1975) are too concise to be of any value. Finally there is the Gambia which has a historiography to match its size. It does, however, possess a good general history in Harry A. Gailey Jr., A History of the Gambia (London: Routledge & Kegan Paul, 1964).

Of all the aspects of British West Africa history there is none that has received more attention than indirect rule or, if one prefers the more modern term, local government. As a comprehensive bibliography of works relating to indirect rule is beyond the scope of this study only the most important volumes on the subject are cited below. For a bibliographic study see Opeyemi Ola, "The Study of West African Local Government", Journal of Modern African Studies, Vol. 6, No. 2 (August, 1968), pp. 233-248 Prime among the sources on indirect rule is Lord Hailey: Africa Survey (London: Oxford University Press, 1938); Native Administration and Political Development in British Tropical Africa, Report 1940-42 (London: Confidential H.M.S.O. Printing, 1944); and Native Administration in British Africa, Part III: West Africa: Nigeria, Gold Coast, Sierra Leone, Gambia (London: H.M.S.O., 1951) which remains the most comprehensive study of indirect rule in this region. For the basic documents one would have to consult Lord Lugard himself: The Dual Mandate in British Tropical Africa, 5th edition with introduction by Margery Perham (London: Frank Cass & Co. Ltd., 1965), and the Political Memoranda: Revisions of Instructions to Political Officers on Subjects Chiefly Political and Administrative, 1913-1918, with introduction by A.H.M. Kirk-Greene (London: Frank Cass and Co. Ltd., 1970). For the restatement of indirect rule as indirect administration see Donald Cameron, The Principles of Native Administration and Their Application (Lagos: Government Printer, 1934). The work of Margery Perham is also of interest and importance. See her Native Administration in Nigeria (London: Oxford University Press, 1957); and "A Re-Statement of Indirect Rule",

Africa, Vol. VII (1934), pp. 321-334. For historical accounts see A.E.L. Kirk-Greene's excellent The Principles of Native Administration in Nigeria: Selected Documents 1900-1947 (London: Oxford University Press, 1965); J.L. Comhaire, "Urban Native Administration in Tropical Africa: British and Belgian" (Oxon: D.Phil. Thesis, 1949); H.U. Akpan, Epitaph to Indirect Rule: A Discourse on Local Government (London: Cassell and Co. Ltd., 1956); E. Wraith, Local Administration in West Africa, 2nd edition (London: George Allen & Unwin Ltd., 1972); L. Gray Cowan, Local Government in West Africa (New York: Columbia University Press, 1958); and the relevant chapters in Crowder, West Africa Under Colonial Rule and Albertini, Decolonization. One further study of a general nature that is still extremely valuable is U.K. Hicks, Development from Below: Local Government and Finance in Developing Countries of the Commonwealth (Oxford: Oxford University Press, 1961). For some interesting case studies see Obaro Ikime, "Reconsidering Indirect Rule: The Nigerian Example", Journal of the Historical Society of Nigeria, Vol. IV, No. 3 (December, 1968), pp. 421-438; I.F. Nicolson, The Administration of Nigeria, 1900 to 1960: Men, Methods, and Myths (Oxford: Clarendon Press, 1970); Alvin Magid, "British Rule and Indigenous Organization in Nigeria: A Case-Study in Normative Institutional Change", Journal of African History, Vol. IX, No. 2 (1968), pp. 299-313; David Craig Dorward, "The Development of British Colonial Administration Among the Tiv, 1900-1949", African Affairs, Vol. 68, No. 273 (October, 1969), pp. 316-333; J.A. Atanda, "Indirect Rule in Yorubaland", Tarikh, Vol. 3, No. 3 (1970), pp. 16-28; A.E. Afigbo, The Warrant Chiefs: Indirect Rule in Southeastern Nigeria 1891-1929 (London: Longmans, 1972); Kalu K. Ogba, "The Development of Local Government in Eastern Nigeria" (Oxon: B. Litt. Thesis, 1958); J.H. Nsarkoh, Local Government in Ghana (Accra: Ghana University Press, 1964) and Robert Lewis Stone "Colonial Administration and Rural Politics in South-Central Ghana, 1919-1951" (Cambridge: Ph.D. Thesis, 1974).

Finally we may turn to the constitutional literature. In this area the logical place to start is with Martin Wight's The Development of the Legislative Council 1606-1945 (London: Faber and Faber, 1946). This may be supplemented by the various papers contained in Sir Alan Burns (ed.), Parliament as an Export (London: George Allen and Unwin Ltd., 1966); and the rather dated and elementary volume put out by the Hansard Society: Problems of Parliamentary Government in the Colonies (London: Hansard Society, 1953). Of similar vintage is David Kimble's The Machinery of Self-Government (London: Penguin Books, 1953). For specifically West African studies see J.H. Price's Political Institutions of West Africa, 2nd edition (London: Hutchinson, 1975); N. Nwanodi's, "Problems of Elections and Representation in British West Africa" (Oxon: B. Litt. Thesis, 1958); and Ken Post's recent interesting contribution: "British policy and representative government in West Africa, 1920-1951", in Gann and Duignan (eds.), Colonialism in Africa: Volume 2: The History and Politics of Colonialism 1914-1960 (Cambridge: Cambridge University Press, 1970).

Of the four British West African territories Nigeria has been the best served by constitutional studies. In this regard one should consult Joan Wheare, The Nigerian Legislative Council (London: Faber and Faber,

1947); Kalu Ezeru's "Constitutional Developments in Nigeria 1944-1956" (Oxon: D.Phil. Thesis, 1957), which later appeared as Constitutional Developments in Nigeria, second edition (Cambridge: Cambridge University Press, 1964); T.O. Elias, Nigeria: The Development of Its Laws and Constitution (London: Stevens and Sons, 1967); O.I. Odumosu, "The Legal Framework of Responsible Government in Nigeria: A Study in Constitutional Law and Political History" (London: Ph.D. Thesis, 1959), and revised in The Nigerian Constitution: History and Development (London: Sweet and Maxwell, 1963); and Tekena Tamuno, Nigeria and Elective Representation 1923-1947 (London: Heinemann, 1966). For the question of Nigerian Federalism see L. Brett (ed.), Constitutional Problems of Federalism in Nigeria (London: Sweet and Maxwell, 1961); G.A. Odenigwe, "Constitutional Development of Nigeria and Origins of Federalism 1862-1954" (Clark University: Ph.D. Thesis, 1957); and J.A. Ballard, "Administrative Origins of Nigerian Federalism" African Affairs, Vol. 70, No. 281 (October, 1971), pp. 333-348.

For details of constitutional developments in the Gold Coast see Martin Wight, The Gold Coast Legislative Council (London: Faber and Faber, 1946); and T.O. Elias, Ghana and Sierra Leone: The Development of Their Laws and Constitution (London: Stevens and Sons, 1962).

Sierra Leone and the Gambia are the most poorly served by constitutional studies. Sierra Leone has only the Elias study mentioned above, and the rather dated and superficial study by E.W. Blyden, III: "Sierra Leone: The Pattern of Constitutional Change 1924-1951" (Harvard: Ph.D. Thesis, 1957). The Gambia on the other hand possesses no specifically constitutional study. However, for the purposes of this thesis there is an important government publication which has been consulted: Development and Welfare in the Gambia (Bathurst: Government Printer, 1943) which is of great value.

One aspect of the constitutional theme which has received a measure of attention is the development of the executive council. In this area one should begin with H.V. Wiseman's The Cabinet in the Commonwealth: Post-War Developments in Africa, the West Indies and South-East Asia (London: Stevens and Sons Ltd., 1958). This work is an expanded version of Wiseman's doctoral thesis: "The Colonial Executive Council: The Evolution of the Colonial Executive Council into a Responsible Cabinet With Particular Reference to the period 1944-1954, and to the Colonial Territories of Sierra Leone, Jamaica, Barbados, Trinidad, Nigeria, the Gold Coast, Northern Rhodesia and Malaya" (Leeds: Ph.D. Thesis, 1955). A more recent account is to be found in Bereket H. Selassie's The Executive in African Governments (London: Heinemann, 1974). For details of developments in the Gold Coast one should see Wiseman's three part article in Parliamentary Affairs, Vol. X, Nos. 1, 2, and 3 (1957): "The Gold Coast: From Executive Council to Responsible Government". In addition there is E.V.C. de Graft Johnson's "The Evolution of the Executive in the Constitutional Development of the Gold Coast" (Leeds: Ph.D. Thesis, 1958). Finally, for developments in Nigeria see Tekena N. Tamuno, "Unofficial Representation on Nigeria's Executive Council, 1886-1943", ODU, new series, Vol. 4 (October, 1970), pp. 46-66.