

BRITISH POLICY TOWARDS SELF-GOVERNMENT  
IN AFRICAN COLONIES

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PREFACE



## PREFACE

The year 1960 was the year of Africa. British Government was proud of the transformation it had brought in African countries within seventy-five years. This change prompted me to study the British policy of preparing the Africans for self-government. In this dissertation an attempt has been made to assess British policy in terms of the administrative machinery and the development of representative institutions.

The dissertation has been divided into five chapters. The first chapter provides a brief background to British motive and establishment of British power in sub-Saharan Africa from 1870 onwards. The second chapter deals with the evolution of Executive Councils depicting the character of colonial government. The third chapter analysis the evolution of Legislative Councils and the emergence of local forces as an alternative to the colonial authority. The process of self-government has been dealt with in the fourth chapter.

Chapter fifth assesses the British policy towards self-government in the context of the developments discussed earlier. It tries to give the answer why "parliamentary democracy" has been precarious in African countries in spite of the fact that the Africans might have genuine desire to practise it.

The dissertation is based mainly on secondary materials; however, preference has been given to the original documents reproduced by other authors.

I am extremely grateful to Dr. Anirudha Gupta, Associate Professor in the Sub-Saharan African Studies Division, for his guidance and supervision at every stage of my work. I am equally grateful to Dr. M. S. Venkateramani, the Dean, School of International Studies, Jawaharlal Nehru University, for his timely help in getting me an ad hoc scholarship and later a regular fellowship. I owe a special debt of gratitude to Dr. M. S. Agwani, Head and Professor of West Asian and African Studies for his sympathy and kindness especially in endorsing me for a fellowship. Dr. K. R. Singh, Assistant Professor in the Centre for West Asian and African Studies, has helped in time of need for which I am grateful to him. I must also acknowledge with thanks the co-operation given to me by the Librarian and the Staff of the Sapru House Library.

*Kharampal*  
(DIHARAMPAL)

New Delhi,  
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CHAPTER I

## CHAPTER I

### THE BACKGROUND

There are divergent views on British policy towards self-government in Africa. Authorities such as Andrew Cohen, Margery Perham follow the line laid down by Lord Lugard.<sup>1</sup> They contend that British rule in Africa was motivated by humanitarian and not strategic or economic considerations. Authors like John Roebuck say, on the other hand, that the British did not plan anything and that it was caprice and chance which governed British policies in the colonies. As Roebuck puts it:

Hitherto, those of our possessions termed colonies have not been governed according to any settled rule or plan - caprice and chance have decided generally everything connected with them; and if success have in any case attended the attempts of the English people to establish colonies, that success has been obtained in spite of the mischievous intermeddling of the English government, not in consequence of its wise and provident assistance. 2

A group of progressive scholars believe that the Africans were exploited by the 'capitalist' class although the British colonial policy was inspired by 'civilising mission'.<sup>3</sup> The Leninist opponents of colonial empire argue that it was

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1. Sir Andrew Cohen, British Policy in Changing Africa (London, 1959); Margery Perham, Africans and British Rule (London, 1949); and Lord Lugard, Dual Mandate in Tropical Africa (London, 1922).
  2. John Arthur Roebuck, Colonies of England (London, 1968), p. 1.
  3. John Hatch, The History of Britain in Africa (London, 1969). Also see, Post-War Africa (London, 1965).



nothing but economic exploitation of the colonial people.<sup>4</sup>

In order to study British policy towards self-government a brief discussion of the British African Empire is necessary. Britain had established a vast Empire on the continent of Africa by the end of the nineteenth century. The territories acquired by Britain South of the Sahara were:<sup>5</sup>

<u>Territory</u>	<u>Population</u>	<u>Area (sq. m.)</u>
Sierra Leone	2,230,000	27,925
Gold Coast	6,800,000	91,843
Gambia	267,000	4,003
Nigeria	35,000,000	356,669
Kenya (then called Protectorate of British East Africa)	6,800,000	224,960
Uganda	6,150,000	93,981
Nyasaland	3,200,000	49,177
Northern Rhodesia	2,500,000	288,130
Southern Rhodesia	3,250,000	150,333

After the First World War, Britain was entrusted with administering Tanganyika, formerly German East Africa, as a mandated territory, with a population of 9500,000 and an area of 361,000 square miles.

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4. L.S. Ubof, "Empire and Commerce in Africa" (n.d.), quoted by George Bennett, The Concept of Empire (London, 1953), p. 386.

5. Don Taylor, The British in Africa (London, 1962), p. 182.

## I

The scramble for Africa which began in the 1890s reflected the changing power pattern in Europe. From the era of exploration, European powers entered into the era of conquest in this period. The colonisation of certain parts of Africa had, however, begun long before the scramble. The French had occupied Algeria by 1832 and the British and the Dutch had begun making forays into the Zulu territories of South Africa. By 1870 British presence in the Gold Coast, that of France in Senegal and Portugal in Angola and Mozambique had become an established fact.

The political scheming of King Leopold of Belgium certainly hastened the partition of Africa. However, the important thing to note is that during this period the following areas became the most important centres of rivalry among the European Powers: first, the source of the River Nile; second, the Niger River Delta; third, the Eastern Coast; and fourth, Central Africa.

After the opening of the Suez Canal (1869), there was an Anglo-French alliance for the control of the sea-route to the East. However, in 1882 Britain took unilateral action in occupying Egypt. This fact aroused the suspicion of France and Bismarck, the German Chancellor, exploited this in order to break the Anglo-French entente. Meanwhile, inside Germany a powerful business class had begun to clamour for special



position in Africa. As a result Bismarck declared Cameroon, Togo, South-West Africa and Tanganyika as territories under German control. With the coming of Belgium and Germany, the British had to abandon their earlier policy and the Imperial British East Africa Company was given a charter to extend its operation in Uganda in the last decade of the nineteenth century. Britain declared its protectorate over British East Africa (later known as Kenya) and entered into treaties with Buganda and other Chiefs of Uganda. The Portuguese extension to the West of Mozambique prompted the British Government to grant a Charter to the British South Africa Company.

Scholars have put various theories regarding the partition of the African continent. A brief review of the British motives may be found worthwhile at this point.

The main concern of Britain had been to maintain its commercial hegemony attained through industrial progress and overseas supremacy. There was no competent rival to British hegemony before 1870. Peace with all the countries was advantageous to the commercial interests of Britain. This policy was shaken when the European powers resorted to a 'protectionist' policy. This closed the European markets for British goods. At the same time, the effort to capture African markets, where raw materials and rare minerals were available in abundance, caused anxiety to the British. This anxiety was clearly reflected in the speech of Lord Salisbury, who was one of the major architects of British African Empire. He said:

...the administration of the country is not the sole or the main object that should interest us. It is our business in all these new countries to make smooth for British commerce, British enterprise, the application of British capital, at a time when other paths, other outlets for the commercial energies of our race are being gradually closed by the commercial principles which are gaining more and more adhesion. Everywhere we see the advance of commerce checked by the enormous growth which the doctrines of Protection are obtaining.... 6

This new development led to "the whole struggle of so-called Imperialism", as stated by Hobson.<sup>7</sup> Many scholars, especially of the later period, have tried to refute the Leninist interpretation that empire was required to accommodate the surplus capital of private financiers. With the support of facts and figures, they say that "while a relatively larger proportion of British investment was within the British Empire, only a small fraction of it was invested in Africa."<sup>8</sup> The most advantageous investment policy, practised by the commercial interests, has been theorized by Roebuck. The investment in metropolitan countries was safe, prosperous and beneficial to allied industries like shipping and supplying agencies etc. etc., and a source of strength to control the colonies.<sup>9</sup>

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6. Speech of Lord Salisbury in the House of Lords, 14 February 1895, quoted by George Bennett, n. 4, p. 312.

7. J.A. Hobson, Imperialism: A Study (London, 1948), p. 114.

8. James Mayall, Africa: The Cold War and After (London, 1971), p. 36.

9. John Arthur Roebuck, n. 2, pp. 13-14.



It can be said without doubt that political and military reasons were no less important in the partition of Africa. The rise of Bismarck and the defeat of France increased fears and distrust in Europe. France sought to regain its strength by the expansion of her colonial empire. There was only one field open in that era. It was Africa.

For the British, the political considerations were mostly affected by commercial necessities. Joseph Chamberlain, another major architect of British African Empire was stressing the facts:

What is the greatest of our common obligations? It is Imperial defence. What is the greatest of our common interests? It is imperial trade.... It is very difficult...to deal with the great question of Imperial defence without having first dealt with the question of Imperial trade. Imperial defence is largely a matter of ways and means, and ways and means are dependent upon the fiscal and other commercial arrangements you may make. 10

Besides commercial and political reasons, it is argued that British acquisition of African territories was also motivated by social and cultural reasons. This argument refers to the nationalists feeling sweeping across Europe in the nineteenth century. The explorers discovered the heart of African continent for cultural aggression. The task was taken over by the Christian missionaries. They came to Africa to civilize the 'ignorant' and 'uncivilized' people.

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10. Speech of Joseph Chamberlain at the Canada Club Dinner quoted by George Bennett, n. 4, p. 316.

They were joined by the merchants as the missionaries were not averse to develop 'legitimate' trade which was considered by them instrumental in helping the Africans raise their standards. This cultural and commercial penetration of the early nineteenth century, which was a humanitarian task, prompted the European nations to extend political control for the protection of their missions and commercial concerns.

In view of this brief reference to various motives which prompted the British occupation in Africa, it would become easy to give an account of the stage of British imperial expansion in various territories.

## II

West Africa was the first to come into contact with the Europeans. Though Britain had undertaken many exploring expeditions and its merchants and missionaries had established centres in the hinterlands, its political and strategic interests were confined to the coastal regions. The penetration into hinterland was slower because the casualties from diseases were so numerous that it was not advisable to undertake military action.

Before 1870, Britain had established control over Sierra Leone, the Gold Coast and the Gambia for trade establishments and the Colony of the Lagos to suppress slave trade.

French and German expeditions, however, prompted the British to move into the interior regions. In 1873, Ashanti

was defeated and a peace treaty was signed in 1874. After the Berlin Congress of 1885, Germans claimed Cameroon. Sensing the danger, Britain proclaimed its protectorate over the Oil Rivers (later known as Protectorate of Southern Nigeria). The Royal Niger Company under Sir George Goldie was granted a Charter in 1886 to look after British interests in the Nigerian interior. Goldie foiled French designs by concluding treaties with Sokoto and Gwendo Hausa Chiefs and purchasing the assets of French Companies operating there. In 1887 a British Protectorate was formally proclaimed.

Ashanti was annexed in 1896 and the Asantehene and his supporters were deported. Treaties were concluded with the northern chiefs to forestall German and French expansion from the Togoland and Niger respectively. Thereafter the whole territory was brought under the administration of the Gold Coast.

In Southern Nigeria, the whole of Yorubaland was brought under effective control and its administration became the responsibility of the Governor of Lagos (proclaimed as Crown Colony in 1861). In the northern region, F.D. Lugard, who was appointed by Royal Niger Company as Commander of the Troops established British control and frustrated French expansion. He secured a Treaty from the Chief of Borgu and defeated the Fulani rulers of Ilorin and Nupe in 1897.

The convention between France and Britain (14 June 1898) partitioned West Africa into spheres of influence and determined the boundaries of territories under the control of

the respective European Powers.<sup>11</sup> This was finally ratified in the Convention of 29 May 1906 (for Northern Nigeria) and agreement of 19 October 1906 (for Southern Nigeria) between Britain and France.<sup>12</sup>

British interests in East Africa were looked after by the British Consul General, stationed in the Court of Sultan of Zanzibar. Before the 1880s missionaries led the cultural aggression, explorers discovered its strategic importance and merchants developed their commercial interests. King Leopold of Belgium, who in 1880 sought concessions at Malindi coastal city, was not obliged by the Sultan of Zanzibar. French efforts in 1878-81 to establish colony in East Africa were frustrated by Sir John Kirk, an influential Englishman at the Court of the Sultan.

Taking the advantage of Anglo-French rivalry, Bismarck declared German protectorate over East Africa in April 1885. German presence at Vitu, a strategic point, was considered a danger to British interests. Britain tried to safeguard her interests by an agreement concluded with Germany in June 1886, ratified by the Sultan of Zanzibar in December 1886.<sup>13</sup> This agreement recognized the (nominal)

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11. For details see Sir E. Hertslet, The Map of Africa by Treaty (London, 1967), 3rd ed., vol. II, pp. 785-92.

12. Ibid., vol. III, pp. 843-9.

13. Ibid., vol. III, pp. 882-6.

suzerainty of the Sultan over the Eastern coastal lands, and virtually divided the total region into British and German spheres of influence.

Britain granted a Charter to the British East Africa Association (BEAA), founded by Sir William Mackinnon, operating in this region, under the new name of the Imperial British East Africa Company in 1888 to administer and trade in the British sphere.

H.M. Stanley, a missionary, who had secured subordination from many African Chiefs, persuaded the Kabaka of Buganda to surrender his rights to the BEA Company. On the strength of these treaties, the Company deputed Lugard to put effective control in these territories. At the same time, Carl Peters, a German representative, led another expedition into Buganda, considering it outside the provisions of 1886 Agreement. The Kabaka of Buganda, already strained by religious strife, accepted Company's protection.<sup>14</sup> The Anglo-German rivalry ended in the Treaty of 1890 (popularly known as Treaty of Heligoland).<sup>15</sup> Germany renounced her claim over present Ugandan territory and Witu.

The administration of Uganda, however, became a burden to the Company because of internal political and

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14. H.F. Morris and James S. Head, Uganda (London, 1966). "The four rival forces of Mohammedanism, Roman Catholicism, Protestantism and paganism strove for Nwanga's (Kabaka) support, while he vacillated between them." p. 8.

15. Sir E. Hertalet, n. 11, vol. III, pp. 899-906.



religious rivalries and lack of resources. On Lugard's persuasion and recommendation of British Consul General in the Court of the Sultan of Zanzibar, Britain finally declared her protectorate over this territory in 1895. An Administrator was appointed to bring law and order. He concluded a series of agreements with native rulers such as Kabaka of Buganda (1900), Omukama of Toro (1900), Omugabe of Ankole (1901), Kabarega of Bunyoro (1901) and others. These 'freely' negotiated agreements became the foundation on which British administration was established in Uganda.

The Company's ineffective administration over British East Africa was much criticized. Britain took over its administration and the territory was called Protectorate of British East Africa, later Kenya.

After Germany's defeat she surrendered her colonies to the League of Nations. German East Africa, later developed into Tanganyika, was mandated to Britain for the "well-being and development of such peoples (not yet able to stand by themselves)" on behalf of the League. The Mandatory power was made:

responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals.... A permanent Commission... constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates. 16

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16. Article 22 of the Covenant of the League of Nations.

Before 1870 the Anglo-Boer conflict in South Africa kept the central region out of colonial designs. In tune with it, the British Governor of the Cape of Good Hope concluded a 'friendship' treaty with Umisiligazi, African Chief in the Zambezi region. "Missionaries and hunters, traders and gun-runners formed advance guard of white influence in Central Africa."<sup>17</sup> The discovery of gold, north of the Limpopo, attracted Boer President of Transvaal, Paul Kruger, and Cecil John Rhodes, an ambitious and powerful British entrepreneur in the Cape.

Cecil Rhodes succeeded in obtaining mineral rights in Mashonaland from Lobengula in exchange of protection by the Company. Rhodes also formed British South Africa Company (BSA Company) with interested and influential financial groups. Armed with these successes, he secured a Royal Charter in October 1889. Then he sent a pioneering column, consisting of settlers and police, in 1890, into Mashonaland. This column finally proclaimed the occupation of Mashonaland in September 1890. The ambition of Rhodes and the resentment and fears of Lobengula resulted in the Matabele War of 1893. Lobengula was defeated; he fled and died. Matabele was occupied. The Company brought the two territories under one Administration. The territory was named Rhodesia.

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17. L.H. Gann, A History of Northern Rhodesia (London, 1964), p. 21.

While negotiations between Germany and Britain over East Africa were going on, Portuguese expansion from Mozambique southward threatened British interest. British Government deputed H.H. Johnston, the Consul at Mozambique, to safeguard British interests. On the basis of treaties concluded by Johnston and accepted in the Anglo-German Agreement and Anglo-Portuguese Treaty, British Protectorate was proclaimed over the territory, called Nyasaland, in May 1891.<sup>18</sup> Johnston, who opposed the transfer of the territory to Company rule, was appointed Crown's Administrator.

The discovery of copper in Katanga caused the expansion of the BSA Company's control north of the Zambezi. Rhodes on the one hand persuaded Johnston to act as Company's agent in the northern territories beyond Lake Nyasa, and on the other deputed Lochner to Barotseland, whose Chief Lewanika had granted Ware Concession in June 1889, and Joseph Thomson to secure rights in Katanga. On the basis of treaties concluded by Johnston, British Government proclaimed its Protectorate over the adjacent areas, known as North-Eastern Rhodesia. Thomson secured treaties from various Chiefs independent of Lewanika, but he could not reach Katanga due to ill health. By this time Katanga was conquered by Belgium and its claim was accepted by the European Governments. Lochner succeeded to

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18. For details see Sir E. Hertslet, n. 11. vol. III, pp. 1016-25.

persuade Lewanika to accept British protection in 1890. Through the Lawley Treaty (1898) and Victoria Falls Treaty (1900), Lewanika granted the rights of administering his territory to the Company, while the latter recognized Lewanika's control over Barotseland. The Treaty of 1909 granted land rights in the Lewanika kingdom, and the Company acquired mineral, land and administrative rights on behalf of the Crown. The territory thus acquired was put under one administration, popularly known as North-western Rhodesia. In order to economise administrative expenses and economic development, North-eastern and North-western Rhodesias were united in 1911 into one and named Northern Rhodesia.

### III

Thus British colonies in Africa varied in character. Broadly speaking they can be divided into three categories: Crown Colonies, Protectorate, and Mandated (later Trust) Territories. Martin Wright divides the Protectorate further into colonial Protectorate and Protected State.<sup>19</sup>

Crown Colonies were under direct control of the Crown by Foreign Jurisdiction Act, passed in 1890 and amended in 1913.<sup>20</sup> The inhabitants of Crown Colonies were British

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19. Martin Wright, British Colonial Constitutions (London, 1950), p. 8.

20. *Ibid.*

subjects and therefore were entitled to enjoy almost similar rights and privileges as granted to the inhabitants of Britain.

The territories acquired through explicit treaty between a native ruler and the Crown were theoretically called 'Colonial Protectorates'. Legally, the Africans of the Colonial Protectorates were to enjoy their traditional rights. Non-African people were controlled by the Foreign Jurisdiction Act.

The Protected state was "a country that...ceded control of its international relations to the British Crown."<sup>21</sup> In such Protected States, British Government was to control foreign relations and defence of the territory. Native ruler was (de jure) sovereign in domestic affairs. The British Resident represented British authority and was (legally) confined to advise the ruler in domestic affairs and formulate his foreign policy.

The fourth type of British acquisition in Africa was called Mandated Territories or Trust after the Second World War. Martin Wright defines:

In constitutional law there is no distinction between mandated and trust territories and protectorate. 'Though in fact Orders in Council are careful to provide that the terms of the Mandate shall not be broken, this is only because the Crown is anxious that the

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21. Ibid., p. 9.



international obligations of Great Britain shall be fulfilled, and constitutionally the mandate is not binding on the Crown'." 22

Whatever the characteristic features, the African territories were subject territories in the British Empire. The British Government and the Chartered Companies established colonial government on their home pattern with which they were familiar.

The colonial government was established on a decentralized form of administration. Broadly, this had two parts: Colonial Administration and Native Administration. In the first part, there was a Governor in each administrative unit. He was appointed by the Crown at its pleasure. His tenure of service was normally for five years. He enjoyed the Royal prerogative of mercy. He was, however, required to consult his Executive Council if capital punishment was involved, though still, he could override a dissenting note. He was empowered to suspend or dismiss any official. He could make grant on public land. He was head of the executive committee and President of the Legislative Council. In other words, he was a monarch without Crown. There was no check on Governor's activities in the colonies. The personal character of the Governor, therefore, influenced the development of the colony.

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22. Ibid., p. 14.

An Executive Council was set up in each colony to advise the Governor in his executive policies. It consisted of heads of the departments in their ex officio capacity. The Governor was empowered to nominate certain officials to the Executive Council. He had the right to veto any decision of the Executive Council, but in any case he was required to report the matter, alongwith dissenting notes, to the Secretary of State for the Colonies.

Second, a Legislative Council was set up in each administrative unit. Though the officials constituted the majority and the Governor was the President of this Council, as a matter of convention, he was bound to respect the opinion of the unofficials represented in the Council. The Legislative Council had an effective control over financial matters through a Finance Committee consisting of unofficial majority. The Heads of Departments were required to appear before the Finance Committee. Interim demands were to be cleared first by this Committee. In this way Legislative Council, in spite of its consultative character, had the capacity to embarrass the colonial Governor.

There was a Central Secretariat to control and coordinate the activities of the colonial government. A Chief Secretary was appointed to head the Central Secretariat. Next to the Governor, he was the most important officer in the colony. The Governor dealt with other departments through him.

The Chief Native Commissioner was to look after African affairs. The Financial Secretary controlled the economic and financial matters of the colony. Besides associates of the Chief Secretary, the Chief Native Commissioner and the Financial Secretary were advisors to the Governor in their respective spheres.

The Chief Secretary, the Chief Native Commissioner, the Financial Secretary and other important Heads of departments were represented in the Advisory Council, later on in the Executive Council, and the Legislative Council as ex-officio or as nominated members.

In the regions, Chief Commissioners or Provincial Commissioners were top officers. The Provincial Commissioner was a "key figure of the government machine" and a link between the central government and the divisions.<sup>23</sup> He maintained control over Africans through the District Commissioners and Residents. Technical Officers, under the charge of Provincial Commissioners, surveyed, planned, and developed the economic structure of the respective provinces. A Regional or Provincial Secretariat was established to coordinate and control activities within the prescribed area.

The province was divided into divisions. It was headed by a District Officer or Commissioner. The District Commissioner was responsible for the smooth functioning of

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23. Sir Andrew Cohen, British Policy in Changing Africa (London, 1959), p. 64.

Colonial Administration at his level and at the same time administered the Native Administrations through the Native Authorities. "The main contact between the Government and the (African) people is at the district level or below it, as well as in the towns, district administration is thus the foundation of the Government."<sup>24</sup>

The District Commissioner was a connecting link between the Native Administration and Colonial Administration. In theory he was a supervisor and guide. In practice, he was the real administrative ruler of the African Chiefs falling within his jurisdiction. Lord Lugard's view was that "the District Officer conform to a class which has made and maintained the British Empire".<sup>25</sup> This, however, does not mean that the African Chief lost his customary ceremonial status. He was allowed to maintain his standards. For official purposes he was an instrument of the Colonial Administration.

The task of administering various African Chieftaincies within a territory, defined as one unit for administrative convenience, was somewhat difficult. As Lord Hailey puts it, "where the new sovereign power has a reasonably close affinity to the subject people in race, language, or social institutions it has been possible for it to find among its

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24. *Ibid.*, p. 64.

25. Lord Lugard, n. 1.

own population a body of subordinate agents" to carry out administration at lower level. As no such conditions existed in African colonies, the Administration "recognized the existence of traditional indigenous authorities (sometimes chiefs, sometimes tribal councils, or similar bodies) and... allowed them to exercise a wide range of customary powers",<sup>26</sup> If there was no traditional authority, one was set up on the model prevalent in the adjacent territories. This was called "Indirect Rule". The administration organized under this system formed the second part of the colonial administrative machinery.

African traditional government was at first subjected to the supervision of District Commissioner. Thereafter the administrative duties were bifurcated. The traditional African rulers, popularly called Chiefs, were 'ordered' to carry out the jobs such as upkeep of convoy lines, adjudication of Africans' civil suits, collection of taxes, supply of labour, maintenance of law and order in their respective tribal areas. Colonial Administration took the responsibility of maintaining police and military, control of revenue and expenditure, and supervision of the administration of traditional rulers.

The traditional administration, in the next step, was divided into three separate branches: Native Administration; Native Treasury and Native Tribunals. A constitutional

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26. Lord Hailley, African Survey, rev. (London, 1956), p. 414.



framework was ordained for the functioning of these branches. African Chief or any other authority in lieu of a Chief was recognized as Native Authority. One British District Officer or Resident was appointed to guide and advise the Native Authority.

Jurisdiction of one Native Authority generally confined to one tribe. It was African state for the tribe. But it was a district for the purpose of administration. The District Commissioner was in charge of this district. The jurisdiction of central courts was extended to criminal cases in the African states. Thus, the Native Authority was brought in the chain of hierarchy of Colonial Administration, though the former did not lose its traditional character.

Similarly, the traditional Councils, in the first instance, continued to function in the customary manner.<sup>27</sup> Later on, these Councils were also reorganized and recognized as advisory bodies to the Native Authorities. Initially, these Councils consisted of Native Administrative Officers, generally drawn from the traditional ruling class and elders. The traditional Council at the level of African Chief was designated as the District Council. It was presided over by the District Commissioner.

27. In the traditional system, a Council of Chiefs, eldermen, village-headmen, head of families etc. were set up at each level. They were a sort of executive body. The Councils-in-Session were sovereign. For details, see T.O. Elias, Government and politics in Africa (New Delhi, 1961), pp. 13-23.





With the social and economic development, new classes of educated, professional and traders emerged in the African society. They demanded the right to have a share in the government. The educated and professional Africans found their way into Native Treasuries and Native Tribunals. They were also given representation in the Councils. But these Councils continued to be dominated by the traditional ruling class.

In the next stage, with the growing consciousness of Africans towards political issues, Provincial Councils were set up at provincial level. All the District Councils sent their representatives to the Provincial Councils. The Provincial Council was presided over by the Provincial Commissioner. In the urban centres, Urban Advisory Councils were set up to express the opinion of Africans settled in the urban centres. The Provincial Council also provided the opportunity to different tribal Chiefs and nationalists to come closer.

Later, when the nationalists emerged, Regional Council and Protectorate Council were created. Provincial Councils nominated their representatives to these Councils. These were presided over by Regional Commissioners and Chief Native Commissioners. It was an effort of the colonial government to build another leadership of traditional ruling class, as the Councils were dominated by them to counter-balance the nationalists' leadership.

## IV

The inhabitants of the Crown Colonies were granted franchise right as soon as peace prevailed and generally when a demand was made to this effect. Following the principle then applicable in the mother country, the colonial government prescribed certain qualifications for voting right. In the Crown Colonies all the inhabitants were British citizens. Anyone of them, irrespective of colour, if he fulfilled qualifications such as (i) owning a house, (ii) or productive means of certain values, (iii) or salary or wages, (iv) or a period of residence was eligible as a voter.

Under the provisions of Foreign Jurisdiction Act (1890) only British people were eligible for voting right in dependencies other than Crown Colonies. Generally, representatives were nominated in such dependencies. In the earlier stage, the nomination of representatives differed from West Africa to East and Central Africa. The main criteria for nomination in the West African Legislative Councils was based on 'interests', 'status', 'wealth', and 'opinion'. The settler community in Southern Rhodesia, Northern Rhodesia and Kenya demanded franchise right. Southern Rhodesia became an exception. At first, the inhabitants, irrespective of their colour, were granted franchise right. But the qualifications were so high that only Europeans could become eligible. The settlers in

Kenya and Northern Rhodesia were granted franchise right in accordance with the Foreign Jurisdiction Act. Being Protectorates, the Africans were not British citizens, and as such they could not get this right.

Contrary to the practice adopted in West Africa, Africans were not allowed to represent their interests in East and Central African Legislative Councils. Their interests were therefore represented by the Civil Servants and missionaries. The Civil Servants were taken to be impartial. They understood the African opinion through the Native Councils. This procedure continued for a long time. The Africans could enter the Legislative Councils through nomination after a long time. This aspect will be dealt with in a subsequent chapter.

**CHAPTER II**

## CHAPTER II

### EVOLUTION OF EXECUTIVE COUNCIL

In each colony, an Executive Council was set up to advise the Governor.<sup>1</sup> The Council consisted of civil servants who were responsible to the Imperial Government through the Governor. The inclusion of unofficial members came later paving the way for self-government at the end.

The evolution of the Executive Council can be studied in three stages. First, when the civil servants constituted the Executive Council. Second, when unofficial members were coopted. Third, when the unofficial members were given responsible executive posts. At this stage ground was prepared to form Council of Ministers, which replaced the Executive Council. The evolution of Executive Council in different regions illustrates these three stages:

#### I

##### WEST AFRICA

The British Government was rather unsure in this region. Various attempts were made to establish a single administration for all the four Crown Colonies (Sierra Leone, Gold Coast, Gambia and Lagos). Later, by the close of the

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1. At first an Advisory Council was set up. This Advisory Council evolved into Executive Council which "perpetuated the advisory council with more precise functions". See Martin Wright, The Development of Legislative Council, 1606, 1945 (London, 1945), pp. 128-9.

last century when British authority was extended to hinterlands; Executive Councils, "the chief mark of a separate dependency", were set up in all the four territories:<sup>2</sup> Sierra Leone got it in 1863, the Gold Coast in 1874, the Gambia in 1888 and Nigeria in 1914, the year in which it was amalgamated into one territory. All the Executive Councils consisted of senior and most important officers: the Governor, as chairman, the Chief Secretary, Treasurer (later designated as Financial Secretary), the Collector of Customs and Troops Commander.<sup>3</sup> Later the Troops Commanders generally gave way to the Director of Public Works and the Secretary of Native Affairs making the era conducive for civilian rule. They were all ex-officio members. Besides, the Governor nominated officials according to his administrative needs.

Unofficial members were nominated by the Governor much later. An unofficial member was, however, nominated to the Gambia Executive Council for a tenure of three years from 1892 to 1895. But continued representation of unofficial members was introduced only in the 1940s, when the Second World War necessitated utilization of available resources. Two African unofficial members were nominated to the Gold Coast

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2. Ibid., p. 129.

3. Troops Commander was not included in the Gambia Executive Council.



Executive Council in 1942.<sup>4</sup> Three unofficial members joined the Nigerian Executive Council in 1942. Two African members got representation in the Sierra Leone Executive Council in 1943. In the Gambia three unofficial members (who were elected to the Legislative Council from Bathurst) entered the Executive Council only in 1947.

The next major constitutional step was taken after 1945 in all the four colonies which presaged the evolution of Executive Council into Cabinet. In the Gold Coast, the Burns Constitution of 1946 called for unofficial and elected majority in the Legislative Council. In Nigeria, the Richard Constitution, named after the Governor Sir Arthur Richard was enforced in 1946. It established three Regional Councils in North, West and East Nigeria administered from Lagos with the advice of the Executive Council.

The above constitutional reforms were much below the expectation of the nationalists. War propoganda, inflation and the problem of ex-servicemen became political issues for the nationalists. They organized political parties. Nnamdi Azikiwe founded National Council of Nigeria and the Cameroons (NCNC), followed by the Action Group, formed by Chief Obafemi Awolowo in West Nigeria. United Gold Coast Convention (UGCC) was founded in the Gold Coast. Kwame Nkrumah formed his own party, Convention Peoples Party (CPP), breaking his ties with

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4. One more African unofficial member was nominated to the Gold Coast Executive Council in 1943.

UGCC in 1949. The political parties demanded radical reforms. The pressing political demands followed by riots in Accra in 1948, led to the institution of Watson Commission in 1948. The Commission recommended constitutional reforms to bridge the wide gap between the African nationalists and the government. British Government therefore appointed the Coussey Commission, consisting of African members only, to suggest further constitutional reforms in the Gold Coast.

The Coussey Commission proposed that an Executive Council consisting of twelve members - three officials and nine unofficials - be constituted in place of current Executive Council.<sup>5</sup> New Executive Council should be responsible to the legislature under the presidency of the Governor. A new Constitution based on the Coussey Commission's recommendations was promulgated in 1951.

In 1951, the Governor, Sir Charles Arden-Clarke, invited Kwame Nkrumah, whose party, CPP, had won thirty-four elective seats of the Legislative Council, to form the Government. The new Council of Ministers consisted of six CPP members, one member from Ashanti, one member from the Northern Districts and three British ex-officio civil servants. Contrary to the recommendations of the Coussey Commission,

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5. The existing Gold Coast Executive Council consisted of 3 unofficial African members and 9 officials: Governor, as President; Chief Secretary, the Financial Secretary, Attorney General, three Chief Commissioners of the Colony, Ashanti and the Northern Districts, Director of Medical Services, one Secretary for rural development, all being Europeans.

the Council of Ministers was made responsible to the Governor only. In 1952, Nkrumah was upgraded to the post of Prime Minister.

In Nigeria, the Richard Constitution (1946) had favoured a federal structure, without clarification. It necessitated further reforms. Therefore, another constitution was enforced in 1951. The Macpherson Constitution, as it was called, established Regional Executive Council in each region and introduced Council of Ministers.

Each of the Regional Executive Councils were composed of six officials (including Lieutenant Governor as President) and nine unofficials. All the Executive members were designated ministers. Their appointment was to be made by the Lieutenant Governor, subject to the approval of the House of Chiefs or House of Assembly, established in Northern and Western Regions, and by the House of Assembly in the Eastern Region. Lieutenant Governor was bound to dismiss a minister if request was made by two-thirds majority of the House.

A Council of Ministers was set up at the centre also. It consisted of seven officials (including Governor as President) and twelve unofficials - four from each region. The Governor was to appoint a minister with the approval of the joint-council of Houses in Northern and Western Regions composed of at least forty members from each House, and a House of Assembly in the Eastern Region in case the minister was appointed from that region, and on the recommendations

of the Lieutenant Governor of the respective regions. However, unofficial minister could be dismissed if requested by the two-thirds majority of House of Representatives at the centre.<sup>6</sup>

Regional and Central Councils of Ministers reached decisions by majority votes. Lieutenant Governors and the Governor, however, were given veto power to avoid untoward situation.

The Sierra Leone was granted a new Constitution in 1951 which was amended in 1953. The Executive Council was to consist of five ex-officio and 'not less than four' unofficial members. The Governor nominated six unofficial members from amongst the elected members from the Colony and the Protectorate of the Sierra Leone. The Governor, Sir George Beresford Stooke, set up the system of 'official members' instead of ministers. On the basis of a motion passed by the Legislative Council in 1952, the Government departments were grouped into five portfolios each being allotted to five unofficial members. In 1953, these members were designated ministers of their respective departments. The sixth unofficial member was called minister without portfolio. M.A.S. Margai, Sierra Leone People's Party (SLPP) leader, who had won sweeping majority in 1951 elections, was designated Chief Minister in 1954.

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6. Okoi Arukpo, The Development of Modern Nigeria (Penguin, 1967), p. 74.

The Gambia Executive Council was reconstituted in 1954. Then one nominated and six unofficial members were nominated to the Executive Council. Besides, five ex-officio members continued to be members of the Council. Unlike other territories, the ministers were required to evolve policies in consultation with the British Heads of departments i.e. they were not made in-charge of respective departments.<sup>7</sup> Thus the Gambia was short of partial self-government, granted to the Gold Coast and Nigeria in 1951 and to Sierra Leone in 1954.

In this way in all the four colonies, a partial ministerial system was introduced. The Executive Council, of which ministers were members, was not yet responsible to the legislature. Secondly, the Governor had veto and reserved powers. The fact that the unofficial members were given responsible posts and attained majority in the central political institutions, however, facilitated the grant of self-government in the near future. The grant of self-government and independence has been discussed in a later chapter.

## II

### EAST AFRICA

The two protectorates - Uganda and Kenya - were administered by British Commissioners through a nucleus

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7. Harry A. Galley, Jr., A History of the Gambia (London, 1964), p. 139.

administrative machinery and the Native Authorities.

Kenya was granted an Executive Council in 1905. The European settlers succeeded to get nomination of two representatives to this Council in 1919. The Protectorate, leaving the ten-mile coastal strip, was made a Crown Colony in 1920. Indian settlers resented the discrimination between European settlers and themselves. They demanded 'equality' in representation. Their demand was examined by Wood-Interton Committee appointed in 1922. The settlers and the Kenya Government rejected its proposals. Then the British Government issued the Devonshire Declaration in 1923 which declared "paramountcy of African interests". It was also recommended in the White Paper that the Indians should be given more representation. As a result, one Indian representative was nominated to the Executive Council. In consonance with the spirit of the "paramountcy of African interests", one European missionary in the first instance, was also nominated to represent African interests in the Executive Council. It was reconstituted in 1938. Then it consisted of four officials and four unofficials: three European, including one to represent African interests, and one Indian member. The Governor presided over the Council.

The Uganda Executive Council was set up in 1920 with official members only and it continued to be so till the Second World War.<sup>8</sup> Tanganyika was also granted an Executive

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8. Initially there were Governor, as Chairman, Chief Secretary, the Treasurer, the Attorney General and the Chief Medical Officer. See H.F. Morris and James S. Read, Uganda: The Development of its Laws and Constitution (London, 1966), p. 26;

Council in 1920 with official members only. It was enlarged in 1939. Then four unofficial members: three European and one Asian were nominated to it along with eight officials.

The Second World War and imposition of emergency increased the importance of the Executive Council. The Government utilized all the resources for war ends. Thus unofficial members were charged with responsible duties. The European members in Kenya got the opportunity to claim responsible government after the emergency was lifted. But international pressures and nationalist movements brought a drastic change in colonial policies. This change stimulated the settlers in Kenya to accelerate their efforts to obtain self-government.

Under settlers' pressure, government departments were grouped into portfolios each being allotted to official and unofficial members of Kenya Executive Council. Thus unofficial members got the opportunity to pursue their policies. As the European members were in majority the arrangement was condemned by Indians and Africans "as a surrender" by Government to the whites.<sup>9</sup> In order to pacify the Kenyan nationalists, European member nominated to represent African interests in the Executive Council was replaced by an African member in 1952. But the African member was not given any portfolio at that time.

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9. Y.P. Ghai and J.P.W.B. McAuslan, Public Law and Constitutional Change in Kenya (Nairobi, 1970), p. 62.



There was no change in the Executive Council in Uganda, except for nomination of two unofficial members - one European and one Asian - in 1946. Tanganyikan government departments were grouped into portfolios. The portfolios were, however, allotted to the officials only. A Committee of the Legislative Council was appointed in 1949 to recommend on future constitutional structure and on the institutions of Local Government in Tanganyika.

The constitutional development in Kenya pleased none. The bitterness of African nationalists further increased when an African member was not allotted any portfolio on his nomination to the Executive Council in 1952. Meanwhile the 'land problem' enjoined with political resentment erupted into Mau Mau rebellion. The British Government imposed an emergency and simultaneously introduced political reforms to face the violence more effectively. In 1954, the Lyttelton Constitution introduced a Council of Ministers. Though its importance was reduced, Executive Council continued to exist. It consisted of all the Ministers, the Governor and the Deputy Governor. There were fourteen ministers in all: six officials, two nominated and six unofficials - three European, two Asian and one African member. Three additional members - one Arab and two African - were nominated to the Executive Council. Thus, unofficial majority was created in Kenya Executive Council.

The Uganda Executive Council was reconstituted in 1952 when African members were nominated for the first time. Then it had eight officials and six unofficials: two European, two Asian and two African members. This development was resented by the Kabaka and his followers in Buganda fearing that it would affect the privileged status of Buganda. A constitutional problem arose on Kabaka's deportation. It was, however, resolved and the Kabaka was reinstated in 1955. Then, a ministerial system was introduced. The Executive Council continued to exist, consisting of all the thirteen ministers and two African members as Parliamentary Secretaries.

The Tanganyika Executive Council was reconstituted in 1953 on the recommendation of special commissions appointed in 1949 and 1952 to suggest constitutional reforms. The new Executive Council consisted of eight (European) officials and six unofficials (two each from European, Asian and African communities). In 1955 government departments were regrouped and allotted to the individual members of the Executive Council.

All the three countries of East Africa reached a stage in 1955 when partial self-government was conceded.

### III

#### CENTRAL AFRICA

Southern Rhodesia was administered by British South Africa Company (BSA Company) from 1889 to 1923. Unlike other

colonies, it got and developed representative institutions under the Chartered Rule.

Under the BSA Company, the Executive Council composed of a Resident Commissioner and four nominated members was set up in 1893. The Administrator presided over it like Governor. In 1898 Lord Milner, High Commissioner in South Africa, hoped that "Southern Rhodesia would one day join with the four self-governing South African countries in some form of Union or Federation, in which she would tip the balance in favour of British interests over Afrikaner nationalist ones."<sup>10</sup>

The settlers demanded self-government. They formed a Responsible Government Association (RGA) in 1917 to build an alternative to the BSA Company's Rule. They strengthened their position in the Legislative Council by winning twelve out of thirteen seats in 1920. The Buxton Commission, appointed in 1921, recommended responsible government subject to the approval of voters through referendum. It took place in October 1922. Only the Europeans were asked to vote for either union with South Africa or responsible government. Responsible government was favoured by 8,774 to 5,989 votes. The settlers were formally granted self-government in 1923. The Administrator gave way to a Crown's representative i. e., Governor. A responsible Cabinet was set up.

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10. P. E. N. Tindall, A History of Central Africa (New York, 1967), p. 204.

When the process leading to self-government was completed in Southern Rhodesia, an Executive Council was set up in Northern Rhodesia in 1924 consisting of officials only, in place of an Advisory Council (1918). Executive Council was set up in Nyasaland in 1907. It continued to function till 1946 with its original composition. It consisted of four official members. In 1946, one more official and two unofficial members were nominated to it.

Settlers of Northern Rhodesia demanded amalgamation of the territory with Southern Rhodesia. Though the Colonial Office was sympathetic toward settlers' demand, the increasing opposition of Africans restrained them to oblige the settlers.

The Second World War gave the desired opportunity to the settlers. In 1939, British Government formed a national Executive Council in Northern Rhodesia to utilize her resources in war effort.<sup>11</sup> Then Colonel Stephenson and Sir Leopold Moore, elected legislative members, and Colonel Gore-Browne, nominated member to the Legislative Council to represent African interests, were made regular members of the Executive Council. Later Roy Wellensky also joined it. All of them were given responsible administrative jobs during the war period.<sup>12</sup> This step strengthened the settlers position and

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11. David C. Mulford, Zambia: Politics of Independence, 1957-1964 (Oxford, 1967), p. 10.

12. J. W. Davidson, The Northern Rhodesian Legislative Council (London, 1947), p. 53.

settler leaders utilized their position to achieve self-government for Northern Rhodesia and amalgamation with Southern Rhodesia.

Their demands were met halfway in the Constitution of 1945. Then the Executive Council consisted of five officials and three unofficials. The unofficials were not allotted any portfolio. They gained this privilege in 1948. The Executive Council was expanded to eleven members out of which four were unofficials, including one to represent African interests. Simultaneously constitutional recognition was given to the unofficials in the following ways:

if all the unofficial (elected) members... advised the Governor unanimously in one sense, he was bound to regard that advice as the advice of the Executive Council, even though all the officials... advised otherwise. The Governor had then either to accept the advice or to exercise his right to reject the advice of the Council and to refer his decision to the Secretary of State in accordance with the Royal instructions. 13

This was more than a victory for the settlers. There were only European elected members, who were demanding amalgamation and self-government. This convention gave the settlers a constitutional mechanism to achieve their ends. They passed a resolution to this effect in the Legislative Council. The growing opposition of Africans was successful only in changing the theory of 'amalgamation' into 'Federation'.

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13. Mulford, n. 11, p. 10.

The settlers got another victory in 1949 when government departments were grouped into portfolios. All the officials and two unofficials were allotted portfolios. In 1953, official membership of the Executive Council was reduced from seven to five, while unofficial membership continued to be four. Then all the members were designated as ministers.

Rapid constitutional development in Northern Rhodesia prepared the way for the Federation of Southern Rhodesia and Northern Rhodesia and Nyasaland. The Nyasaland Executive Council consisting of five officials and three unofficials was left with minor issues to advise upon to the Governor. All the important issues were transferred to the Federal Government. It infused a bitter African resentment. It also gave a cause to the nationalists to mobilize mass opposition and achieve self-government. The federation and political development thereafter has been discussed in the fourth chapter.

#### IV

The evolution of Executive Councils makes it clear that the marked changes in 1940s, differed in degree in each region. In West Africa, where the Councils remained unchanged until outbreak of the War rapidly changed and by early 50s African representatives were in majority. Therefore, the transfer of power from the colonial administrators to the Africans became almost an established fact.

In contrast, the settlers' politics excluded the Africans from the representative institutions and brought about the transformation of Executive Council into a responsible Cabinet in Southern Rhodesia in 1923. This settler politics met with stiff resistance by Africans in Northern Rhodesia and by another settler community viz. Asians in Kenya. This stagnated the evolution of Executive Councils. Nationalist movements of post war era stimulated the settlers and got their demands sympathetically considered by the Colonial Office. It resulted in the creation of Central African Federation. Mau Mau rebellion, however, frustrated the hopes of transforming Kenya into a settler state, and it gave <sup>way</sup> to multi-racial state.

This conflict affected the evolutionary process in the adjoining territories. British intention of building multi-racial states increased the tension. But the nationalists had become a power to be reckoned with. We, therefore, find that by 1955 there was bitter struggle between the settlers and the nationalists. British Government was entrenched with the problem of safeguarding settler interests and reconciling the nationalists.

The inclusion of unofficials in the Executive Councils changed their character from autocratic body into representative institution. Though the Councils were still responsible to the Governor, the legislatures indirectly controlled the executive, as unofficials in their individual capacity were responsible to the legislatures. Moreover, by virtue of British parliamentary conventions, the executive was morally subordinated to unofficial opinion.

CHAPTER III



## CHAPTER III

### EVOLUTION OF LEGISLATIVE COUNCIL

In this chapter, we will discuss the evolution of the Legislative Council leading to the stage of self-government. This development, though differing in various colonies, can be divided into first, the official stage, when civil servants formed the councils, although a few representatives of the subject-people, African or Europeans were included as unoffi- cials at the discretion of the Governor. The second phase gave increasing representation to the unofficials without affecting the majority of the officials. The third phase witnessed the majority of unofficials preceding the attainment of self- government and independence. However, the Governor continued to have veto power even at this stage. The three phases were completed in different regions in the following way.

#### I

#### WEST AFRICA

The establishment of Legislative Council dates back to 1888 in the Gambia, 1863 in Sierra Leone, 1874 in the Gold Coast and 1922 in Nigeria superseding the Nigerian Council and Lagos Legislative Council.

A Legislative Council was established in Lagos immediately after the territory was proclaimed to be a Crown

Colony in 1861. The Council was to assist and advise the Governor in legislative matters. It comprised six officials, and four unofficials, two each from European and African communities. In 1913, the Protectorates of Southern Nigeria, Northern Nigeria and the Crown Colony of Lagos were amalgamated into one administrative unit. An advisory body, Nigeria Council, was established. It consisted of twenty-four officials and twelve unofficials: equal number being drawn from the European and African population.<sup>1</sup> Then, the Lagos Legislative Council was reconstituted to include Governor and three members. Its jurisdiction was confined to the Crown Colony. In 1922, a Legislative Council consisting of forty-six members - twenty-seven officials and nineteen unofficials - was set up, as stated above, in place of two bodies.<sup>2</sup>

Unofficials, including Africans, were nominated to these Councils from the beginning. There were six officials (three ex-officio and three nominated civil servants) and an unspecified number of unofficials in the Gambian Legislative Council.<sup>3</sup> The Sierra Leone Legislative Council consisted of five ex-officio members of Executive Council, two nominated

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1. Joan Wheare, The Nigerian Legislative Council (London, 1949), pp. 29-30.

2. *Ibid.*, p. 38.

3. Three members were nominated later: one to represent European interests and two African Christians from Bathurst. One Christian member was replaced by a Mohammadan in 1921. See Harry A. Galley, Jr., A History of the Gambia (London, 1964), pp. 185-6.

officials and one nominated unofficial.<sup>4</sup>

In the Gold Coast, unofficials were not nominated to the reorganized Legislative Council. This was resented by the European community who had representation in the Council until 1874. Educated Africans joined the Europeans in demanding representation to the Council. Two unofficials, one of them African merchant, were nominated in 1886.<sup>5</sup> One African and one European were nominated as additional unofficial members in 1894 and 1895.

This success inspired the traditional, merchant and educated Africans to demand greater representation in the Legislative Council. The Gold Coast Aborigines Rights Protection Society (ARPS) was jointly founded by them in 1897. In 1898, ARPS sent a delegation to London. It met the Secretary of State and secured the withdrawal of the Land Bill enacted by the Legislative Council in 1886. This development set the pattern of African politics on a different footing from East and Central African colonies.

The ARPS continued to agitate for representation to the Legislative Council. In 1916, Sir Hugh Clifford, Governor of the Gold Coast enlarged the Legislative Council. While official membership was raised to eleven, the Governor nominated

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4. Christopher Fyfe, A History of Sierra Leone (Oxford, 1962), p. 319.

5. David Kimble, A Political History of Ghana (Oxford, 1963), p. 415.

three members each from Europeans, Paramount Chiefs and educated Africans. This move was resented by educated Africans arguing that they had not been given due representation.

In 1917, J.E. Casely Hayford, leading member of the A.R.S., founded the National Congress of British West African. The Congress was supported by the educated Africans in all the four West African colonies. The Congress demanded 'self-determination' and a federation of British West African colonies. It also demanded "no taxation without representation". Hayford led a delegation to London and met the Secretary of State in 1921. His demands were almost revolutionary and indicated the political awakening of the Africans. The demands included:

...a legislative council one half elected, a 'house of assembly' containing the legislative council plus six financial members to control revenue and expenditure, municipal corporations with unofficial majorities, the appointment of Africans to judicial offices, and the establishment of a West African University. 6

Although the Congress failed in its move to unite the British West African colonies, it succeeded in getting advanced constitutions in Nigeria, Sierra Leone, and the Gold Coast.

The Gold Coast Legislative Council, provisioned in the 1925 Constitution, consisted of <sup>officials</sup> fifteen officials and fourteen unofficials: five European to represent mine, commercial, and other interests; three municipal members of Accra, Cape and

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6. Martin Light, The Gold Coast Legislative Council (London, 1946), p. 27.

sekondi municipalities representing educated Africans; and six representatives of the Provincial Councils of Chiefs. Three Provincial Councils were also set up: Western, Central, and Eastern which elected one, two and three members respectively.<sup>7</sup>

These changes widened the cleavage between traditionalists and educated Africans. The educated Africans criticized the nomination of members from the Native Councils, which were the preservation of traditional ruling class. Thereby, they argued, the Colonial Governments imposed the outdated Chiefs and Native Officials, which were the tools of the Colonial Governments and did not represent the African masses. This conflict stagnated the evolution of Legislative Councils until the Second World War.

In 1946, new Constitutions were granted to the Gold Coast and Nigeria. Gold Coast Legislative Council consisted of six officials and twenty-four unofficials: six nominated and eighteen elected.<sup>8</sup> The Nigerian Legislative Council consisted of sixteen officials and twenty-eight unofficials: four elected and twenty-four nominated from the native Regional Councils set up in each region - North, West and East. The Gambia Legislative Council was reconstituted. It

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7. Martin Wright, The Gold Coast Legislative (London, 1946), pp. 41-42.

8. T.O. Elias, Ghana and Sierra Leone: The Development of their Laws and Constitutions (London, 1962), p. 38.

consisted of six officials and six unofficials: one elected and five nominated. There was no change in the Sierra Leone Legislative Council.

But the new constitutions could not satisfy the nationalists. The war had stirred political activity. The Youth Movement gained ground under the leadership of Nnamdi Azikiwe (Nigeria) and Wallace Johnson (Sierra Leone). The liberal propaganda of Second World War inflamed political ambitions of the educated class. Political parties - such as United Gold Coast Convention (UGCC) and National Council of Nigeria and Cameroon (NCNC) - came into existence to press for constitutional advance.

Kwame Nkrumah, who was appointed Secretary of UGCC, led a procession of ex-servicemen in Accra on 28 February 1948. It ended into serious disturbances.<sup>9</sup> Breaking the ties with UGCC, Nkrumah founded his own party, Convention Peoples' Party (CPP). Similarly in Nigeria, Azikiwe became "the Negro Gandhi", "the jungle George Washington".<sup>10</sup>

The nationalists resented the changes introduced in 1946. Indirect elections by the native Councils enabled the traditionalists to maintain their hold in the Legislative

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9. U. R. Crocker, Self-Government for the Colonies (London, 1949), p. 63.

10. Described by the American weekly Time in its article on 9 June 1947 when Azikiwe visited USA, as quoted by U. R. Crocker, Self-Government for the Colonies (London, 1947), p. 47.

Councils. Even though the majority was constituted by the un-officials, they were ineffective as the Governors could bypass the legislatures. British Government sensed the dangers involved in violent disturbances and anti-colonial propaganda. It realized, as the Watson Commission probed into Accra disturbances, that the time had come to conciliate the popular forces by introducing rapid constitutional reforms before the nationalists were alienated. The Secretary of State for the Colonies indicated the British intention of granting "responsible government" ultimately.<sup>11</sup> Once the decision was taken, it led to further constitutional changes. The British Government granted new Constitutions to all the West African colonies in 1951.

The Gold Coast Legislative Council consisted of eighty-four members. Three ex-officio, one commercial and one mining representatives, four with no voting right; and seventy-five elected members: thirty-seven by the state Councils in the South, thirty-three by the regional Councils in Ashanti and the North, five by the electoral college of the rural areas of the Colony. The CPP won thirty-four out of thirty-eight elective seats.<sup>12</sup> As discussed in the previous chapter, the Governor invited Kwame Nkrumah to form the Government. Thus,

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11. Letter dated 14 October 1949 from A. Creech Jones, Secretary of State for the Colonies to the Governor, Sir C. Arden Clarke, quoted by G. E. Metcalfe, Great Britain and Ghana: Documents of Ghana History, 1807-1957 (University of Ghana, 1964), p. 692.

12. Journal of the Parliaments of the Commonwealth, vol. 32, no. 1, April 1951, p. 188.

Kwame Nkrumah became the Leader of the Government Business in the Gold Coast Legislative Council. He was installed as Prime Minister in 1952.

The 1951 Constitution set up Regional Legislative Councils in each region of Nigeria. These were called Regional Houses of Assembly. The Northern Assembly consisted of four officials, ten special members and ninety elected members. Western Assembly consisted of four officials, three special members and eighty elected members, and the Eastern Assembly five officials, three special members and eighty elected members.<sup>13</sup> The Presidents of the Northern and Western Assemblies were appointed from outside, while the Lieutenant Governor presided over the Eastern Assembly. Besides these, Houses of Chief were established in Northern and Western regions. Election procedures ensured predominance of the traditionalists.

The Nigerian Legislative Council was designated Federal House of Representatives. It consisted of six officials, six special members to represent communities not otherwise represented, and one hundred and thirty-six elected members. The elected members were drawn from the three Regions: sixty-eight from Northern and thirty-four each from Western and Eastern Regions. The regional legislatures were

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13. B.O. Nwabueze, Constitutional Law of the Nigerian Republic (London, 1964), p. 67.



to be electorate bodies to elect their representatives. As stated in the previous chapter, it gave importance to the Regional Houses. It led to the concentration of political activities in the regions. Thereby, national character of the political parties was weakened. One political party as the majority party/<sup>emerged</sup> in one region - National Council of Nigerian Citizens (NCNC) in Eastern, Action Group in Western, and Northern People's Congress (NPC) in Northern. NPC was the largest party in the Federal House of Representatives as half of the elected members were drawn from the Northern region.

The political activities were, as discussed in the last chapter, rather slow in Gambia. It was granted a new Constitution in 1951. Legislative Council was to consist of four officials and eight unofficials: three elected and five nominated.<sup>14</sup> It led to emergence of political parties, which demanded constitutional reforms. The colony was granted a new Constitution in 1954. It provided a new Legislative Council consisting of seven officials and fourteen elected members: seven from the Colony and seven from the Protectorate.

The Sierra Leone Constitution, promulgated in 1951 and amended in 1953, provided a Legislative Council consisting of seven officials and twenty-three unofficials: seven elected from the Colony, twelve elected by District Councils in the

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14. Journal of the Parliaments of the Commonwealth, vol. 32, no. 3, October 1951, p. 656.

Protectorate, two nominated by the Protectorate Assembly of thirty-five Chiefs, two nominated from the business community. It increased political dominance of the Protectorate in the Sierra Leone Legislative Council and stimulated political activities.

Thus the new constitutions established unofficial majority in the Legislative Councils in all the four territories. Though the executive was not made responsible to these Councils, the colonies achieved partial self-government. The next stage of development will be discussed in the next chapter.

## II

### EAST AFRICA

In East Africa, as discussed in the first chapter, British Government had granted Charter to Imperial British East Africa Company to administer the territories of Uganda and Kenya. The Company could not bear the administrative expenses and hence it was criticized. British Government took over the administration of the two territories respectively in 1893 and 1895, ending the Charter rule. It appointed a Commissioner in each territory. The Commissioner administered the Protectorate through Native Authorities. He set up a nucleus of central administrative machinery to control various Native Authorities within his own jurisdiction.

The evolution of Legislative Council started first in Kenya (1905). After the discovery of the Highlands, the territory was converted into a colony of settlement with the eventual aim of establishing responsible government under white rule. In 1905 a Legislative Council consisting of six officials and two unofficials (all Europeans) was set up. Indians, settled in the Protectorate, demanded representation in the Legislative Council. The Europeans opposed it.<sup>15</sup>

After getting the institution of Legislative Council, the Europeans demanded the right to elect their representatives themselves. On rejection of their demand, the unofficials boycotted the Council. A Committee, with majority of un-officials, was therefore, appointed in 1916 to consider the settlers' demand. On its recommendations, Europeans were given eleven elective seats in the Legislative Council in 1919.

In 1920, a Legislative Council was set up in Uganda. The Council consisted of four officials and two European un-officials. The nominated Indian member did not join the Council as a protest against discrimination between European and Indian settlers.<sup>16</sup>

Next three years saw the increasing pressure of Indian settlers. The Wood-Winterton Committee, appointed in

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15. Y.P. Ghal and J.P.W.B. McAuslan, Public Law and Political Change in Kenya (Nairobi, 1970), point out that an Indian was nominated to the Legislative Council in 1909, but he was dropped in 1911 under settlers' pressure. p. 42.

16. H.F. Morris and James S. Read, Uganda: The Development of its Laws and Constitution (London, 1966), p. 25.

1922, proposed election of seven Europeans and four Indians to the Kenya Legislative Council on a common roll. This proposal was opposed by the Europeans and rejected by the Kenya Government. They put direct and indirect pressure on the Home Government. In order to "escape from immediate embarrassment caused by the Asian claim", the British Government sought refuge in what has come to be known as the Devonshire Declaration of 1923 which proclaimed the "paramountcy of African interests".<sup>17</sup> The Declaration put a check on the European settlers' increasing dominance in the Kenya Legislative Council. Though it rejected the Indian demand for parity, their representation was increased in both Kenya and Uganda Council. A Legislative Council was also set up in Tanganyika, the former German East Africa, mandated to Britain.

The Kenya Legislative Council, in 1925, consisted of twenty officials and eighteen unofficials: eleven elected European, one nominated European to represent African interests, five Indians to be elected on communal basis (dividing Indian Hindus and Muslims on Indian pattern developed in India after 1909), and one elected Arab member. The Ugandan Legislative Council, in 1926, consisted of four officials and four unofficials: two European and two Indian members. The Tanganyikan Legislative Council, set up in 1926,

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17. Y.P. Ghai and J.P.W.B. McAuslan, Public Law and Political Change in Kenya (Nairobi, 1970), p. 49.

consisted of thirteen officials and ten unofficials, eight European and two Indian members.

The next two decades were occupied by agitation for representation in Kenya Council by all the races. Europeans demanded majority. Indians opposed by demanding 'parity' in representation. Africans resented representation of their interests by non-African members. The first African member entered the Council only in 1944, followed by a second African member in 1946.

The Legislative Councils in Uganda and Tanganyika continued to function without any change until the end of the Second World War. They were reconstituted in 1946. The Uganda Legislative Council consisted of ten officials and nine unofficials: three European, three Asian and three African traditionalists (one Kabaka's Minister, one Katikirro in rotation from Toro, Ankole and Bunyoro Kingdoms of Western Province, one Secretary-General in rotation of four Native Administrations functioning in Eastern Province).<sup>18</sup> The Tanganyika Legislative Council consisted <sup>of</sup> fifteen officials and fourteen unofficials: six European, three Asian and five African representatives (including one European). Simultaneously, a Committee was appointed to suggest further constitutional changes in Tanganyika.

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18. In 1949, one additional African member was nominated to represent reintroduced Northern Province.

In 1948, the Kenya Legislative Council was reconstituted. It consisted of eighteen officials and twenty-two un-officials: eleven European, seven Asian (Including two Arabs) and four African. At this stage the office of the Speaker was created.

These changes created difficulties. The importance of unofficial majority in Kenya Legislative Council was reduced because of racial conflicts. It embittered the Europeans aspiring for self-government. It increased on the other hand the indignation of African leaders. In Uganda, the Kabaka and the Lukiko opposed the change in Legislative Council arguing that it was an infringement to the special status of Buganda within the Protectorate of Uganda.

The Uganda Legislative Council was reshaped in 1950. It consisted of sixteen officials and sixteen un-officials. Four European, four Asian and eight African were drawn from the traditionalists and nationalists. Kabaka and the Lukiko again refused to nominate Bugandan members to the Legislative Council. The Council was again reconstituted in 1953 to reconcile the nationalists. It was to compose twenty-eight officials, including eleven "distinguished members of the public", called cross-benchers, "who would have complete freedom to speak and vote as they wished except on an issue treated by the Government as a matter of confidence".<sup>19</sup> Twenty-

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19. Quoted by David E. Apter, The Political Kingdom in Uganda (Princeton, 1961), p. 273. Cross-benchers were nominated on racial ground. There were six African, four European and one Asian cross-benchers.

eight members - fourteen African, seven European and seven Asian.- were to be unofficials in the Legislative Council.

A new Constitution was enforced in Kenya in 1954 to devolve the power, now, upon a multi-racial government. Two additional African members were to join the Legislative Council. Thus, the Council consisted of twenty-six officials and thirty elected unofficials: fourteen European, eight Asian and eight African. African members were to be elected by African Representative Councils.

On the basis of recommendations of a Special Commissioner, appointed in 1952, a new Constitution was promulgated in Tanganyika in 1955. The Legislative Council was to consist of thirty-one officials and thirty unofficials, ten each from European, Asian and African races.

The new constitutional changes proved a failure in Kenya and Uganda. In Kenya, an African Minister, appointed under the provision of 1951 Constitution, was defeated in the elections introduced by the 1954 Constitution. The newly elected African members refused to accept Ministerial post, and they also attacked constitutional provisions. It created a deadlock bringing the operation of the new Constitution to a standstill.

In Uganda, the Kabaka again refused to nominate Bugandan representatives to the Legislative Council. The reaction of Kabaka was declared tantamount to disloyalty and led to his derecognition and deportation to London. This

excited Bugandans making the opposition to Kabaka's exile a national cause. Kabaka was reinstated in 1955. Then the Legislative Council was reconstituted. It was to consist of thirty officials and thirty unofficials: six European, six Asian and eighteen African.<sup>20</sup> The procedure adopted in the nomination of African members gave predominance to the traditionalists in the Legislative Council.<sup>21</sup> This was resented by the nationalists. They demanded direct elections. The Bugandan traditionalists opposed the move and stressed the preferential status of Buganda. Besides, the racial composition excited communal feelings.

There was surprisingly enough smooth constitutional development in Tanganyika, politically and economically more backward than the other East African territories. The Tanganyika African National Union (TANU) under the leadership of Julius Nyerere captured the political initiative from colonial officials by winning over the confidence of all the races.

In this way a stage came about in East Africa where political decisions reached the crucial stage for the grant of

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20. Officials included thirteen cross-benchers: seven African, four European and two Asian.

21. African members were to be drawn from the Native Authorities in the following manner: five from Buganda, two from Ankole, two from Busoga, three from western province (one each from Kigezi, Toro and Bunyoro), three from eastern province (one each from Bukedi, Bugisu and Teso), three from northern province (one each from Lango, Acholi and western Nile). See David E. Apter, The Political Kingdom in Uganda (Princeton, 1961), p. 404.



self-government and independence.

### III

#### CENTRAL AFRICA

In Southern Rhodesia, the pattern of constitutional development was set by Cecil John Rhodes, who professed that the civilized people should not be subjected to arbitrary rule of officialdom. They should be granted self-government. But for him, civilized people were the European settlers. The philosophy of Rhodes excluded the African people from the Legislative Councils.

Southern Rhodesia was granted a Legislative Council in 1894. The Council consisted of five members nominated by the BSA Company and four elected members. The Administrator, appointed by the BSA Company, presided over the Council and like Governor he was given a casting vote.

The Legislative Council was reconstituted in 1903. Then it consisted of seven members elected by four electoral districts and seven members nominated by the BSA Company with the approval of the Secretary of State for Colonies. The elected members were chosen by an electorate, registered on qualitative basis. There were fifty Africans in the electorate.<sup>22</sup> Even they were affected when the franchise qualifications were raised in 1912.

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22. Claire Palley, *The Constitutional History and Law of Southern Rhodesia, 1888-1965* (Oxford, 1966), p. 136 n.2.

The majority of seven elected European members was created in 1911 by reducing the Company-nominated members from seven to five. Then onward the elected members struggled for the attainment of self-government. They secured first victory in 1913, when their representation was raised to twelve against six nominated members, besides Administrator and Resident Commissioner.

After the First World War, campaigners for self-government won twelve seats for the settlers in 1920. The British Government respected the voters' mandate. As negotiated, a referendum took place which voted for responsible government. In 1923 Charter Rule ended and a Constitution was promulgated granting self-government.

The development of colonial legislature thus passed all the three stages in between 1894 and 1923. Palley has summarized this development:

It reflected another aspect of British policy - that of devolution...of power...the introduction of representative government progressing through the stages of a minority of elected members; equality and eventually majority. It then led to responsible government subject to certain limitations, and finally to the present position of internal self-government.... 23

In Nyasaland, the Legislative Council consisted of six official members and three settler representatives. Settler representation was raised to six in 1911. In 1923

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23. Ibid., p. xxii.

the settlers set up an Association. Thereafter the Governor nominated settler representatives from the list submitted by this Association.

Northern Rhodesia lagged somewhat behind in so far as the evolution of legislature was concerned. From 1888 to 1924 the territory was administered by the BSA Company. Unlike Southern Rhodesia, the Administrator ran the administrative machinery with the help of an Advisory Council, set up in 1918, with five members voted by an electorate of settlers.

In 1924 Charter rule lapsed. Then, the Northern Rhodesian Legislative Council was set up. It consisted of nine officials and five nominated unofficials.<sup>24</sup> All of them were European. Later on, unofficials were elected only by British citizens. Being a Protectorate, Africans were not British citizens.

The Passfield Memorandum (1930) which restressed the "paramountcy of African interests" scared the settlers. They demanded parity in representation. The Africans dreaded settler politics. This fear, enjoined by economic hardship, resulted in the riots of 1935. It led to the reconstitution of Legislative Council in 1938. Official membership was reduced from nine to eight, unofficial membership was raised

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24. Unofficial membership was increased to seven in 1929.

from seven to eight, including one nominated to represent African interests.

After the War, a new constitution was enforced in June 1945. The Legislative Council consisted of nine officials and thirteen unofficials: eight elected and five nominated. The settlers accelerated their demand for amalgamation with Southern Rhodesia as discussed in the previous chapter. Roy Wellensky, during his visit to London in 1946, succeeded to get concessions from the Secretary of State for the Colonies. As a result a big change came in 1948. African members entered the Council first time. The Council consisted of ten officials and fourteen unofficials: ten elected European, two nominated European to represent special interests and two Africans.

Nyasaland being short of resources even to meet administrative expenses necessitated its amalgamation with neighbouring territories. The federation move resulted in reconstitution of the Nyasaland Legislative Council. In 1949, the Council consisted of nine officials; six settler representatives; one Asian member, chosen from a panel of three submitted by the Indian Chamber of Commerce; and two Africans, chosen from a panel of five names submitted by the Protectorate Council. The composition of Legislative Council on communal basis gave birth to racial feelings. The African opposition further increased after the federation of Nyasaland with the Rhodesias.

## IV

Thus to summarize the evolution of Legislative Councils, it is worth noting that the institution on the one hand represented the centralized national character of purely administrative unit and on the other hand awakened the political consciousness among the people. It established the fact that they could take over the government through this institution. Therefore, the political activities revolved around this institution.

The evolution of the Councils in various regions indicated the varied character from region to region and colony to colony. The British Government clearly favoured the traditionalists in West Africa. The CPP succeeded to reverse this trend in the Gold Coast. In Nigeria, traditionalists' position was well established.

The European settlers increased their political dominance in the Legislative Councils in Central Africa. This development affected the evolution in East Africa. There, the British Government was heading to foster multi-racialism to set up multi-racial governments. But the policy did not succeed.

CHAPTER IV

## CHAPTER IV

### SELF-GOVERNMENT AND INDEPENDENCE

The evolution of Executive and Legislative Councils, discussed in previous chapters illustrates two features: on the one hand the administrative system increasingly perpetuated the hold of 'bureaucracy' constituted by the British Colonial Civil Service, and on the other, the law making body, i.e., Legislative Councils and the decision making body i.e., Executive Councils brought the representatives - settlers or Africans - to the forefront. It stimulated the political activities. Though the traditional ruling class and the settlers increased their hold through constitutional mechanisms, the nationalists gained upper hand. They built their strength on mass support. It was but natural that they would strive to capture the organs like Legislative Councils and Executive Councils, which had become established instruments for the transfer of power to the local people. This led to the final phase of grant of self-government and independence.

#### I

### WEST AFRICA

In the Gold Coast, the Convention People's Party (CPP) under the leadership of Kwame Nkrumah emerged victorious in the 1951 elections. Nkrumah was installed as Prime Minister in 1952 and thus he and CPP were in a position to utilize the

governmental apparatus to increase their strength. Nkrumah denied that he was a communist and declared that "he was a friend of Britain".<sup>1</sup> This won support for him in Britain.

The 1954 Constitution granted self-government to the Gold Coast. Nkrumah headed a Council of ten Ministers. A new Legislative Assembly consisting of 104 popularly elected members came into existence.<sup>2</sup> The CPP won 72 seats. A regional party, Northern People's Party (NPP), showed its strength in the Ashanti region by winning 12 seats.<sup>3</sup> Later, the NPP, Ashanti Chiefs and the rich farmers formed a joint opposition called the National Liberation Movement (NLM). The NLM demanded a federal system of government which the CPP stoutly rejected.

New elections were held in 1956 to test the strength of respective parties. This time the CPP won 71 seats. The regional forces showed their strength by winning 27 seats.<sup>4</sup> After a phase of negotiation, Ghana (Gold Coast) got independence on 6 March 1957. The CPP and the NLM reached a compromise

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1. Quoted by James Johnson in the debates in the House of Commons on 19 February 1961, Journal of the Parliaments of the Commonwealth, vol. 32, no. 1, April 1961, p. 28.
  2. Seven municipal members, 39 rural members from the colony, 13 from Trans Volta, 19 from Ashanti and 26 from the North.
  3. Journal of the Parliaments of the Commonwealth, vol. 36, no. 1, January 1955, p. 95. Togoland Congress Party (TCP) won two seats, while fifteen winning candidates were independents, and one seat each was won by three parties: Ghana Congress Party (GCP), Moslem Association Party (MAP) and Anglo Youth Association (AYA).
  4. Party position in the elections was: CPP 71, NLM 12, NPP 15, TCP 2, MAP 1, Federation of Youth Organisations 1, and independents 2. See Journal of the Parliaments of the Commonwealth, vol. 37, no. 4, October 1956, p. 704.



under which regional assemblies were to be established. These regional assemblies were to comprise of members of the Legislative Council from the respective regions. The character and constitution of these regional assemblies was to be decided by a constitutional commission to be set up by the Independent Government.

The constitutional development in the Gold Coast stimulated the political forces in the neighbouring territories. Though Nigeria was ahead of Ghana in constitutional advancement it took more time to get independence. It was due to the fact that the 1951 Constitution divided Nigeria into three regions without defining centre-state relations. As members to the central legislature were to be elected by the Regional Houses of Assembly and Regional Houses of Chiefs, it strengthened the Chiefs' position and weakened the national position of political parties. The parties devoted more energies in the regions.

In 1954 Constitution the centre-state relations were defined. The central and regional assemblies were set up.<sup>5</sup> A Chief Minister was appointed in each region who chose his Council of Ministers. At the centre, the Chief Secretary

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5. The strength of Regional Houses of Assemblies was: Northern 4 officials, 10 special members and 131 elected; Western 3 special members and 80 elected; and Eastern 84 elected members only. Federal House of Representatives consisted of 3 officials, 6 special members and 184 elected members. Elected seats were filled by the Regions in the following proportion: Northern 92, Western 42, Eastern 42, Lagos 2 and South Cameroons 6.

continued to be the Head of government business. Official members were dropped from the Eastern and Western Regional Executive Councils and Council of Ministers. In this way a step towards self-government was taken.

In the elections of 1954, a major party emerged in each region. Thus, National Council of Nigeria and the Cameroons (NCNC) formed regional government in the East; the Action Group (AG) in the West; and Northern People's Congress (NPC) in the North. In the Federal House of Representatives NPC held largest number of seats as the North sent half of the total elected members. NCNC, however, won more federal seats than the Action Group in West Nigeria.<sup>6</sup> Therefore, the Governor General formed a Federal Council of Ministers consisting of six NCNC Ministers (3 from the East and 3 from the West), three NPC Ministers and 3 Civil Servants.

In March 1957, the Federal House of Representatives passed a Resolution unanimsously demanding independence for Nigeria in 1959. This led to rapid constitutional development. Official members were dropped from the Federal Council of Ministers. Thereby the Centre attained the position of self-government in 1957. The office of the Prime Minister was created at the Centre. Alhaji Abubakar Tafawa Balewa was the choice of three regional parties. In September 1957, he

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6. NPC won 79 seats out of 92 from Northern Region; NCNC 35 seats out of 42 from Eastern Region; while NCNC won 23 and Action Group 18 from the Western Region.

formed his Council of Ministers, with two members of Action Group also. A constitutional conference was convened. Ultimately, the leaders of the three regional parties co-operated. The strength of the regional and federal Houses of Representatives was enlarged.<sup>7</sup> Then, last official member, Attorney General, was also dropped from the Northern Regional Council of Ministers and this region also achieved self-government in May 1959. The Federal House of Representatives consisted of 320 elected members,<sup>8</sup> New elections took place in December 1959. The NPC again won majority seats.<sup>9</sup> Coalition government was formed by NPC and NCNC. The Council of Ministers formed by Abubakar consisted of NPC and NCNC Ministers. The Federal House of Representatives passed a resolution in January 1960 to grant independence to Nigeria. After a constitutional conference, Nigeria was granted independence on 1 October 1960.

The politics in Sierra Leone was coloured with the conflicting interests of Creoles in the colony with those of the Protectorate people. As discussed in the previous chapter, the 1951 Constitution had provisioned a Legislative Council consisting of 12 elected seats and 2 Chiefs from the Protectorate

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7. The increased strength of the Regional Houses of Representatives was: North 167, East 146, and West 124 members.
  8. 174 from North, 62 from West, 73 from East, 8 from Southern Cameroon and 3 from Lagos.
  9. In the elections, party position was: NPC 142, Northern Element Progressive Union (NEPU)/NCNC alliance 89, Action Group 73 members and Independents 8. See, Africa Special Report, vol. 4, no. 12, December 1959, p. 3.

against 7 elected seats from the colony besides 2 member representing business community and 7 officials. It was opposed by the predominantly Creole Party, National Council of Sierra Leone (NCSL) arguing that it was not a step towards self-government but "the true design is to govern the people by means of the 'Indirect Rule', through an overwhelming majority of Protectorate chiefs and/or British Protected persons,"<sup>10</sup> The anti-Protectorate stance of NCSL was opposed by the Sierra Leone People's Party (SLPP) founded by M.A.S. Margai in 1950.

Though SLPP won only six seats in the 1951 elections, its strength increased to fifteen with the joining of elected Paramount Chiefs and other Protectorate members.<sup>11</sup> The Council of Ministers was formed by Margai from amongst SLPP members and four officials. The Council was designated House of Representatives in 1956.

In 1957, a new Constitution was promulgated on the recommendation of the Governor. The Legislative Council was designated as House of Representatives. It consisted of 51 elected members.<sup>12</sup> The SLPP again won thumping majority in the elections.

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10. Petition submitted by NCSL. See Christopher Fyfe, Sierra Leone Inheritance (London, 1964), p. 327.

11. SLPP won two colony seats and four in the Protectorate. NCSL could retain only three colony seats.

12. 37 members were elected from the Protectorate: 25 by electoral districts and 12 paramount Chiefs by 12 District Councils; while 14 were elected by the colony.

Margai, however, persuaded the opposition parties to join the Government in a United National Front in 1960. It led to convening of London Conference in April-May 1960 to negotiate the final stages. As a result Sierra Leone became independent on 27 April 1961.

Contrary to the position in other British West African colonies, political parties emerged on religious grounds in Gambia.<sup>13</sup> The emergence of Democratic Party (DP), Muslim Congress Party (MCP) and United Party (UP) on communal and personality cults stirred the cool political atmosphere of Gambia. They pressed for constitutional reforms. The colonial government conceded their demand. The Governor Wyn-Harris consulted the constitutional problems with Gambia leaders in May 1953 and new Constitution was enforced in 1954. Legislative Council consisted of 14 elected members and five officials. The Speaker was to preside over the Council. The Executive Council consisted of four ex-officio, one nominated official and six unofficials.

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13. The political parties were formed on communal basis and centred on personality cult. Rev. John C. Foye, who had established his prestige being the oldest member of Bathurst Town Council and member of Legislative Council since 1947, founded Democratic Party in 1951. It was supported by Christians. In opposition, I. E. Garba-Jahumpa, another member of the Bathurst Council and elected to Legislative Council in 1951 founded his own party, Muslim Congress Party (MCP). It was supported by Bathurst Young Muslim Society and other Muslim Organisations. United Party (UP) was founded by P. S. N'Jie, a defeated candidate in 1951 elections, with the support of educated class. Jawara founded Progressive People's Party (PPP) in 1959. He formulated radical programme and centred on Protectorate support.

This system did not satisfy the nationalists. Indirect election was criticized on the plea that it was provisioned to maintain the hold of Protectorate Commissioners and 35 Chiefs' over 35 lakhs people. Worsening economic situation was exploited by the political parties to build their organisations. As the colony was barren of natural resources, it was hard to solve them rapidly.

After the visit of Lennox-Boyd in June 1959, a new Constitution was enforced in May 1960. It provisioned for direct election of members to the Legislative Council renamed House of Representatives. It consisted of four ex-officio, three nominated officials and twenty-seven elected members.<sup>14</sup> The United Party under the leadership of P.S. N'Jie swept the colony seats. But it could not win Protectorate seats, because colony-born men were not allowed to stand there. The party-wise position in the Council was: 8 Chiefs, 8 Progressive People's Party (PPP), 6 United Party and 3 Democratic Congress Alliance (DCA).<sup>15</sup> P.S. N'Jie became Chief Minister of coalition government with the support of Chiefs. Over it the PPP Ministers resigned their posts. They demanded revision of the Constitution.

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14. Seven from the colony, twelve from the Protectorate and eight representatives of the Chiefs.

15. Democratic Congress Alliance (DCA) came into existence after the merger of Muslim Congress and Democratic Party on the eve of 1960 elections.

It led to the convening of a constitutional conference in 1961 and a new Constitution came into force in 1962, making a provision for thirty-six elected members: seven from the colony, twenty-five from the protectorate and four by the protectorate head Chiefs. The post of Chief Minister was raised to Premiership. New elections were conducted.

The new elections were fought in alliance by protectorate-based PPP and colony-based DCA. Tribalism and Chiefs played a prominent role in the elections. PPP won eighteen seats while DCA only one. United Party won only five seats. The strength of United Party, however, increased to thirteen by the Chiefs' support and defections. After the elections ex-officio members were dropped from the Council of Ministers. The Council consisted of Governor, the Prime Minister and eight ministers. In 1963, it was designated Cabinet. The majority leader in the House of Representatives became the Prime Minister who was free to choose his Cabinet to be composed of six Ministers.

Final negotiations were discussed in the constitutional conference convened in London. Gambia achieved independence in 1965.

## II

### EAST AFRICA

In East Africa, Tanganyika was the first to achieve independence. Here the Tanganyika African National Union (TANU) was set up in 1954. Its leader, Julius Nyerere, proved

his leadership to deal with the situation. He succeeded in developing social, racial and political harmony in the territory. He took all the races into his confidence by saying: "We should, all of us - Africans, Asians and Europeans - ask the colonial office to transfer power to us in our capacity as Tanganyikans."<sup>16</sup> All the races supported him wholeheartedly. With the help of the United Nations and racial and political co-operation in the colony, it was possible to secure progress towards independence.

In 1957, ministerial system was introduced in Tanganyika. While civil servants were appointed ministers, unofficial members became assistant ministers. Direct elections were conducted on a common roll in September 1958 and February 1959. Each constituency was to return one member from each race (tri-partite system). Even then TANU won the majority seats. Thereupon, a new Council of Ministers consisting of seven official ministers and five unofficial ministers was set up in July 1959.<sup>17</sup>

TANU, which had proved its strength in the elections, opposed racial party and 'tri-partite system' of voting. As a result, a Committee headed by Sir Richard Ramage was appointed in May 1959 to suggest further constitutional reforms. On its

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16. Africa Special Report, vol. 1, no. 6, December 1956.

17. Five Unofficial Ministers were: three TANU members and one European and one Asian members who supported TANU. Nyerere remained outside the government to press for further reforms making the government more representative.



recommendations, new elections took place in December 1959. TANU won 70 out of 71 seats.<sup>18</sup> Julius Nyerere became the Chief Minister and formed a new Council of Ministers. In March 1961 a constitutional conference was convened in Dar-es-Salaam. As negotiated, Tanganyika got self-government on 1 May 1961. Then Julius Nyerere became Prime Minister. His Council of Ministers, now called Cabinet, was made responsible to the legislature. Tanganyika was granted independence on 9 December 1961, i.e., nineteen days ahead of the scheduled date.

In Uganda, there was a conflict between traditional elite and nationalists. Religious differences were also prominent.<sup>19</sup> The traditional system in Buganda opposed constitutional reforms. Nationalists were, on the other hand, pressing for constitutional reforms and direct elections. Their demand was conceded in 1957 providing for direct elections to the Legislative Council in 1958.

The traditionalists frustrated the hope of the nationalists. Buganda boycotted direct elections, and refused to nominate its members to the Legislative Council. Northern districts - Karamoja, Ankole and Bugisu - were not ready to

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18. 71 members were elected from 50 constituencies. Out of 71 seats, 11 were reserved for Asians and 10 for Europeans.

19. The Catholics known as "bafranza" formed Democratic (Christian) Party in 1956. Democratic Party persistently demanded direct elections hoping to wrest power from the Protestants, known as "baingereza", who had been monopolized in Native Administrations by the colonial government, by sweeping the elections (as in Buganda there were about 62.4 per cent Catholic adherents according to 1959 census).

hold direct elections. Therefore, only thirteen seats were filled by direct elections to the Legislative Council consisting of sixty members. As a result, the British Government did not contemplate responsible government at this stage.

The colonial government, however, proceeded to conduct direct elections, as scheduled in 1961. At this stage, Milton Obote formed his own party, Uganda People's Congress (UPC), breaking ties with Uganda National Congress (UNC) founded in 1952. In the elections, Democratic Party (DP) won forty-three seats, taking the advantage of boycott of the elections by the traditionalists. UPC won thirty-five seats, UNC only one while two seats were won by Independents. Besides, there were nine specially elected, seven nominated and three ex-officio members in the new Legislative Council. Benedicto Kiwanuka, leader of DP, became the leader of the House and Minister without portfolio.

The colonial government had, meanwhile, appointed the Munster Commission to recommend 'best suited' government for Uganda.<sup>20</sup> In accordance with Munster Commission's recommendations, Uganda got internal self-government on 1 March 1962. Benedicto Kiwanuka was raised to premiership. New elections took place in April 1962.

The UPC fought these elections in alliance with the Kabaka Yekka Party (KYP), formed by the Bugandan traditional-

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20. H. F. Morris and James S. Read, Uganda: The Development of its Law and Constitution (London, 1966), p. 70.

ists.<sup>21</sup> The alliance captured sixty-seven seats against twenty-four won by the DP.<sup>22</sup> Milton Obote formed new coalition government responsible to the legislature. On 2 October 1962 Uganda achieved independence.

The Africans in Kenya demanded direct election based on a common-roll. They adopted a policy of non-cooperation and boycott of the Legislative Council. In 1958, the Lennox Boyd Constitution repealed all the previous constitutional orders. The Legislative Council consisted of thirty-six elected, twelve specially elected and thirty-seven nominated members.<sup>23</sup> Government's attitude towards political parties was liberalized. It led to emergence of various political parties as could be seen in the composition of new Legislative Council.<sup>24</sup>

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21. UPC had won the support of Bugandan traditionalists by supporting the Bugandan Lukiko's right to opt for the method of election of Bugandan members to the Legislative Council.
22. UPC won 37 directly elected and 5 specially elected seats. Buganda nominated 21 members and captured 4 specially elected seats.
23. Elected members were drawn from different races: 14 Europeans, 14 Africans and 8 Asians. 37 nominated members were drawn from civil servants and European Corporate members. These 73 members elected 4 members each from European, Asian and African communities.
24. Party position in the new Legislative Council was as follows: 21 nominated, all the 12 specially elected and 8 directly elected European members formed New Kenya Party, supporting multi-racial government. Kenya National Party (KNP) secured the allegiance of 8 directly elected African, 8 directly elected Asian and 1 directly elected European members. Kenya Party (KP) was represented by three nominated and three specially elected members. Kenya Independence Movement (KIM) won 6 African seats in the direct elections. United Party (UP) captured 4

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The new Constitution did not accept the demand of common-roll. Hence, the Africans criticized it as an undemocratic step. They demanded "one-man-one-vote". Tom Mboya, a trade unionist and radical African leader, persuaded all the African members who were divided into different political groups to merge into one party. As a result all the African members belonging to Kenya Independence Movement (KIM) and Kenya National Party (KNP) formed their own group. This united group boycotted the Legislative Council till their demands were accepted. At this stage, strongest demand was put forward by the European United Party (UP), which came into existence with the amalgamation of the Briggs Independent Group and the extremist settlers' Federal Independence Party.<sup>25</sup> The UP advocated the liquidation of Legislative Council and to set up an Advisory Council consisting of members from all the races.

The British Government convened Lancaster House Conference in 1960, where momentous decisions were taken. The new Legislative Council was to compose sixty-five elected members: fifty-three on common-roll and twelve National Members. Out of fifty-three elected seats, twenty were reserved on

(f.n. 24 contd.)

elected European seats while there was 1 Independent European member. See Susan Wood, Kenya: The Tensions of Progress (Oxford University Press, 1960), p. 45.

25. Captain L.R. Briggs had formed a group of Independents, the middle of the road settlers. This group gained strength in the elections conducted under the provision of 1954 Constitution. See A. Marshall Macphree, Kenya (London, 1963), p. 146.

communal basis (twelve Europeans and eight Asians including two Arabs). A Council of Ministers consisting of twelve members, responsible to the Governor, was to be set up. Ministers were to be drawn as to have four civil servants, four Africans, three Europeans and one Asian. Westminster Parliamentary system and protection of minority were to be the guiding principle of further constitutional development. The African reaction to these decisions was reflected from the statement of Tom Mboya: "The five weeks of the Lancaster House Conference in January-February 1960 not only brought about the declaration we had sought that Kenya was to be an African country; it also reversed the whole constitutional process."<sup>26</sup>

But this victory proved momentary. Large tribes - Kikuyu, Luo and Kamba - accelerated their efforts to dominate governmental apparatus. Tom Mboya formed Kenya African National Union (KANU) under the presidency of James Gichuru in the absence of Jomo Kenyatta, who was in prison. Other minority tribal groups and parties formed Kenya African Democratic Union (KADU) under the presidency of Ngala, who had led the joint group to the Lancaster House Conference in 1960. KANU favoured a strong and effective central government. KADU stood for maximum possible decentralization.

In the 1961 elections KANU won nineteen seats. KADU could capture only twelve seats. Three seats were held by

26. Quoted by Y.P. Chel and J.P. B. McAuslan, Public Law and Political Change in Kenya (Nairobi, 1970), p. 77.

other tribal groups and independents.<sup>27</sup> But KANU refused to form the Council of Ministers unless its leader, Jomo Kenyatta, was released from prison. After a deadlock of two months Ngela became the Leader of Government Business. He formed a coalition government supported by KADU, NKP, Independents and one member of KANU. Nominated members also supported the coalition.

KADU supported the demand of KANU for the release of Kenyatta. He was released in August 1961 and was elected to the Legislative Council from Nairobi. Kenyatta demanded that Kenya be granted independence.

The disunity of African leaders and the issue of settlers protection led to the convening of the second Lancaster House Conference in 1962. As a result a new Constitution was adopted for Kenya. The country was to be divided into seven regions and Nairobi as a separate unit.

The above conference proved to be a patch work. Infighting among the leaders affected the political parties. Kamba Paul Ngei, one of Kenyatta's lieutenants, formed his own party, African People's Party (APP).<sup>28</sup> The elections were fought by the political parties on their ideologies. Tribalism

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27. Party position in the elections was KANU 19, KAU 12, New Kenya Party, formed by Europeans, 4, Kenya Coalition 3, Kenya Indian Congress 3, Kenya Freedom Party 1, Independents 9, Baluya Political Union 1, and Chungwaya Freedom Party 1. See Africa Report, April 1961, p. 6.

28. Macpherson, n. 25, p. 168.

played an important role. In the elections, KANU won sixty-seven seats, while KADU AND APP thirty-two and eighteen seats respectively. But KANU and KADU controlled three regions each. North-Eastern region boycotted the elections. They demanded association with Somalia.

Though KANU had established its claim for unitary form of government, KADU also proved its strength. Jomo Kenyatta was installed as the first African Prime Minister. His Cabinet was to be responsible to the legislature. Kenyatta pressed for revision in the constitutional provisions accepted in the second Lancaster House Conference (1962). He also appealed for unity to fight their common enemies: poverty, disease and ignorance. KANU's strength increased when the APP joined its fold. Prime Ministers of Uganda and Tanganyika also supported KANU's demand for independence to facilitate the federation of the East African countries. On 12 December 1963 Kenya achieved independence.

### III

#### CENTRAL AFRICA

The Protectorates of Northern Rhodesia and Nyasaland were federated with Southern Rhodesia in 1953, theoretically to foster partnership and co-operation between the inhabitants, but in practice, at the best it was only a desperate line of defence against the dangers perceived as a consequence of nationalism sweeping the continent.

In Northern Rhodesia, the settlers' demand to amalgamate with Southern Rhodesia came to a head after the publication of

Massfield Memorandum emphasising the "paramountcy of African interests".<sup>29</sup> The British Government did not accept this demand because of African opposition in Northern Rhodesia. The Bledisloe Commission, appointed in 1938, to suggest the British Government on this issue rightly observed that "if so large a proportion of the population of the combined territory were brought unwillingly under a unified government, it would prejudice the prospect of cooperation in ordered development under such a government."<sup>30</sup>

Immediately, after the war, the settlers accelerated their demand for amalgamation, fearing the nationalists upsurge.<sup>31</sup> The Labour Government accepted federation of Rhodesias with Nyasaland, if it was completed in goodwill. At that time, the victory of Conservative Party in Britain raised the hopes of the settlers. The settlers, supported by British South Africa Company (BSA Company) and other commercial concerns, won their case in Lancaster House Conference in April 1952.

As negotiated in the above conference, the Federation of Central Africa came into existence in 1953. A Federal Legislative Assembly was introduced. Twenty-six members

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29. David C. Mulford, Zambia: The Politics of Independence, 1957-1964 (Oxford University Press, 1967), pp. 9-10.

30. Harry Franklin, Upholy Wedlock (London, 1963), p. 21.

31. Southern Rhodesian Prime Minister disclosed his fear by saying that "I do not relish the prospects of an independent native state as a neighbour." See Harry Franklin, *ibid.*, p. 49.



(fourteen from Southern Rhodesia, eight from Northern Rhodesia and four from Nyasaland) were elected to this Assembly on a common-roll. Six African members (two from each territory) and three European members (one elected from Southern Rhodesia and one each nominated from Northern Rhodesia and Nyasaland) were to represent African interests.<sup>32</sup> A Council of five Ministers, called Cabinet, was appointed by the Governor General. The Governor-General was to act on the advice of his Cabinet Ministers.

The territorial representative institutions, as they were designated, were restructured. The membership of Southern Rhodesian Legislative Assembly was reduced from fifty to thirty. The Legislative Council of Northern Rhodesia consisted of a Speaker, eight officials and eighteen unofficals. The Executive Council consisted of four elected European members and seven officials. Nyasaland Legislative Council remained unchanged. The Executive Council was divested of all important matters transferring them to the Federal Government.

The Federation was resented by Africans and their leaders started to mobilize mass opposition. The settlers were out to achieve independence. They won one more point in 1966. The Federal Prime Minister was accepted as a standing invitee to the

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32. African and European members from Southern Rhodesia were elected by a predominantly settler electorate. African members from Northern Rhodesia and Nyasaland were recommended by African Representative Council and African Protectorate Council set up by the colonial government in respective territories. See Claire Palley, The Constitutional History and Law of Southern Rhodesia, 1888-1965 (Oxford, 1966), p. 367.

Commonwealth Conference. The joint statement issued by Federal Prime Minister and the Secretary of State on 27 February 1957 extended extra-territorial powers of Federal Government. It also granted complete freedom to the Federal Government in its internal affairs along the lines of established convention of British Parliament.<sup>33</sup>

This was followed by constitutional amendments of 1957 raising the membership of the Federal Assembly from thirty-five to fifty-nine.<sup>34</sup> Federal franchise was also revised in 1958. As a result fifty-three out of fifty-nine members were to be elected by a federal electorate consisting of 85,834 European, 7,134 African and 4,057 Coloured and Asian voters. The new Assembly constituted after the elections (held in 1958) consisted of forty-seven European (forty-five elected and two nominated) and twelve African (eight elected on common roll, four indirectly elected by African native Councils).

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33. Claire Palley, The Constitutional History and Law of Southern Rhodesia, 1888-1965 (Oxford, 1966), p. 408. Also see Keesing's Contemporary Archives (1957-8), pp. 15529-30.

34. 59 members were to be drawn in the following manner: 44 elected on common roll: 24 from Southern Rhodesia, 14 from Northern Rhodesia, and 6 from Nyasaland; 8 elected African (4 from Southern Rhodesia, 4 specially elected members - 2 each from Northern Rhodesia and Nyasaland); 4 Africans, 2 each elected by Native Councils in Northern Rhodesia and Nyasaland; and 3 European members to represent African interests. See Claire Palley, n. 32, p. 395.

This move further increased the bitterness of Africans.<sup>35</sup> The Federal Council of Ministers consisted of seven Ministers and two Parliamentary Secretaries. In April 1959, an African member was appointed as Parliamentary Secretary. The African nationalists, unable to make an onslaught on the Federal Government, accelerated their efforts in respective territories.

The territorial branch of the United Federal Party (UFP) of settlers in Northern Rhodesia pressed for the grant of self-government. It led to enforcement of Benson Constitution in 1959. The new Council was to compose of twenty-two elected (twelve from 'ordinary' constituencies, six from 'special' constituencies, having majority of African voters; two Africans from 'reserve' constituencies and two European from 'reserve' constituencies). The Council of Ministers was to consist of six officials and six unofficials, of whom two would be Africans. It strengthened settlers' hold further.

This Constitution was opposed by a younger generation of nationalists. Kenneth Kaunda broke away from the African

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35. N.M. Chirwa, specially elected member from Nyasaland to Federal Assembly exposed African resentment while speaking over the Franchise Act. He said: "It was obvious, therefore, that what was intended in Central Africa was that the Europeans must rule the Africans, and 'civilized persons' was a cloak under which they selected only a few Africans to put them on the roll as a mere show to the world that they were trying to be liberal." He said, "I resent very strongly indeed when they discuss matters... to which we are not a party at all." Debates on 5 March 1957 in the Federal Assembly, Journal of the Parliament of the Commonwealth, vol. 38, 1957, p. 473.

National Congress (ANC) and founded a new party, Zambia African National Congress (ZANC). ZANC took militant action. It boycotted the elections. ANC participated in the election. But it could win only one seat. Most of the seats were won by the settler parties. ZANC was banned before the elections.

Hastings K. Banda, after returning from London to Nyasaland, formed his own party, Malawi Congress Party (MCP). MCP stood for the liquidation of Federation and demanded revision in the representative institutions. The colonial government nominated two African members to the Nyasaland Executive Council.

The dominance of settlers in the Federation exasperated the Africans. They feared that the British Government would accept settlers' demand for 'Dominion' in 1960 when the federal structure was reviewed.<sup>36</sup>

The Review Conference was boycotted by the nationalists. Banda succeeded in getting the assurance for constitutional reforms in Nyasaland and the right of secession from the Federation. A Review Commission was appointed to study the Federation before any decision was taken.

Nationalists returned from London to continue their discussion in the territorial capitals. As negotiated, the

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36. Claire Palley, n. 32, "African leaders in Nyasaland and Northern Rhodesia, certain that United Kingdom would accede in 1960 to Federal demands for independence, totally and permanently rejected Federation, started militant political action, and set at all costs to achieve political power in the two Northern Territories and to destroy the Federation." p. 409.

Nyasaland Legislative Council was to have twenty-eight members elected by twenty-eight constituencies: eight containing higher franchise qualified voters (ordinary) and twenty dominated by lower qualified voters (special). Elections took place in August 1961. The MCP won all the twenty special and two ordinary seats. The UFP, territorial branch in Nyasaland, could win only five ordinary seats. Eighth ordinary seat was won by an independent European member, Cameroon. As a result of this, a new Executive Council was constituted with five officials and five unofficials. All of them were appointed as Ministers. This sweeping victory led to constitutional conference in November 1961. A new Constitution was negotiated which granted internal self-government to Nyasaland on 1 February 1962. Right of secession from the Federation and independence was finally accepted in September 1963 conference.

In Northern Rhodesia, the militant nationalists formed United National Independence Party (UNIP), after ZANC was banned. General elections to Northern Rhodesian Legislative Council took place in October 1962. No single party could secure majority in the legislature, while three National seats were left undecided. By-elections to these seats were fixed on 10 December 1962. Unlike other colonies, traditional Chiefs played an important part in bringing unity among competing African nationalist leaders in Northern Rhodesia.

After the by-elections, a coalition government was formed by ANC (seven members) and UNIP (fourteen members). The

UFP could win sixteen seats. The new Council of Ministers consisted of four officials, four UNIP members and three ANC members. Besides four UNIP and four ANC members were appointed as Parliamentary Secretaries. UFP failed to break African unity. Thus the settlers lost their battle in Northern Rhodesia as well. They dreaded its consequences in Southern Rhodesia. As discussed earlier, the right of secession from the Federation granted to Malawi in September 1963 wrecked the Federal structure. The Federation finally broke in December 1963.

The nationalists' victory in Northern Rhodesia and the break up of Federation led to further constitutional discussions. Northern Rhodesia was granted self-government in January 1964. New general elections took place in January 1964 to elect sixty-five members on common roll and ten in 'reserved' constituencies. UNIP won all the sixty-five common-roll seats and ANC ten reserved seats. Kenneth Kaunda, designated Prime Minister, formed his Cabinet consisting of thirteen Ministers. Northern Rhodesia achieved independence on 24 October 1964 under the new name of Zambia.

In terms of political development, Southern Rhodesia was more than a self-governing country in the British Commonwealth. The Federation had given power to her to withstand continental and international pressures.<sup>37</sup> It prompted Ian Smith

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37. Roy Lewis and Yvonne Foy, The British in Africa (London, 1971), "Rhodesia tapped the copper wealth of the north and drew in massive investments. Thus when the federation broke up the country was well-found to stand the seige, with good roads, defences and growing industries to take up the losses sustained by the vulnerable tobacco farmers."

to declare unilateral independence of Southern Rhodesia on 11 November 1965 breaking the protective illusion of interests by British Government, while other British African territories negotiated for their independence with the British Government.

#### IV

Before ending the discussion, it is interesting to note a few important outcomes. First, the British Government had more or less adopted the notion that it had come on a 'civilising mission' as 'trustee' of the underdeveloped people. The part played by her in the final phase was like that of an arbiter among the wrangling parties.

Secondly, the final outcome in the colonies has direct link with the initial stand taken by the British Administrators. The British Government extended its authority to West Africa to safeguard economic interests on the basis of treaties concluded with the African Chiefs. The pioneering administrators either left the African Chiefs untouched or maintained them through the system of Indirect Rule. In spite of the fact that the Chiefs were no more the spokesman of the people they did not lose their prestigious hold on the masses. Their influence is quite evident in the political parties which formed the independent governments. However, this was not the case in Ghana. Ashanti was conquered and the Ashanti Confederacy was destroyed. The educated Africans were raised to the positions in central administration. The policy underwent a number of

changes in the course of imperial rule, and the educated class replaced the traditional ruling class.

Southern Rhodesia was an exception in all the territories discussed here. There was no talk of paramountcy of African interests. The policy of partnership was propagated after 1940s, when the settlers increased their agitation for the amalgamation of two Rhodesias. Settlers in Southern Rhodesia were part of the population. Being civilized people, they had the right to get self-government. This policy strengthened settlers case and made it easy for Ian Smith to declare unilateral independence. In Kenya and Northern Rhodesia the paramountcy of African interests was officially declared where the powerful settler forces had to ultimately give in to the Africans.

Thirdly, the whole process took place within the constitutional framework. The African leaders had to negotiate for independence on constitutional lines. This method erased the bitterness of the nationalists about imperial rule. In brief, Britain succeeded to a large extent in safeguarding her economic interests which played significant part in deciding British colonial policy.



CHAPTER V

## CHAPTER V

### CONCLUSIONS

We have thus studied the British policy towards self-government in three phases. During the first phase British authority was extended to the African continent until the First World War broke out. The second phase started when no rival power survived to challenge Britain. This phase was devoted to making each administrative unit "self-reliant"; to exploit its raw materials and food stuff; and to fulfil the "moral obligations to the subject races... (in) such matters as the training of native rulers; the delegation to them of such responsibility as they are fit to exercise."<sup>1</sup> As a result, an administrative machinery was established which increased the hold of civil servants. The third phase started after the Second World War which revolutionized the relationship between the Europeans and the Africans. The Africans agitated for self-government. The devolution of power to the Africans took place within the established constitutional structures.

As noted in the first chapter, the British had gone to Africa for economic reasons. It was commercial concern which decided the political evolution of the colonies. The availability of rich minerals and fertile lands played an important role in attracting European settlement, which affected the

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1. Lord F. D. Lugard, The Dual Mandate in British Tropical Africa (London, 1922), p. 53.

political pattern in the colonies. The paternalist approach brought the missionaries who undoubtedly contributed to the social uplift of Africans.

As already stated, in each colony there were: (i) an administrative machinery, (ii) an Executive Council, and (iii) a Legislative Council. The evolution of these organs illustrates British policy of self-government to the Africans.

The policy of preserving traditional structure was defended for the welfare of Africans. But its preservation was in the interest of colonialist realism. The traditional structure was utilized to run the administration at local level.

In the colonies where European settlement did not take place the indigenous African states were reduced to weak, fragmented, and isolated tribal entities through the system of Indirect Rule. Excepting Northern Nigeria, Indirect Rule, however, failed because the traditional ruling class was swept by the onslaught of the African nationalists.

So far as policy towards self-government is concerned, the character, functioning and development of administrative machinery brings two factors into perspective: first, it was based on racial and social discrimination; and second, the Africans were generally confined to the level of Native Authorities or local government. Few Africans were recruited to senior posts. There were only 36 per cent Africans in senior posts in Ghana in 1954. The total number of Africans holding senior posts in 1948 was about 10.3 per cent in Nigeria.

In East and Central Africa according to an analysis by James S. Coleman, there were 83.5 per cent Europeans, 12 per cent Africans and only 4.5 per cent Africans in higher civil service in Tanganyika. In Central Africa, while Federal and Southern Rhodesian civil service was wholly manned by Europeans, in Nyasaland there were 89 per cent Europeans, one per cent Asian and 10 per cent Africans.<sup>2</sup> Africans were much indignant in Kenya on not being allowed to join the colonial civil service.

In brief the result of this policy was that the post-Independent African countries were left with two options only: to retain the white administrators, or to replace them by Africans at the cost of efficiency. The second course increased the chances of political corruption and further embittered the educated Africans. This development was to create political instability and a barrier in the functions of independent democratic government.

Looking from the angle of self-government the whole process can be summarized in the following manner. Initially there was rule by officials in each colony. The next step led to the establishment of Executive and Legislative Councils. Though officials constituted the majority in both the bodies, a few unofficials were nominated to the Legislative Councils to impart parliamentary functioning. Then the system of selected

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2. James S. Coleman, "Political System in Multiracial Africa" in The Africa Special Report, vol. 3, no. 6, June 1958, p. 5.

members was introduced. This gave a right to the subject people to choose their own representatives. At this stage, unofficial members came to be nominated to the Executive Councils. With the creation of unofficial majority in the Executive Council, unofficial members were given responsibility in executive matters. The party elected with a majority formed the Council of Ministers. Defence and external affairs remained in the hands of British Government. Finally, the British Government withdrew by transferring authority to this elected Cabinet. Thus, Legislative Council was instrumental in securing the transfer of power through gradual and constitutional means.

The evolution and composition of representative institutions until Second World War, however, highlight that the British policy towards self-government quite differed from the policy of post-war era. Secondly it differed from region to region and even from colony to colony.

In West Africa, the policy aimed at developing self-government to be shared by the British colonial administrators and the traditional ruling class. The Legislative Council was introduced for the functioning of this government.<sup>3</sup> Initially

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3. The Governor of Nigeria, Sir Hugh Clifford said in the opening address to the Nigerian Legislative Council in 1922: "A Council as this differs from the Parliament of self-governing Dominion in the essential particular that the members comprising it are not divided into two parties - a Government and an Opposition - representing two divergent schools of thought concerning the principles and methods of administration and perpetually engaged in attempts to retain or to eject from office one or another of these factions.... The Council is designed, therefore, not to weaken or hamper the efficient administration of the country, but to aid and strengthen the Government." See Joan Wheare, The Nigerian Legislative Council (London, 1949), p. 42.

the nomination of unofficials was on the discretion of the colonial government. Before the Second World War officials constituted majority in the West African Legislative Councils while the Executive Councils continuously remained official bodies. Unofficials were heavily drawn from the traditional ruling class, which, as we have seen, was subordinate partner in the colonial administration.

In Central Africa, British policy tended to raise the settler community to the status of (internally) self-governing people. In tune with this policy, settlers in Southern Rhodesia achieved self-government in 1923 and shared authority in Northern Rhodesia and Nyasaland. No African member could enter the Councils before the War.

British policy pursued in Central Africa affected the evolution of representative institutions in East Africa. The settlement in Kenya Highlands brought Kenya into the sphere of Central Africa.

The above policies underwent a drastic change in post-war era. A number of scholars have analyzed the causes of change in British policy leading to decolonization. According to general debate it was brought about by external pressures and internal resistance. The Second World War undoubtedly developed liberal ideology and created an anti-colonial atmosphere. International rivalry and division of world into two camps exposed the colonial authorities to increasing criticism which was detrimental to their economic and political interests. The crisis over Suez

Canal (1956) showed the gravity of the situation. It was politically and economically unwise to pursue pre-war colonial policies.

This trend made it difficult for the imperialists to maintain their supremacy. At the same time, the war propaganda had inflamed the aspirations of African nationalists. The Imperial powers became morally and politically bound to introduce constitutional reforms. Pre-war social, economic and political development resulted in the emergence of politically conscious people. The political movements of West African educated class and settler politics in Central Africa helped to awaken political consciousness. There was economic frustration for exploitation by the nationalist leaders to mobilize resistance against colonialism. Their movements not only created the problem of law and order and caused criticism in UN but also drained the revenue.

It is worth noting that the pillars of colonial governments - traditional ruling class and settlers - had become a source of trouble for the colonial governments. Various commissions, such as Watson Commission which inquired into Accra disturbances (1948) or Cox Commission which inquired into Sierra Leone Protectorate disturbances (1956), observed that "the star of rule through the Chiefs was on the wane" and that the traditional Chiefs were no more leaders of the people.<sup>4</sup> Similarly

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4. His Majesty's Stationery Office, Report of the Commission of Inquiry into Disturbances in the Gold Coast 1948 (London, reprinted 1949), pp. 7-8.

Commissions like Bledisloe Commission inquired into the Copperbelt (Northern Rhodesia) riots (1935) confirmed growing African resentment against settler politics. The gap between the African nationalists and the Europeans was widening. Mau Mau rebellion (1952) underscored the dangers involved in the continuation of old policies. Above all, the nationalists demanded increased representation in the Legislative Councils through direct elections. The British Government realized the need to conciliate the militants. This led to constitutional development during the final phase.

British policy changed altogether, but it still differed from region to region. In West Africa, the natural course was to lead the Africans to self-government and to keep them associated with Britain in any form - for example in the Commonwealth. In Central Africa, the policy was twisted as to make the Africans junior partner of the settlers in the self-governing states. In East Africa, again taking note of settler interests in Central Africa, the British Government attempted to develop self-governing racial pyramid in which the Europeans occupied the top, the Asians the middle and the Africans constituted the base.

The above stages were clearly illustrated in the evolution of representative institutions in different regions. In West Africa, the unofficials captured Legislative Councils in early 1950s and increased their representation in the Executive Councils. In Central Africa, Africans were nominated to the



Northern Rhodesian and Nyasaland Legislative Councils and declarations were made to make provisions for the uplift of Southern Rhodesian Africans. The evolution of East African Legislative Councils clearly indicates British policy of developing multi-racial governments.

The post-war constitutional development mobilized political movements and resulted in the emergence of political parties. The British design was also shattered by the 'diehards' in both the camps - settlers or nationalists. Rapid decolonization became a necessity. British policy was successful since it ceased to be the main target of the nationalists. Now there was struggle between various interests developed in each colony during the British colonial rule. British Government was playing the role of settling the disputes between these divergent forces. These forces were strengthened by the colonial rule and thus British conception about the grant of responsible government had become a fact.

In West Africa, the nationalists were striving hard to overthrow the traditionalists, who were strengthened by the colonial rule. In Central Africa, there was a bitter struggle between the settlers and the nationalists. In East Africa, the nationalists were fighting with multi-racialism as well as traditionalists. The radical slogans of the nationalists attracted the masses and resulted in the emergence of viable political parties. Again, these parties demanded direct

elections on universal suffrage.

The British Government had increased the political dominance of traditional ruling class or settlers through the franchise mechanism. Indirect elections of African members to the Legislative Councils through the Native Councils, which were overwhelmingly dominated by the traditional ruling class, enabled them to increase their strength in the Legislative and Executive Councils. Similarly, higher qualifications for franchise right limited the electorate in West Africa. The settlers dominated in Central Africa. This also helped in the election of men of privileged class and settlers. The nationalists, therefore, demanded direct elections on universal suffrage.

The result was the overwhelming victory of the nationalists in the elections. It paved the way for the grant of self-government. Once an elected majority formed the government, it was difficult for the British Government to continue. Secondly, the nationalists who won the elections on the ground that they would strive for the independence demanded it. In this way, the Africans achieved self-government and independence in a constitutional manner.

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