Chapter III

ON THE ROAD TO SELF-GOVERNMENT

In the 1950s, while the Conservatives were busy in creating bigger units - economically viable and politically independent - out of smaller ones, in Central Africa and West Indies, they were committed to guiding other territories like British Guiana, Gold Coast, Nigeria, Kenya, Uganda, Malaya, etc. on the road to self-government which, in turn, was the gate to independence within the Commonwealth. Broadly, the aim of British colonial policy was to aid and encourage people eventually to run their own affairs, but the tempo and the precise form which it might take differed from time to time, and territory to territory, depending upon the particular circumstances and conditions prevailing in different colonies.

Lyttelton himself said on more than one occasion that there could be, except on the broadest lines, no uniform colonial policy applicable to so varied and kaleidoscopic a scene presented by the colonial territories. There was, however, he said, one golden thread of policy which ran through this coat of many colours, and that was to give an increasing measure of

responsibility for the management of their own affairs to all these races. And, therefore, one could not expect the same rate of progress or apply the same policy in the territories which had a sizeable White settlers who had made permanent homes there for example in Kenya. But Lyttelton had made it clear, soon after his appointment in 1951 as Colonial Secretary, that the Conservative Government had no intention of going back on the constitutional changes already made in the colonies or of retarding progress. In other words, he said they would not be committed to what was pending or under consideration, but what was already done or promised would be carried through.

In this chapter, it is proposed to examine constitutional progress in British Guiana, Kenya, Nigeria and Uganda and see how far they did fulfil their promise of not reversing the clock in these territories.

(A) BRITISH GUIANA

Background

British Guiana was one of the mainland colonies in the Caribbean area which remained outside the West Indies Federation

2 Lord Boyd told me how absurd it was to expect from the less sophisticated territory, the same rate of progress as the more sophisticated one. *Interview* with Lord Boyd, formerly Lennox-Boyd, in London, on 26 March 1970.

3 *Daily Telegraph*, 8 November 1951.
and its economic and political problems were circumscribed by its unusual geographical and topographical situation. In area, she is as big as British Isles, but the vast majority of the inhabitants - Amerindians, Africans, East Indians, Portuguese, Chinese and Europeans - lived along the narrow coastal strip which had to be rescued from swamps by constructing costly sea walls to hold back the tides, and a drainage system which involved a ceaseless battle to keep the land dry.

Although the colony produced sugar and rice as the principal export crops, sugar was King. It was based upon the plantation system, the foundation of which was laid during the period of African slavery and later maintained by a system of indentured East Indian "coolie" labour. Most of the sugar

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4 The British Guiana Constitution Commission, 1927, described the colony - "The Land of Six Peoples" - as a "congregation of races from all parts of the world, with different instincts, different standards and different interests."

5 In a population of 563,800, estimated in December 1952, the distribution of race groups was:
East Indians 207,000
Africans 162,000
Mixed or coloured 49,100
Portuguese 86,000
Europeans 4,100
Chinese 3,400

6 In the words of the Robertson Commission of 1954, the general economic picture was "one of an unremitting and costly struggle against geographical and physical difficulties."
estates were owned by three big sugar companies, registered in England. Messrs. Booker Brothers, McConnell & Co. Ltd., Sandbach, Parker & Co. Ltd., and Messrs. S. Davson & Co. Ltd. Their aim was the largest possible production and profit. In consequence, they were opposed to a policy which would accommodate a peasant economy for which there was little possibility of developing since a drainage is usually beyond the resources of a single individual. There was, thus, a conflict between the plantation owners and the peasant cultivation, the labour supply being unsatisfactory to the former, and the conditions of labour, including housing and the amenities of living being unsatisfactory to the latter. It was quite fashionable for the plantation owners then to argue that they were carrying on a struggle with factors that were to a considerable extent

7 The Booker Brothers, the largest, alone owned twelve of the seventeen plantations, eleven of the sixteen sugar factories and over fifty subsidiary companies in the colony. Robert D. Tomasek, "British Guiana: A Case Study of British Colonial Policy", Political Science Quarterly (New York), vol. 74, no. 3, September 1959, p. 396.

8 Audrey Jupp said: "The vast majority of the Guianese suffer the divest poverty in shocking conditions of nutrition and housing... In 1954 only 382 houses out of a total of 7,994, in Georgetown were classified as structurally sound." Audrey Jupp, Facing Raids in British Guiana (Union of Democratic Control, London, 1957), p. 1.

beyond their control. As a result, the sugar estate owners were violently opposed to trade unionism among the plantation workers. It was this attitude of the employers which was primarily responsible for the then prevailing state of economic unrest and political tension in the colony.

As in other territories, in British Guiana the post-war period saw a change in the attitude of the common masses. There was a renewed outburst of political awakening. And with the help of new political parties whose programme reflected the needs and aspirations of the long-neglected plantation workers, the trade union movement began to be reorganised under militant leadership. There was also a demand for complete self-government based upon a genuine democratic constitution linked with this trade union movement.

The rise of the "new spirit" in British Guiana induced the then Labour Government to appoint a Royal Commission, in October 1950, to review the Constitution of British Guiana in the light of the economic and political development of the

10 Ibid., pp. 555-6.


12 The Commission consisted of Sir John Waddington as Chairman, Professor Vincent Harlow and Rita Hinden as members.
colony and make recommendations. "Witness after witness, who came before us", said Rita Hinden, a member of the Commission, "spoke of his 'frustration' which led me, at any rate, to believe that the only answer was to make a clean break with the past, to give the vote to everyone and put the onus on popular leaders to raise the country out of its morass." The Commission, therefore, recommended the granting of a constitution which would give to the people of British Guiana an increased opportunity to practice self-government in most of its essentials. In his despatch on the report dated 6th October 1951, the Labour Colonial Secretary agreed in principle, with the Commission's main recommendations in favour of universal adult suffrage, an increased elected majority in the legislature and ministerial responsibility for elected members. On the one controversial issue on which the members of the Commission were not unanimous, i.e., whether the new legislature should consist of one or two chambers, the Colonial Secretary expressed himself in favour of a bicameral legislature. As much of the preparatory work was to be carried out in connection with the proposed new constitution, he expressed the hope that it would be possible to introduce the new constitution early in 1953.

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The next initiative was taken by the Conservative Government in implementing the recommendations of the Waddington Commission. In his dispatch dated 5th August 1952, the new Colonial Secretary, Lyttelton, expressed the hope of bringing the new constitution into force during the first half of 1953, and at the latest by June of that year, so as to enable the Ministers to frame their policies in time for the budget session towards the close of the year. Accordingly, the new Constitution was introduced in British Guiana towards the end of April 1953. The final scheme, approved by the Colonial Secretary and by the Legislative Council of British Guiana, provided for a House of Assembly consisting of twenty four elected members, chosen by adult suffrage from single member constituencies, delimited by the Waddington Commission, together with three senior officials of the colony appointed by the Governor; an Upper Chamber, the State Council of nine, six nominated by the Governor in his own right, two chosen by the majority in the Lower House and one member to be appointed by the Governor to represent a minority group in the Assembly; and an Executive Council with the Governor as Chairman, the three senior officials, and seven Ministers, one chosen by the State Council, six by the House of Assembly. Provision was

15 The Times, 28 August 1952.
made for the machinery for the settlement of disputes between the two Chambers by joint sessions, and reserved powers for the Governors. Her Majesty had reserved full power, not only to amend or revoke the Order-in-Council but "to make laws for the peace, order and government of the colony."

In Britain, the new Constitution was generally regarded as a progressive one, capable of being used as a stepping stone to self-government, as Dr Nkrumah used the Coussey Constitution in the Gold Coast. Outside Parliament, however, a few complained that it was dangerous to introduce universal suffrage, an elected Lower House and responsible Ministries all at once, while the Communists regarded this as well as all other colonial constitutions as a mere "imperialist device". Although this Constitution was a considerable step forward in British Guiana's march towards self-government, many Guianese felt that the Governor had ample powers to curb any action by the Prime Minister and the majority party which he (Governor) felt, would be damaging or otherwise. The checks written into the Waddington Constitution, according to Dr Cheddi Jagan, were "fundamentally designed to maintain the

16 Cheddi Jagan, n. 5, pp. 45-46. The People's Progressive Party then described the Constitution as an "insipid document...written by an old colonial governor accustomed to the sweets of domination, a Professor of History who said British colonial pirates were motivated by a 'spirit of adventure' and a Fabian Socialist who believes that only gradually, step"
status quo, to protect the imperialist interests of the British Government with its needs for primary products to meet Britain's dollar deficit, and to protect the colony's capitalists and their profits."

In spite of this criticism, the People's Progressive Party led by Dr Jagan thought it worthwhile to fight the election under the new Constitution and then try it out until a more liberal one could be secured. The elections took place on 27 April 1953 and Dr Jagan's party returned to power with an absolute majority, securing eighteen seats out of twenty-four. And Dr Jagan became the first Prime Minister of British Guiana.

In the early months after the election, the policy of the new P.P.P. Government was not to challenge a head-on collision with the planters. Without abandoning his claim to lay the foundations of a specifically Socialist society, Dr Jagan was quick to recognise the limitations within which he was

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by step and inch by inch, must any progress come about." Quoted by Audrey Jupp in Facing Facts in British Guiana, p. 2.

For voting details see 518 H.C. Deb. 5s. col. 377, 28 October 1953, Written Answer, Lyttelton; for election analysis 521 H.C. Deb. 5s. col. 1628, 7 December 1953, Ede, Labour M.P.
obliged to work. However, soon they found involved in a dispute over trade union recognition. The Manpower Citizen's Association was traditional and widely recognised union in British Guiana, apparently approved by the Sugar Producers' Association and the Aluminium Company. To oppose this "Employers' Union" there was growing up a parallel union called the Guiana Industrial Workers' Union for general workers under militant leadership of Dr Lachmansingh, Minister of Health and Housing in the P.P.P. Government. After a summer of growing tension between workers and employers, the S.P.A. agreed to recognise the G.I.W.U. at the beginning of September only if it amalgamated with the M.P.C.A. Dr Lachmansingh refused this and called the sugar workers on strike. And when the strike turned out to be a failure, they introduced a Bill into the House to make the Minister of Labour solely empowered to decide which union should be recognized by employers.

It was not, then, surprising that a state of tension should have prevailed in a colony run for years by men who depended for their profits on an inexhaustible supply of cheap labour, and suddenly taken over by a popularly elected

18 His remark that "Nationalisation is a part of our Socialist programme, but the Party must decide the time to nationalise, depending on the circumstances..." gave a clear indication of the direction of his policy. "The Story of British Guiana", New Statesman and Nation (London), vol. 46, 17 October 1953, p. 453.
nationalist government bent on social reform and the liquidation of the companies' private empire. The public feeling against the Governor and his officials began to grow as a result of the latter's attitude to shield the sugar planters at the cost of legitimate demands of the sugar workers for higher wages and better social conditions. During the deadlock between the P.P.P. Ministers and the Governor and his official advisers, no rioting or violence took place. But there were rumours, spread no doubt by the sugar interests, that the PPP leaders planned violent action to force the sugar companies to resume negotiations and grant workers' demand.

Movement of Troops and Suspension of the Constitution

It was against this background of suspicion that Lyttelton despatched warships and troops to the colony on the ground that the local police and militia might prove unreliable should violence really break out. A statement issued by the Colonial Office, on 7 October 1953, said that the disappointing and anxious conditions that had prevailed in British Guiana since the new Constitution was brought into force, had for several years...

19 The Chief Secretary of British Guiana, John Gutch, was reported to have said on 4 October 1953 to a Sunday Dispatch Reporter, on Radio Telephone: "There is still unrest on some sugar estates, but we have not asked for a cruiser to be sent." Quoted by Cheddi Jagan in The West on Trial (London, 1966), pp. 147-8.
months caused Her Majesty's Government serious concern. It alleged that the intrigues of Communists and their associates, some in Ministerial positions, threatened the welfare and good administration of the colony and if these processes were to continue unchecked, an attempt might be made to set up a Communist-dominated state resulting in bloodshed. In view of the latest development, Her Majesty's Government had felt it necessary to send naval and military forces to Georgetown with the utmost despatch, in order to preserve peace and safety of all classes.

The Governor's request for warships and troops (if indeed he asked for) was questioned by the Manchester Guardian. It said, there appeared to be no disturbance in the colony, at the moment, apart from a strike in the sugar industry affecting three out of fourteen large sugar estates. And, therefore, what specific danger prompted the Governor to ask for troops, and what he would do with them when he got them there, was the subject of speculation for some time.

20 Daily Telegraph, 7 October 1953.

21 Manchester Guardian, 8 October 1953. The Daily Telegraph (7 October 1953) reported: "All is quiet to night in this colony with its half million inhabitants. The atmosphere is tense, however, after a London report that the Constitution will be revoked, but no crowds have been collecting or demonstrating."

22 "Whatever happens in the next few days", the PPP circular, headed "On Guard", directed its members, "let us

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While this hectic activity was going on, the British Government announced, on 9 October 1953, the actual suspension of the Constitution of British Guiana. In a statement, Lyttelton said that a decision to suspend the Constitution was taken "to prevent Communist subversion of the Government and a dangerous crisis both in public order and in economic affairs." He said, he was quite satisfied that the elected ministers and the Party were completely under the control of a Communist clique, with a "Communist plot" to seize control of the whole life of the territory and to run it on totalitarian lines. He, however, explained that there was no change in the policy of Conservative Government of encouraging political advance, as stated by him when he took the office. Later, at a meeting of Young Conservatives, at Caxton Hall, Westminster, he was reported to have said: "We have no intention of governing any

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remain firm and calm. If our leaders are arrested, new leaders will spring up. If our country is placed under martial law, let our people stay in their houses and go about their several businesses in peace. Let us not be trapped in these attempts to provoke us... This is the time for discipline and unity in all ranks."

The Times, 9 October 1953.

Cmd. 8930/1953, British Guiana - Suspension of the Constitution, Appendix B, pp. 16-17. The PPP was described by the Georgetown correspondent of The Times (16 October 1953) as "embodying nationalists, grievance-ridden intellectuals and workers, loafers and malcontents."
country by force and we wish to lead them along the path of greater responsibility towards managing their own affairs. The setback must not deter us or divert our view from that simple proposition." On the same day (i.e. on 9 October 1963), in a broadcast in British Guiana, the Governor announced the measures he proposed to take to meet the situation. He said that the Government would be carried on under the then Constitution, as modified by amending instruments, and an Interim Government, with which Guianese would be fully associated, would be provided, as soon as, circumstances permitted. He, also, announced his intention to introduce economic measures to restore the health of the colony.

The action of the British Government in suspending a liberal constitution, only just granted with the deliberate intention of educating a colonial people by practice in the art of self-government, was a rare and grave departure from regular British policy. But no other course, according to

24 He added whatever the people might think of sending troops to British Guiana, no people had lost their lives and very few had lost their property during a period of violent constitutional change. It had become absolutely necessary to suspend the Constitution and try to re-establish the life and economy of the colony, in such a way that there was no loss of life.

Manchester Guardian, 15 October 1953.

The Times, was possible if the Ministers, thus brought into power, showed themselves actively disloyal to the Constitution from which they derived their authority, and used the form of parliamentary government, in order to prepare a dictatorial regime which would extinguish the liberties of the people. The action of the British Government was also backed by the

Financial Times which considered it, "decisive" and "in time" - the two qualities whose re-appearance in British colonial policy must be welcomed. The Government, it said, was determined not to add British Guiana to the long list of disasters which included Malaya and Kenya, and also, it was not willing to allow the ideal of self-government in colonial territories to interfere with the strategic safety of the Commonwealth, or the well-being of the colonial peoples themselves. In her article, in the Manchester Guardian, Rita Hinden observed that right from the moment of the publication of the Waddington proposals,

26 The Times, 10 October 1953.
27 Financial Times, 10 October 1953.
Rita Hinden added: "And if any one should say, in the case of British Guiana, that the people there are entitled to a Communist Government because they voted for it, let him be reminded what really happened. Desperately poor people voted, in all innocence and many for the first time in their lives, for a party which promised more food, more homes, more wages. That was what they voted for, and nothing else."
the PPP made it clear that this was not the Constitution they wanted: they wanted power, complete and unchecked. And, once they came to power, they could do what they wanted by overriding every obstacle that impeded them, even altering the processes of law to their convenience and thus eliminating all trace of opposition. In short, democratic institutions given by Britain, she said, were being used as a stepping stone to the totalitarian state. The granting of a new Constitution, she, therefore, said, must always then be an act of faith, and Britain must go on making these acts of faith in spite of occasional setback but "where our trust is deliberately perverted...we become partners to the betrayal if we take no action while we still can."

The British Government's White Paper on the suspension of the Constitution seemed weakest, on first reading, in the sections suggesting that the PPP leaders were "prepared to go to any lengths, including violence, to turn British Guiana into a Communist State." Commenting on the White Paper The Times said the "Communist plot" was not exposed in it with the clarity and completeness that many in Britain expected. The weak point in the Government's case at that time seemed to be that drastic action was taken and force deployed before any

29 The Times, 21 October 1953.
serious violence had occurred. And the dispatch of gunboats to quell a colonial people smell too nearly of the bad old imperialist days. There was, however, a difference of opinion 30 between the Times and the Manchester Guardian over the comprehensiveness of the Governor's reserve powers. While the former thought that since the Governor's reserve powers under the constitution were limited and as they assumed some degree of partnership between him and the colony's government, a complete break had to be made by appealing to London for help including troops; the latter argued that Governor's reserve powers did not lack comprehensiveness. Without knowing more of the facts that had become public till then, it said, one would have thought that it was just for this sort of situation that they were designed. For an intervention of some sort by the Governor, and for energetic action in his support by the British Government, including the dispatch of armed forces, the White Paper, it said, made a good case.

Dr Jagan who was then in London, on the eve of debate, with his colleague Burnham to brief the Opposition and put up his case to British public, said that the White Paper had built up a familiar device of finding something, behind which to hide and which would arouse emotions of the people. He

30 Ibid.
31 Manchester Guardian, 21 October 1953.
said the British Government were entitled to send troops to the colony if they felt there was any danger of violence. And the Ministers could have been dismissed individually if they found to be unsatisfactory, but there was no need to suspend the Constitution.

The situation, in British Guiana, was debated in the House of Commons, on 22 October 1953, on a motion to approve the action of Her Majesty's Government. The Opposition were angry and had demanded specific evidence from the Government to prove the charges and satisfy the Parliament and the nation. While moving a motion Lyttelton said, the action of the British Government of sending troops to British Guiana and suspending the Constitution was a "grave step". "It is a setback", he said, "to the principle upon which all political parties in this House are agreed, namely that our colonial policy should...

32 The Times, 23 October 1953.
During the debate, Dr Jagan sat in the Distinguished Strangers' Gallery of the Commons.

33 In his Memoirs Lord Chandos said: "The Opposition, the Daily Herald and the Daily Mirror in particular, fell upon this appetising opportunity with gusto. 'Lyttelton must go' was of course the main theme: my ruthless methods and iron hands stained with African blood, were held up to obloquy." "The back-benchers of the Labour Party...returned to the House of Commons breathing fire and polishing their weapons, confident that an easy victory, at least of words, awaited them." Lord Chandos, The Memoirs of Lord Chandos (London, 1962), p. 423.

34 518 H.C. Deb. 5s. col. 2159, 22 October 1953, Lyttelton.
be directed towards giving the peoples in the Colonial Territories an increasing responsibility for the management of their own affairs. But...we must be prepared to take risks in carrying it out." And risks were necessary in these matters unless the pace of constitutional advance was to be altogether too pedestrian or was to be too much out of harmony. Speaking about the colonial policy in general he said: "Self-government up to that point" i.e. of an increasing share of responsibility for their own affairs, "is to some extent, a delegation by Her Majesty's Government of their responsibilities, but delegation does not enable them to escape or to avoid the ultimate responsibility. Having given the rider the reins, we are not absolved from responsibility for the horse." Referring to the White Paper he said the PPP Ministers were determined to reduce the Government to a farce by turning British Guiana into a totalitarian state dominated by Communist ideas. After

35 Ibid., col. 2161, 22 October 1953, Lyttelton. Referring to the responsibility of guiding the people on the road to self-government, Sunday Times (25 October 1953) said: "It is not a smooth and easy road; it is beset with pitfalls and in the shadows on the verges lurk those who would soon snatch away any hurt or straying wayfarer. We have the duty to guide and illumine the steps of those whom we are leading to democracy, to help them if they stumble, to halt them if they are heading for disaster. To shirk that duty would be as wrong as it would be to bar the road to those able to face its trials and hazards."

36 518 H.C. Deb. 5s. col. 2162, 22 October 1953, Lyttelton.
studying the White Paper, any impartial person, he suggested, would draw six main conclusions which, in his (Lyttelton) opinion justified the British Government's action. They were:

first, Ministers' attempting to gain control of the machinery of Government for the sole furtherance of party and not of national interests; secondly, inciting strikes for political purposes in the sugar industry; thirdly, endeavouring to oust the existing trade unions and substitute unions under their own control; fourthly, inciting the population for violence; fifthly, neglecting in a most irresponsible manner their duties for administering their Departments; and sixthly, using the standard Communist methods to turn British Guiana into a Communist state with a single party government. And as a policy he said: "Her Majesty's Government are not prepared to tolerate the setting up of Communist states in the British Commonwealth." Referring to the news appeared in the influential newspapers suggesting that the Government of the colony could have been carried on, without suspending the Constitution,

37 Ibid., col. 2163, 22 October 1953, Lyttelton. In support of this, Lyttelton quoted Dr Jagan's speech on 26 July 1953 as: "We do not have control of the police, which means that if we were to start a strike, the Government would call in the police and shoot us down", and said that "These words give us some insight into the twisted mentality of this Minister."

38 Ibid., col. 2170, 22 October 1953, Lyttelton.
by the continuing use of the Governor's reserve powers, he said the Governor's reserve powers were intended to meet single and extraordinary cases and could not in any way be deemed suitable for carrying on day-to-day government. In the first place, their use would have resulted in constant clash with Ministers, making the ordinary processes of government impossible. Secondly, there would have been an ever-increasing tension and risk of disorder. And if the Governor had attempted to carry on government by these means, they would, in fact, have bypassed all the provisions of the Constitution. And it was not constitutionally proper to set aside the provisions of the Constitution by continuous use of Governor's reserve powers when there was a parliamentary procedure by which the Constitution could be suspended. Also, the Governor's dissolving the Assembly contrary to the advice of the Ministers would have meant a descent by the Governor into the political arena with a vengeance. He, however, said the suspension of the Constitution was by no means the end of the story and added, there would be a period of direct rule by officials with somebody representing Guianese opinion upon whose advice the Governor

39 Lyttelton said: "It is quite impracticable to carry on a Government with the Ministers going one way and with the Governor trying to pull them back on to the road by the continuous use of reserve powers which are expressly put into the Constitution for dealing with special and exceptional cases." Ibid., cols. 2172-4, 22 October 1953, Lyttelton.

40 Ibid., col. 2174, 22 October 1953, Lyttelton.
would rely, but upon whose advice he would not be bound to act in the interim period.

In the Commons, the Labour Party refused to defend the conduct of the PPP Ministers but questioned the wisdom of the British Government in suspending the Constitution. In answer to the two questions earlier posed by Lyttelton, James Griffiths said, if he were a Colonial Secretary, he could have done both i.e. transferred troops from Jamaica to Georgetown to strengthen the police to ensure law and order and removed the PPP Ministers by demanding individual resignation, without suspending the Constitution. He believed that this admittedly drastic step could have been avoided, if the Governor had made use of his emergency powers, or if the Secretary of State had tried earlier by persuasion or by law, to check the disastrous course of the Jagan Government. He later moved an

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41 Ibid., col. 2179, 22 October 1953, Lyttelton.

42 Addressing through the House to the leaders of PPP and people of British Guiana, James Griffiths earlier said: "We condemn your policies, we condemn the methods you employed. We deplore the actions you took and the speeches you made. Beyond everything, speaking for myself, I think you missed a great opportunity of doing real work for your people and of building a foundation for a future democratic State in Guiana." Ibid., col. 2183, 22 October 1953, James Griffiths.

43 Ibid., cols. 2190-4, 22 October 1953, James Griffiths.

44 According to The Times (23 October 1953), such suggestions "do not take enough account of the realities of (footnote contd....)
amendment to express disagreement on the extreme step of suspending the Constitution. The Opposition's indictment was that there were other methods, and the Government had brought in, the last thing they should have done, first. The amendment, however, was nearly all soda water; and, in the words of Lord Chandos, "only a drop of whisky could be risked." It was obviously a compromise; to appease the Left, the Government must be attacked but the ground was so narrowed by the Right that

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the situation. The British Guiana constitution, like other similar constitutions, it said, "presupposes a broad measure of agreement between the representatives of the Crown and the elected representatives of the colony. When such agreement is lacking the Constitution cannot function, and a new basis for the conduct of administration must be sought. The Governor of British Guiana was entrusted with wide powers to secure the passage of legislation he thought necessary or to prevent the passage of legislation he believed harmful, but it is certain that a prolonged exercise of such emergency powers would bring the theory of constitutional government in disrepute. No good would have been done to the cause of constitutional progress in the rest of the Commonwealth by pretending that the Guiana Constitution was still alive when in fact it had already been methodically destroyed."

45 518 H.C. Deb. 5s. col. 2195, 22 October 1953, James Griffiths.

46 Attlee said: "We have not disputed that it might be necessary to bring in troops" but the suspension of the Constitution could only be done under grave circumstances. Ibid., col. 2267, 22 October 1953, Attlee.

47 Lord Chandos, n. 33, p. 429.
they scarcely had room to stand on one foot.

The debate in the Commons on British Guiana, for the most part, thus concentrated on the wisdom of the measures taken by the Government to deal with the situation, since the fact of the situation were hardly in dispute. According to the Manchester Guardian, the practical difference between Lyttelton and Griffiths was not for the time being great. "Clearly there will have to be a period of direct rule by officials" said Lyttelton and the Governor using his reserve powers would come to much the same thing. To accept office under a constitution, it said, was to accept its implications while it lasted, and the obligation was all the stronger if it was an interim Constitution, to be modified at a later date. Whatever their political philosophy at bottom, the leaders of

48 The Sunday Times (London); (25 October 1953) said: "The real division on substance lay between the Socialist front bench and the extremists behind them. While the leaders regard Communism as an inveterate enemy to their ideals, the Left wing regard it as a potential friend."

49 The Opposition, however, pressed the matter to a division in which they were defeated by 294 to 256, the Liberals voting with the Government.

50 Manchester Guardian, 23 October 1953. Lyttelton's argument in favour of more drastic choice, and against the use of the Governor's reserve powers, still seemed unconvincing to the Manchester Guardian; so did his reply to the suggestion that Governor might have forced a dissolution and a fresh election - that this would have brought him into political arena. It rightly questioned where he (the Governor) was then.
the PPP, it said, were not acting in accordance with the spirit of the Constitution, granted in good faith by Britain, in the hope and expectation that it would lead to a still further measure of self-government. The lost opportunity would be terribly hard to retrieve but it warned that they must not themselves be tempted into accepting the continuance of an unsatisfactory status quo merely because an attempt to alter it had been unsatisfactory too.

On 5 November 1953, the British Government laid before Parliament a copy of the Draft British Guiana (Constitution) (Temporary Provisions) Order-in-Council to establish an interim constitution which provided for an Executive Council, consisting of three ex-officio members and not more than seven nominated members; and a Legislative Council, consisting of a Speaker, three ex-officio members and not more than 24 nominated members but giving the Governor the upper hand in every matter. This meant that for the first time in the history of

51 Manchester Guardian, 23 October 1953. Referring to the Governor's Reserve powers, the Sunday Times (25 October 1953) said: "Power of veto can only stop bad action; it cannot advance good action. Power of certifying Bills or promulgating ordinances can only make laws; it cannot administer them. Ninetenths of government is administration; hence to restore good government to British Guiana, the Governor had to take the administration of elected Ministers' departments into his own hands, acting through trusted subordinates." In short, his only course was to suspend the Constitution.

the colony, there would be no elected members in the Legislature.

A prayer to annul the Draft British Guiana (Constitution) (Temporary Provisions) Order-in-Council, was moved in the Commons, on 7 December 1953, by Chuter Ede, Labour M.P. This provided another opportunity for the Government to defend and the Opposition to criticise the action of the British Government. While he agreed with the Colonial Secretary that when a constitution of self-government was granted to the colonial peoples, the responsibility did not end there; Ede said it would have been the wisest course for the Colonial Secretary, as soon as, he had word that practical difficulties were developing which were likely to become very acute, to have sent for these people, or some of them, to discuss with them the proper course to pursue. He blamed the British Government for suspending the Constitution with a prejudiced mind. In support of this, he referred to the fact that the Order of the suspension was made on 4 October but, in reply to a question by Fenner Brockway, the Colonial Secretary said that the Governor himself

53 521 H.C. Deb. 5s. col. 1635, 7 December 1953, Chuter Ede.

54 Ibid., cols. 7-8, 23 November 1953, Written Answer, Lyttelton.

Earlier asked by Brockway why the "plotters" had not been placed on trial, Lyttelton replied: "Whether the plan would have been carried out if the troops had not been landed and security measures taken is a matter of conjecture."

518 H.C. Deb. 5s. col. 1957, 21 October 1953, Oral Answer, Lyttelton.
got information about the alleged arson plot to burn the city of Georgetown, on 6 October two days later. The news did not reach the Colonial Secretary until the morning of 7 October. Therefore, to have included that in the White Paper as one of the reasons either for suspending the Constitution or sending the troops, which did not get to Guiana until 6 October, meant that there was something really piling into the case for which there was no justification. He called the new order which was before the House as undemocratic with considerable disappointment.

During the debate Lyttelton once again tried to justify the action of Her Majesty's Government. He said there were six alternatives before suspending the Constitution: first, instructing the Governor to make use of his reserve powers, secondly, dismissal of the Ministers by the Governor, thirdly, failing the dismissal of the Ministers, removal of their portfolios, fourthly, Secretary of State's visit to British Guiana or asking the Ministers to come to London and sixthly, the dissolution of the Legislature and forcing a general election. But none of these alternatives, he said, suited the Guiana situation. And therefore, the last alternative open to the British

55 521 H.C. Deb. 5s. cols. 1631-2, 7 December 1953, Chuter Ede.

56 Ibid., col. 1633, 7 December 1953, Chuter Ede.
Government was the suspension of the Constitution under the procedure which Parliament had laid down. Michael Stewart, Labour M.P., however, differed with Lyttelton and said that all the arguments which the latter used against the alternative lines of actions, were equally effective against the action of the British Government. While summing up the debate the Minister of State for Colonial Affairs, Henry Hopkinson referred to his speech made at the meeting of the Trusteeship Committee of the United Nations before the suspension of the Constitution in which he said: "Her Majesty's Government would regard it as an utter dereliction of their duty if they handed over complete power to the peoples of the Territories they administer when those Territories had acquired no more than a facade of self-discipline and responsibility. In some cases risks must be taken. But if we take such risks we must always be ready to recognise an error when we see it." Accordingly, the risk was taken in British Guiana which turned out to be a

57 Ibid., col. 1639, 7 December 1953, Lyttelton. Lyttelton said the use of Governor's reserve powers as a day-to-day method of Government while the Ministers remained nominally responsible -- like "Underlords" entitled to draw their salaries -- was at least wholly impracticable and if carried, a very short way was the equivalent of a suspension of the Constitution — a de facto but not de jure.

58 Ibid., cols. 1640-7, 7 December 1953, Lyttelton.

Ibid., cols. 1668-75, 7 December 1953, Michael Stewart.
bad one and had to be remedied.

**Constitutional Commission**

While the Governor went ahead with the Royal instructions and constituted a new government which was mostly a collection of middle class individuals and a few working class union leaders, the Colonial Secretary announced, on 2 December 1953, the composition and terms of reference of the Constitutional Commission which had been promised in Her Majesty's Government's statement, on 9 October 1953. The Commission, composed of Sir James Robertson as Chairman, Sir Donald Jackson and George Woodcock as members, went to British Guiana, in January 1954, to study what changes were required in the colony's Constitution and later submitted its report which was published as a White Paper, on 2 November 1954.

The Commission's main conclusion was that British Guiana

59 Ibid., col. 1754, 7 December 1953, Henry Hopkinson. In the end the Opposition motion to amend the Draft British Guiana Order-in-Council, 1953, was defeated by the Government majority of 33 in the Commons.

60 S 21 H.C. Deb. 5s. col. 1155, 2 December 1953, Oral Answer, Lyttelton.


62 Ibid., para. 232, p. 75. Since the Commission was not to inquire whether the suspension of the Constitution was justified but merely to consider and recommend what changes were required, the PPP had decided to boycott its deliberations.
with its precarious economy could not afford another crisis of the kind that developed in 1953, and that there was no alternative but to recommend a "period of marking time" in the advance towards self-government. The length of this period would depend upon the extent to which the leaders of the PPP could be brought to realise that the "futile and deliberately disruptive policies for which the PPP at present stands are no basis for the future constitutional progress of their country." It also pointed out that Her Majesty's Government's colonial policy failed in British Guiana, not because of any defects in the Waddington Constitution, but because the PPP which received the support of the majority of the electorate, was unwilling to accept and work anything short of full self-government. Paragraph 231 of the Report noted that so long as the PPP retained its then leadership and policies, there was no way in which any

63 Ibid., para. 233, p. 75.
In a Memorandum submitted to the Robertson Commission, one of the witnesses, Mrs E. K. Nobbs, inter alia, said: "The genuine grievances of long hours and low wages were overlaid by the claims for such things as the provision of umbrellas and raincoats which were to be the property of the domestic, indefinite sick leave with pay, three months' pregnancy leave with pay and so on... Ministers were besieged by people of the lowest ranks going to them with every little grievance... All discipline was seriously undermined, rudeness was the order of the day and law and order was at its lowest ebb."

64 Cmd. 9274/1954, para. 206, p. 68.
real measure of responsible government could be restored, without the certainty of another constitutional crisis. After recommending a period of "marking time" the Commissioners saw promise for the future in two directions. They hoped first that if the interim government remained in power, for some years, the effect of plans for social and economic development might help to bring about a change in the political outlook of the electorate. And secondly, they hoped that contrast presented by rapid progress towards self-government elsewhere in the West Indies would lead the Guianese to realise that the extremist policies of the PPP were the sole barrier to their own constitutional advance.

In a statement, in the Commons, on the day of its publication, the new Colonial Secretary, Alan Lennox-Boyd, announced the Government's acceptance of the conclusions of the Report. Their conclusions, he said, justified the action taken by Her Majesty's Government in October 1953. While the Government accepted the recommendations in the Report for a "period of marking time" for the advance towards self-government, it considered it desirable to set some maximum term to the personal appointment of the then Members of the Legislative Council, without prejudice to when it might be possible to hold elections again and said that the then appointments would

65 532 H.C. Deb. 5s. cols. 212-14, 2 November 1954, Oral Answer, Lennox Boyd.
run for four years from 1 January 1954. During the period of "marking time", it was the Government's firm intention to do everything possible to fit the colony for return to representative government and to undertake a thorough reform and extensions of local government institutions. He also expressed the hope that meanwhile a development programme, particularly housing and land settlement, would be pushed forward with the greatest vigour.

Although the Report was "conscientious, fair and well documented", The Observer said, it was a 'depressing document' both on economic and political front. It said there seemed to be little evidence that the situation would have changed by the end of four years with the caretaker Government in office. Editorials on the Report in the Manchester Guardian and The Times were long, heart-searching. "The one thing which cannot be accepted", said the Manchester Guardian, "is simply to let Guiana stagnate" and added: "Better than that, put Dr Jagan back in power and let him do his best and worst." The Times

66 The Observer, 7 November 1954.
67 Manchester Guardian, 3 November 1954.
68 The Times (3 November 1954) said: There could be no doubt after reading Robertson's Report that greater wrong would have been done if there had been any hesitation on the part of the Secretary of State. The outbreak of dynamiting, which had occurred "more recently", went even further to show how right the Government were in judging that the price of delay would have been destruction of property followed by bloodshed.
admitted the same dilemma but wanted to resolve it by banishing or imprisoning the leaders of the PPP, which the Commission's Report admitted, had the majority of the people behind it. It, however, said: "If a handful of irreconcilable individuals are to be found systematically and malevolently distorting the Government's intentions, the desirability of removing them will have to be frankly considered." It observed that the Waddington Commission's findings were founded all along on the most optimistic assumptions. The Commission was faced, it was true, with the difficulty that the constitutional development of Guiana had been held up much longer than was safe or wise. But at the same time, the Constitution inaugurated as a result of the Waddington recommendations, in 1953, gave to an inexperienced people at one stroke universal adult suffrage, an almost wholly elected lower house, weak upper chamber, and a more or less fully fledged ministerial system, with a leader of the House of Assembly chosen by his colleagues. In other West Indian territories, these doses had been administered at intervals and the results had, till then, been successful. The administration of the whole dose at once was too much for British Guiana with its difficult and peculiar problems.

New Constitutional Proposal

As a result of the improvement in the political situation
of the colony, Lennox-Boyd made a statement, in the Commons on 25 April 1956, to the effect that the time had come when some progress could safely be made in the direction of a return to democratic institutions in British Guiana and it was intended to introduce an elected element into the legislature and the executive. Briefly, he said, there would be a Legislative Council of twelve elected members, four officials, and not more than eight nominated members. The Executive Council under the Governor would normally consist of four officials, one nominated and five elected members of the Legislative Council. He, however, said that the Government was cautious not to run the risk of restoring the type of constitution which was suspended, until the people understood the dangers of Communist leadership which could only bring a second collapse like that of 1953.

The new constitutional proposal announced in the Commons went only a half way towards democracy. But, in view of the events of previous four years, even this limited advance, the Manchester Guardian said, was "striking" and the announcement

69 551 H.C. Deb. 3s. cols. 1778-80, 25 April 1956, Lennox Boyd.

70 Lord Boyd said: "It was not in the long term interest of British Guiana to reintroduce a constitution which was abused."


71 Manchester Guardian, 27 April 1956.
looked unexpectedly bold. It certainly did not seem likely at the time of publication of Robertson Commission's Report that the period of "marking time" would end so soon. The new proposal was cautiously framed, but it really went quite a long way. Since half the members of the Executive Council were to be drawn from the elected members of the Legislative Council, there was a possibility that if the PPP should sweep the polls, it could not be kept out of the Government. The change in the attitude of the British Government was largely due to a new factor: the United Democratic Party, the chief rival of the PPP had been showing more vigour than it did before. The PPP itself had been weakened by internal disagreements, though Dr and Mrs Jagan had recovered control of the leadership which looked at one time like passing out of their hands. But it was the Robertson Commission's Report which was largely responsible for the split in the PPP, in 1955.

After further consultations with the Governor, the new proposal was subsequently amended so as to provide for a Legislative Council of not more than 28 members (excluding the Speaker), consisting of not less than 14 elected members, three ex-officio members, and not more than 11 nominated members. The Executive Council would normally consist of three ex-officio members, two nominated and five elected

72 Ibid.
members of the Legislative Council. But these alterations in the new proposals did not make any significant change and the parity principle was kept intact.

The wholly nominated Legislative Council was dissolved on 29 June 1957 to pave the way for the new election which was held in August 1957, under the amended Constitution. At this election, the faction of PPP led by Dr Jagan gained 47.9 per cent of votes and 9 out of the 14 elected seats. The rival PPP faction led by Burnham won three seats and the other two parties, the United Democratic Party and National Labour Front (NLP) secured one seat each. Thus, when the new Government was formed, Dr Jagan and his colleagues owing allegiance to him were again in the Ministry. And, with the suspension of the Emergency Order which came into effect from 23 November 1957, the four year period 1954-57 of "marking time" ended.

**Appraisal**

Thus, while the Conservative Government had no hesitation in carrying out the promise of the previous Labour Government by implementing, in 1963, the Waddington Commission's recommendations, giving British Guiana, for the first time, an elected Lower House on the basis of universal adult franchise and responsible Ministries all at once, they did dispatch the...
troops to British Guiana and later did suspend the Constitution. The British Government argued that the PPP Ministers were under the control of a Communist clique with a "Communist plot" to seize control of the whole life of the territory and to run it on totalitarian lines. And since the Government were not prepared to tolerate the setting up of the Communist state within the British Commonwealth, they said, they had no other alternative but to take this "grave step" of suspending the Constitution.

But the Government's White Paper on suspension of the Constitution seemed weakest after first reading and the "Communist plot" was not clearly exposed in it. Also, it included evidence of occurrences which had happened after the suspension of the Constitution and not before the suspension. The weak point in the Government's case at that time seemed to be that drastic action was taken and force deployed before any serious violence had occurred. And the dispatch of gunboats to quell a colonial people smelt too nearly of the bad

Lord Brockway said: "I rarely read any White Paper which was less convincing than that White Paper which was prepared to justify the suspension of the Constitution. I was able to expose in the House of Commons that it included evidence of occurrences which had happened after the suspension and not before the suspension. I was also to ridicule the idea that Cheddi Jagan and his followers intended to burn down all the Government buildings and burn down the town of Georgetown. It really was not. And, in my opinion there was no justification for the suspension of the Constitution."

Interview with Lord Brockway, in London, on 14 April 1970.
old imperialist days. In a Commons debate, the Opposition differed from the Government only as regards the suspension of the Constitution and both Attlee and Griffiths agreed that the Government had done right to dispatch the troops. The only difference between the Government and the Opposition was that while the former thought that the only alternative was to suspend the Constitution, the latter’s indictment was that there were other methods - like asking the Governor to use his reserve powers, dismissal of the Ministers, dissolution of the Legislature, ordering the General Elections etc. - and the Government should have tried them before suspending the Constitution. This was argued in a Parliamentary debate backward and forward and the result was inconclusive. Certainly whether the suspension of the Constitution was right or wrong would always remain a debatable issue. But there was nothing necessarily wrong with it if the people who were given the Constitution under self-government failed to operate in a fair way although one might feel that the action taken by the British Government was too drastic.

What prompted the Conservatives to take this decision was their lack of faith in Dr Jagan and his people in British Guiana who were known for their sympathy for the Communist bloc, to run their own affairs. Also, in the background was the America’s concern that there should not be in power, in the South American continent those who were sympathetic to
the Soviet bloc. Added to this was the pressure of big business interests, particularly of the plantation owners. Thus, it became obvious to the Conservatives who now had a second thought whether to continue in British Guiana the Labour Party policy to which it, and more of its supporters, were no doubt strongly opposed or to make an opportunity to reverse this policy and to carry out another policy in line with its supporters' interests and ideas. It chose the second course. And since it received backing from the Labour Party which did not dispute the facts (stated by the Conservatives) leading to the suspension of the Constitution, the Conservatives had little difficulty in doing it. It was predictable then that either Dr Jagan was planning a great revolution or he was wrecking the chances of his own movements. And nobody at that time, in a colonial status, would have allowed him to turn the country into a Communist country. The basic trouble in the 50's was that the British Government, no longer, had large masses of troops and carrying capacity in the world. Churchill was unwilling to argue this, but Attlee was ready to admit this. And once this tough military view against the background of the alleged Communist subversion of the Constitution was  

75 Lord Broekway said: "American influence or pressure was not so evident at that point, but it became evident later on. Even at that time, it was a background influence." 
Ibid.
accepted, it became obvious for the Governor who faced this security problem, to appeal to London.

The Robertson Commission which, later, went to British Guiana, to study the situation, concluded that there was no alternative but to recommend a "period of marking time" in the advance towards self-government. They also pointed out that the failure of British colonial policy in British Guiana was not because of any defects in the Waddington Constitution but because of the PPP Government's unwillingness to accept and work anything short of full self-government. The Commission's Report was, however, responsible for the split in the PPP. It was then hoped that Burnhamite PPP, a splinter from the original Jaganite PPP, led by Burnham, a Negro, would have drawn away supporters from Jagan's party, rendering it impotent. But finally the British Government's efforts to separate "moderates" from "extremists" did not succeed.

In 1956, the British Government was cautious in announcing the new constitutional proposal for British Guiana for a limited advance because they did not want to run the risk of restoring the Constitution which, in their opinion, was abused. But they did accept Dr Jagan who emerged at the 1957 election,

76 Patrick Keatley regards the security and military as the key thing and the first thing to look at. Interview with Patrick Keatley, Diplomatic Correspondent of The Guardian, in London, on 1 June 1970.
as a leader of the majority party. Perhaps, for the purposes of their immediate policy the label of "Communist" was temporarily removed by the British Government.

(B) KENYA

Background

Kenya's political problem was complicated by the presence of 50,000 white settlers who had made permanent homes in Kenya (among 5,600,000 Africans, some 131,100 Indians and about 30,000 Arabs) occupying most of the fertile land on Highlands and dominating the government and politics in Kenya. Because of this plural nature of society, as early as 1930, Sir John Harris said that "Kenya connotes to most colonial minds a challenging Empire policy rather than a semi-tropical colony" and this remained true even in the 1950's when the Conservatives took over.

"Almost every African political movement in Kenya's history", said Martin L. Kilson, "has been stimulated into

77 Out of 5,600,000 Africans, 1,500,000 belonged to the Kikuyu tribe, the largest group in the colony. Martin L. Kilson, "Land and Politics in Kenya", Western Political Quarterly, vol. 10, September 1957, p. 561.


79 Martin L. Kilson said: "No other single factor has contributed so much toward shaping and conditioning these movements as the question of land alienation and the problems arising therefrom." Martin L. Kilson, "Land and Politics in Kenya", Western Political Quarterly, vol. 10, September 1957, p. 563.
being by the so-called 'land question'." Land is of primary importance to many African people, particularly to the Kikuyu tribe, and has far-reaching consequences throughout the whole country. In the words of the Kikuyu leader, Jomo Kenyatta, it 'enables them to perform their magic and traditional ceremonies in undisturbed serenity, facing Mount Kenya'. The trouble began with the introduction of White settlement in Kenya (1902-7) on the cool, high mountain slopes of Central Kenya popularly known now as the White Highlands and by 1915, of the total Highland area amounting 16,173 square miles, 9,872 square miles were alienated and became the exclusive possession of the White settlers. The Africans, on the other hand, were pushed back to the so-called Native Reserves where, by the Ordinance of 1915, they became tenant-at-will of the Crown. Soon, the Reserves became overcrowded with rapid increase in population and suffering and hardship became the feature of Africans' life. The traditional method of "shifting cultivation" was now legally restricted in its capacity to move on to new and additional land when necessary. Thus, the land conflict became an integral part of the social and political life in Kenya.

Ever since the beginning of British rule in Kenya, British Governments followed a policy which resulted in the

creation of a social structure in which "the White settler established himself in a superior position, with the Asian providing the middle-class and the African the lowest social and economic class." The Devonshire Declaration, in 1923, which stated, among other things, that Kenya being primarily an African country, "the interests of the African natives must be paramount, and that if, and when those interests and the interests of the immigrant races should conflict, the former should prevail", was never taken seriously. The Royal Commission set up by the Conservative Government under Sir Morris Carter in 1932, as a gesture of appeasement to Parliamentary opposition to the Kavirondo evictions, in which no compensation in land was paid to the "natives" when they were evicted from this Reserve where Gold was discovered, suggested that Africans should not be allowed to return to their old lands even when such lands had not been acquired by any European settlers. In effect, it proposed to legalise a system which would prevent Africans from re-acquiring their lands by private treaty but enlarged their Native Reserves which

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included the area devoid of permanent streams and uninhabitable by peasant families. The years that followed the Morris Carter Report, saw the deterioration in the land situation in Kenya. In spite of continuous protest by the Africans not to evict them from their farm and move to another place, the Kenya Government dominated by White settlers went forward with the land eviction policy to accommodate incoming flow of settlers. At times, they resorted to police firing, for example in Taita Hills crisis.

After the Second World War, the Kenya African Union was formed by the nationalists. At a conference held in Nairobi, on 1 June 1947, the KAU issued a declaration stating that self-government by Africans for Africans must be the political objective of the Africans of Kenya, with provision for safeguards of the rights of all racial minorities; that the more African seats should be provided immediately in the Kenya Legislative Council, and that more land must be made available, both in the Crown Lands and in the Highlands, for settlement by Africans. The settlers became apprehensive, and to counter the challenge, the European Kenya Elector's Union submitted a resolution to the government in March 1948, demanding the deportation of Jomo Kenyatta who, they claimed, was responsible for instigating strikes and intensifying anti-colonial feeling. The Government, however, refused to arrest Kenyatta on the ground that premature action would merely add to his
popularity.

It was against this background that Labour's Colonial Secretary, James Griffiths, went to Kenya to discuss changes in the Constitution with the leaders of local opinion. Later, in a statement in the Commons, on 31 May 1951, he said that he had been unable to secure agreement to major changes but found willingness among the leaders of the local communities to try to reach agreement among themselves. He, therefore, announced that there would be no major change until after the election, but within a year of the beginning of the life of the new Legislative Council in May 1952, there would be a constitutional conference. He hoped that an agreed solution, thus, would emerge, but failing that, the British Government would decide before 1956. Meanwhile, European parity would be maintained though without any implication of permanency. As an interim arrangement to the composition of the new Legislative Council to be appointed in May 1952, he said, there would be on the Unofficial side, the addition of one Indian, two African and three European seats thus bringing the total number of unofficals in the Council to 28. On the official side in the new Council, there would be an increase from 16 to 26, thus, cutting the unofficial majority to two.

84 483 H.C. Deb. 5s. cols. 405-10, 31 May 1951, Oral Answer, James Griffiths.
The Conservative Approach

The new Conservative Government accepted the position which James Griffiths had taken in May 1951 and informed the House on 23 May 1952 that the changes proposed by the former Colonial Secretary with regard to the composition of the Legislative Council were being carried out but that there would be no major constitutional change in 1952. Accordingly, elections to the new Legislative Council took place in June 1952 and in the same month the new Council was opened by the Governor, Philip Mitchell. The Council was composed of the Governor, a Speaker, eight ex-officio members, 18 nominated members, 21 elected European members, and seven representative members, of whom one was an Arab and the other six represented African interests. The nominated members, who were in a majority, were required to support the Government when called upon to do so on a motion of confidence, but otherwise would vote as they pleased.

On 17 July 1952, there was a debate in the Commons in which the Opposition criticised the disparity in the composition of the Legislative Council on the ground of political

85 501 H.C. Deb. 5s. col. 1333, 23 May 1952, Oral Answer, Hopkinson.

inequality. Fenner Brockway, Labour M.P., pointed out that in the Legislative Council of Kenya, there were 34 Europeans, eight Indians, eight Africans and three Arabs and there was not a single elected African. He warned that the indignity to which Africans were subjected would create frustrations which might further lead to hatred and, if not checked, would succumb to the very racialism which they condemned. The KAU also expressed its dissatisfaction over the composition of the new Legislative Council and demanded a "Common Poll", for all the peoples of Kenya. It declared that if a system of communal representation were retained, it would insist on immediate African representation, at least equal to that of the combined non-African representation, since the Africans were approximately fifty times more than the total non-African population. They announced their determination to put a harder struggle in the days to come; they were not prepared to be diverted by minor political or economic reforms.

Yet, the British Government did not pay any heed to this and the problem arising out of land hunger, and allowed the situation to deteriorate in which African frustration grew and a major political and social crisis approached rapidly. The

87 503 H.C. Deb. 5a. col. 2423, 17 July 1952, Brockway. Brockway said that the 34 Europeans represented a population of 35,000 whereas 3 nominated Africans represented a population of 5½ million.
basic thing in all these territories, which applied to Kenya too, was that the people had come to the point - at least their leaders had thought so - that they were prepared to run their own affairs, and if there was no channel offered for them to do so, they would resort to such methods as violence, trying to draw their attention to press their claim.

Mau Mau Movement

On 16 October 1952, Lyttelton made a statement in the Commons on Mau Mau activities. Mau Mau, he said, was a secret society confined almost entirely to the Kikuyu tribe. It was an off-shoot of the Kikuyu Central Association which was proscribed for subversive activities in 1940. It encouraged racial hatred and was violently anti-European and anti-Christian. It pursued its aim by forcing secret oaths upon men, women and children and by intimidating witnesses and law-abiding Africans and resorting to murder and other brutal and inhuman methods. Early in 1952, Mau Mau attacks began in the Kyeri District and then spread to the Kiambu and Fort Hall Districts in the Central Province. In September 1952, there were reports of murders, suicides, hut burnings, assaults and attacks on Christian Missions. In the following month, there had been further attacks, including the murder of two European women
and Senior Chief Waruhiu, a Kikuyu. In order to control the situation, police reinforcements were brought from other areas; many arrests were made; curfews were imposed, magistrates given enhanced powers and public meetings banned in most areas. In his statement, Lyttelton said since many of the tribal dances and other means of "letting off steam" had been suppressed by the missionaries, it had given an impetus to secret societies. Besides this, land famine and social problems were responsible for Mau Mau eruption.

Soon, the situation became worse, and this led the new Governor, Sir Evelyn Baring, with the approval of the Secretary of State to declare a state of emergency in Kenya on 20 October 1952. On the following day, Lyttelton made another statement in the Commons that the proclamation of the state of emergency met with his full approval. Jomo Kenyatta, he said, was among 130 members who had been detained under the emergency provision.

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89 In his Memoirs, Lord Chandos said: "When the Mau Mau rebellion assumed a much more serious aspect, there was no permanent Governor in Nairobi and I was bitterly criticized for the interregnum, although in the past there had been nearly always a gap between the retirement of one and the appointment of another Governor. The Opposition exploited this opportunity, the Press inflamed opinion by calling it a scandal, and even the Prime Minister was uneasy." In his defense, Lord Chandos said, Sir Evelyn Baring had not completely recovered from his illness and the better man was not available immediately.

Lord Chandos, n. 33, pp. 393-4.

90 505 H.C. Deb. 5s. cols. 865-9, 21 October 1952, Lyttelton.
and added that the KAU was not being proscribed for the time being. He announced his intention to visit Kenya the following week "to see for myself what is happening and to consider, with the Governor, plans for the future development of the Colony." James Griffiths, the Opposition spokesman supported the Government's action but expressed concern lest the arrest of Jomo Kenyatta should turn one of the "most important" African organisations against the Government.

On 28 October 1952, Lyttelton flew to Kenya to examine the situation on the spot. He made an extensive tour of the colony and discussed the situation with the Governor and leaders of all communities, except Jomo Kenyatta who was then under arrest. Before leaving for London, after completing his seven days tour to Kenya, he said: "Mau Mau is not the child of economic pressure", but added that it did not mean that Kenya had no long-term economic problems. She had, for example, land, wages and education. There was no doubt that

91 Before leaving for Nairobi, Lyttelton said: "I am going primarily to discuss political problems with members of the Government and to see for myself what is going on. I shall get opinions of all sections there." Daily Telegraph, 29 October 1952.

92 About the same time, Fenner Brockway and Leslie Hale, British Labour M.Ps had arrived in Kenya on a fact-finding mission at the invitation of the KAU. But Lyttelton did not see them. Daily Herald, 30 October 1952. Lord Brockway said: "Lyttelton was little hurt because we were given more attention." Interview with Lord Brockway in London, on 14 April 1970.
economic grievances had been played on, but it was the inter-racial idea, he said, which was behind Mau Mau organisation. Certain features of Mau Mau, such as cells, bore the mark of a pattern which was painfully familiar in many other situations. That was not to say that the movement had been helped financially from outside. And there was no similarity of the situation in Malaya.

The state of affairs in Kenya was discussed in the Commons on 7 November 1952. While giving an account of his visit to Kenya, Lyttelton said, since the emergency the picture of Kenya had changed and across the page of Kenya's history had fallen the shadow of witchcraft, savagery and crime - in short, the Mau Mau. He repeated the impression of his visit to Kenya that the Mau Mau was not the "child of economic pressure" but the "unholy union of dark and ancient

93 The Times, 3 and 5 November 1952; Daily Telegraph, 7 November 1952; and The Tribune (London), 12 December 1952.

In his Memoirs Lord Chandos said: "It was often supposed that Mau Mau had been the creation of Soviet policy, planted and cultivated by the over-large Soviet Embassy at Addis Ababa. I do not think, this can be established on the evidence available; it is, however, true that once the rebellion had broken out, support and money reached the insurgents from Addis Ababa." He also alleged that the large sums of money and other help came from the Congress Party in India, and that the activities of the Indian High Commissioner went far beyond the bounds of diplomatic propriety. This charge was however refuted by Appa B. Pant (then High Commissioner for Kenya), Indian High Commissioner in London, during an Interview, in London, on 15 April 1970. Lord Chandos, n. 33, p. 399.

94 507 H.C. Deb. 5s. cols. 456-67, 7 November 1952, Lyttelton.
superstitions with the apparatus of modern gangsterism." It would be a curious page in history, he said, if the body impelled, as suggested, by poverty, to improve economic conditions, should emerge and carry out its mission by murdering the law-abiding element in the population. He argued that those who thought it really had direct economic causes might as well suppose that a trade union should seek to improve the level of wages and the standard of living by murdering members of the working classes. Death and the standard of life were curious bedfellows in an organisation. He, therefore, said that Mau Mau was a secret society and fed, not upon an economic discontent but upon perverted nationalism and on a sort of nostalgia for barbarism. He, however, realised the need for some political body to represent African opinion. The hopes that the KAU could fill this role, he said, had been shaken by finding that many of the heads of the KAU were deeply implicated in Mau Mau. The Government, he made it clear, would have no hesitation in proscribing the KAU for its

95 Addressing the meeting at the Royal Empire Society, London, on 12 February 1953, Lyttelton said: "It is perhaps remarkable that, although the land shortage, or even famine, in the province of Nyanza is at least as acute as it is in the Kikuyu Reserves, in the province of Nyanza there is peace... This is one of the reasons why I have tried to impress upon people that the origins of Mau Mau are not primarily economic." See United Empire (London), vol. 44, no. 2, March-April 1953, p. 54.
implication in Mau Mau on sufficient evidence. He further stated that it would not be wise at "this moment" to hold a conference concerning further political advances or an alteration of the Constitution, as agreed by all communities some 18 months back (during his predecessor's visit to Kenya) because it would certainly lead to breakdown, which would be bad. But he said there was no change in the attitude of the Government to hold that conference when conditions might lead to success. He finally expressed the Government's determination to "restore the Queen's peace" in Kenya and added: "we are in the country to stay. Let there be no doubt about that."

In his speech, James Griffiths, the Opposition spokesman said that the great tragedy had occurred in Kenya and that the primary duty was "to find out why it has happened", and "the causes". He, however, affirmed that it was indeed the paramount duty of Her Majesty's Government and of the Government of Kenya to take all the steps that were necessary to restore order and peace and added: "We have supported and continue to support that." He referred to the statement of Odege, the new President of the KAU who had not only repudiated Mau Mau but also stated that there were unscrupulous people who used Mau Mau. In view of this statement he urged

96 507 H.C. Deb. 59. cols. 469-82, 7 November 1952, James Griffiths.
Lyttelton to think thrice before he proscribed the KAU. He also said that one of the consequences of overcrowding on the land was that the Africans were drifting away from the land into the towns - thousands of them into Nairobi and it was not possible for them then to go back to jungle. He was supported by Leslie Plummer, Labour M.P., who said there were economic, political, social and, to some degree, psychological reasons of Mau Mau flare up. He pointed out the overcrowding on the reserves which forced the Africans to be hired themselves out as day labourers to European farmers. They did not like doing that because the standard of living was not good enough so they went to work in the towns. He said it was too much to suggest that Mau Mau was something that was born in vacuo by a bunch of gangsters. It was born out of the grinding poverty and there was no need of a Royal Commission to be appointed to find out that a low wage economy produced disastrous political, economic and social results.

Although the exact nature of Mau Mau could not be known and remained most difficult to understand, there existed then two schools of thought. According to one, Mau Mau was a

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97 Ibid., cols. 519-24, 7 November 1952, Leslie Plummer.
political movement aimed at shaking off British rule. The second school of thought denied this and held the view that Mau Mau was a gangster organisation led by a group of cunning men whose intention was to win power for themselves and who had exploited the discontent of a section of the younger generation, especially the ex-soldiers, the unemployed and those unsettled by the impact of Western customs and economics. The second school was more perceptive in seeking the answer in the sphere of psychology, rather than politics and was nearer to the views held by Lyttelton. But both these explanations seemed to have some truth in them. The Times which brought

The object of Mau Mau, as taught in Embu District was the overthrow of the British rule and the taking over of complete authority by Africans. Mau Mau leaders never hoped to win outright; but thought that they would be in a position to gain for Kikuyu all the lower parts of Meru, Chuka, Embu, Kichugu and Ndie. One of the Chiefs thought that many of his people were without work and without money. And thought that they might be ready to confess and leave the Mau Mau altogether.

Private Papers of I. R. Gillespie, then Resident Magistrate of Nairobi - Report on his visit to Embu District between 14th to 17th March 1954 at the request of the District Commissioner, Roger Wilkinson - deposited in Rhodes House Library, Oxford.

In his Memoirs Lord Chandos said: "The driving force for the Mau Mau movement was, nakedly, - power and the expulsion of the white man; its methods of gaining adherents were the methods of African witchcraft. The Mau Mau oath is the most bestial, filthy and nauseating incantation which perverted minds can ever have bred."
Lord Chandos, n. 33, p. 394.

An article "Breakdown in Kenya", The Times, 3 December 1952.
out a special article on "Breakdown in Kenya" said that the troubles in Kenya were partly material, partly psychological. The material ones were in essence agrarian. Kenya African, it said, was a small peasant farmer whose only alternative employment was to go out and work as a casual labourer, either on a European farm or in a town, and he therefore, had to keep a footing on the land, that was in the native reserve, as insurance against destitution. There were of course exceptions: but as a statement of the broad economic set up in Kenya, that was true. The system worked as long as there was enough land to go around. It broke down when there was overcrowding. The first tribe to suffer were the Wakamba who never reacted violently. The Kikuyu, then faced or threatened with the same situation, had done so. This was due partly to temperament, partly to the fact that Nairobi with its urban sophistication was virtually then inside the Kikuyu area. But with rich and well tended European farmsteads alongside the reserves, it was hardly surprising that agrarian discontents should be rife among the peasant masses. Another was psychological discontents.

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102 Some idea of the bad conditions, under which the Kenya people lived, was given by The Observer of 26 October 1952 which inter alia said: "Land hunger is to the African what unemployment is to the European... Landlessness has the further effect of driving Africans into the towns. But there they cannot find proper houses or work. It is officially stated that in and around Nairobi there are 10,000 African families living without proper shelter. And many receive wages on which they cannot live."
among the few educated Africans who were led to believe, during their education, that they were equals of the Europeans but who now refused to accept them on social terms in Kenya itself.

The resultant bitterness, coupled with a sort of split personality was strong and deep. It affected Africans of all tribes, but again the Kikuyu the most, because most of them had reached an emancipated status. This combination of an embittered intelligentsia and a resentful peasantry had provided the leadership and the following for subversive and terrorist activities. There were other elements involved, such as the urbanised gangsters, but they were all by-products of this general situation. The question of whether land was fairly apportioned or wages were equitable, it said, was largely secondary. The fundamental trouble was that the African did not feel himself part and parcel of the system.

But this was not all. There were political grievances too. The Africans were not only grossly under-represented in the Government of Kenya but also disproportionately represented as compared with that of European settlers. Although self-government was never an active aim of the old Kikuyu Central Association, the Kikuyu - the most intelligent and politically

103 An article "Breakdown in Kenya", The Times, 3 December 1952.

104 This Association's political platform was "land hunger" of the Kikuyu, an argument which must, by its very nature, (footnote contd....)
minded - for years paid a great deal of attention to world news, both during and after the war years to the world wide movements of peoples towards self-government and constitutional progress being made in the Gold Coast, in Nigeria and elsewhere. Also, the Kikuyu had served as British forces during the Second World War. It was here they got the spectrum of firearms and lost their respect for White man who was being defeated everywhere. As a result, there was a revolution of expectation of sophisticated Africans and so these people were impatient to have power. The Kikuyus are not all that war like - in the past they had been the victims of other tribes like Masai. But the Kikuyus had moved into modern age and were prepared to battle for their political rights. The Kikuyus then made their own firearms which is now on display at National Museum of Kenya in Nairobi. Politically, this exceeded because it cost British Government £71 million during the emergency. There were 11 British Battalions committed to any one time - 7 in the line, 2 resting locally and 2 more rotating out, to and from Aden. It became a far too drain on British taxpayers.

(Previous footnote contd.)

contain an anti-European bias, as it was the European whom the Kikuyu accused of stealing his land.

So in Mau Mau, many things were mixed up. But the basis of Mau Mau was undoubtedly the Kikuyu tribe which had acquired the knowledge of firearms and were more restless than other tribes. Politicians came on it later, but there were already grounds created at the grass-root levels. The Kikuyus regard themselves mentally superior to other tribes. And they had to take a leading role in the campaign for greater political self-determination. Also, there was a tribal oathing tradition - a system of committing the people by oath. And they did not hesitate to use it at that time. But there was no doubt at all that they were determined to get political control which was the root of all their troubles. There was then a working (rough) target-date of 2000 A.D. when the Africans would get their independence. That was said after five years of the Second World War and the Africans, faced with that kind of far off date, obviously decided to take to other means like violence to force the pace. This was admitted by The Times Special Correspondent in Kenya who confessed that it "must be regarded as a phase in the struggle of African nationalism to

106 But the West Coast getting independence earlier.


108 The Times, 13 November 1952.
assert itself." This was also the view of Cyril Dunn who was told by the British Officer in charge of the operations against the Mau Mau that the latter saw this movement in this light.

Psychologists might offer reasons why the Mau Mau ceremonies were primitive and barbaric but these explained the form of the revolt and not the causes of it. Lyttelton himself, while maintaining that Mau Mau was not the direct child of economic pressure, had later agreed that it would have been impossible for Mau Mau to "have gained such momentum unless it could feed the fires of its campaign...with the fuel of some supposed, some feigned and some genuine grievances." And

Colin Legum told me: "But to begin with it was not a nationalist movement in the sense it was not national. It was predominantly led by Kikuyu and it had some support from Wakamba, Meru and Embu tribes of the so-called Central Province. It had the support of the few intellectual leaders, too, from the other tribes. But it was essentially a Kikuyu movement which grew out of land hunger - impossibility of people to make a living on the land, to find a job in the towns and conflict in the Central Province between the Kikuyu and the White Highlands. But gradually it was a growing point for Kenya nationalist movements."

Interview with Colin Legum, Commonwealth Correspondent of The Observer in London, on 6 May 1970.

Interview with Cyril Dunn, Correspondent of The Observer in London, on 14 May 1970.

Tom Mboya said: "It is absurd to represent Mau Mau as merely the result of too rapid a transition from primitive life to a modern complex society, or as a reversion from Christianity to Barbarism."

Tom Mboya, n. 81, p. 17.

509 H.C. Deb. 5s. col. 1228, 16 December 1952, Lyttelton.
when Dr Leakey said that the movement could not have "ever achieved its present position if genuine grievances had not existed in the minds of a large part of the Kikuyu population", Lyttelton did not disagree with him wholly.

However, the British Government was slow in understanding the gravity of the problem. But once again the controlling factor was geography. Guerrilla warfare occurred in Kenya and was to a large extent successful because the dense bamboo forests and mountain ravines of Mount Kenya and the Aberdares made it possible. The British Government believed, in a sense typical Tories, to put it down by force. The Governor, Baring was a humanitarian person who was no lover of the White settlers but also hated the violence and was caught between not loving the settlers and hating violence. So it was pretty late in the day, only after they found that they could not defeat Mau Mau by force, they decided to go in, for more and more economic and social change. On the one hand, they would deny economic grievances; on the other hand, they would go in, for very impressive programme of land consolidation which

113 Ibid., col. 1228, 16 December 1952, Lyttelton.
Ian MacDougall, BBC Correspondent in Kenya, said: It was not a civil war in the strict sense of the word although the overwhelming weight of Mau Mau attacks fell upon their fellow Africans. That partly explained why the Mau Mau attacks were on the Africans loyal to British Government.
finally succeeded in Kenya. The Army view of General Erskine was pretty early on that "Mau Mau cannot be beaten up by soldiers. Mau Mau needs a political solution." So was Colin Legum told by General Erskine very early. But the British Government picked up this idea of political settlement much later.

During the Emergency, the KAU had been proscribed for its alleged complicity in the Mau Mau. Lyttelton claimed that this was found in course of Kenyatta's trial, for the latter's alleged involvement with the Mau Mau and for which, later, he was sentenced to seven years imprisonment. The trial attracted world-wide attention, but because of its unsatisfactory features, Kenyatta's involvement with the Mau Mau remained doubtful. The repressive measures used against Mau Mau were extensive and brutal - hundreds of Africans hanged. Whole residents of villages moved and resettled. The Government went in for collective punishment. The bitterness was to some extent, at least, due to the presence of White settlers on the White side in the conflict. The Kenya Regiment, for example,


115 516 H.C. Deb. 5s. cols. 453-72, 11 June 1953, Lyttelton.
was notorious for its ill-treatment of prisoners. And once again, the Settlements had a lot to lose for geographical reasons. Kenya and especially the White Highlands were healthy and attractive regions for the Whites. On 21 October 1953, Lyttelton presented to the Commons details of the total casualties arising from the Emergency. Killed and wounded were: Europeans, 57; Asians, 24; Kikuyu, 3,743; other Africans, 231. But later figures, provided by the Minister of State, to a question from Brockway on the number of executions carried out since the Emergency began, showed that for nearly three and a half years, the Europeans in Kenya were hanging Africans at the rate of nearly one a day.

Parliamentary Delegation to Kenya

A Parliamentary Delegation of six—both Conservative and Labour M.Ps—which visited the colony, from 8 to 26 January 1954, at the invitation of Lyttelton, to study the

116 Interview with Cyril Dunn, Correspondent of The Observer in London, on 14 May 1970.

117 518 H.C. Deb. 5s. cols. 1946-7, 21 October 1953, Oral Answer, Lyttelton.

118 553 H.C. Deb. 5s. cols. 713-14, 4 June 1956, Oral Answer, John Hare. From 20 October 1952 to 31 March 1956, 1,071 Africans were hanged. See also Basil Davidson, "The Kenya Crisis", Africa South (Cape Town), vol. 1, no. 3, April-June 1957, p. 69.

situation and problems in Kenya, reported that "Mau Mau intentionally and deliberately seeks to lead the Africans of Kenya back to the bush and savagery, not forward into progress."

This was a recurring theme of the Report. Mau Mau, it said, was a secret society originated among the Kikuyu people to whom it was largely confined, although the danger of its infection outside the Kikuyu area was thought to be greater than at the start of the Emergency. The Delegation urged the Government not to confuse Mau Mau with economic, social and political grievances of the African people. On the other hand, it saw in Mau Mau "a conspiracy, designed to dominate first the Kikuyu tribe and then all other Africans and finally to exterminate or drive out all other races and seize power in Kenya."

It, however, recommended that in order to provide an outlet for African political thought, discussions should be

120 Cmd. 9081/1954, Kenya: Report to the Secretary of State for the Colonies by the Parliamentary Delegation, January 1954, para. 9, p. 4. Commenting on this, Max Gluckman said: "There is nothing in African religions akin to the obscenities of Mau Mau. So whatever it is, we cannot simply assume that it is 'back to the bush' trend, if by that we are to understand a reversion to African pagan religion and magic."


121 Cmd. 9081/1954, para. 8, p. 4.
undertaken without delay with representative Africans, with a view to arriving at an acceptable basis for the election of African Members of the Legislative Council at the general election of 1956. At the same time, Africans should be encouraged to develop their own political organizations, thus, filling the vacuum created by the banning of the KAU. It also suggested the reorganisation of Government by appointing the representatives of all main races and giving them appropriate portfolios in the Executive Council, so that it would not only give to the general public a greater sense of confidence and understanding of the policies pursued but, also, bring an early end to the Emergency.

New Constitutional Proposals

On 9 March 1954, during the course of his third visit since the Emergency, to the Colony, Lyttelton made a statement, at a meeting with all unofficial and representative members of the Legislative Council, held at Nairobi, on the proposal for a reconstruction of the Government. It said that there would be set up a Council of Ministers, composed of the Governor and the Deputy Governor, six Official Members, six

122 Ibid., paras. 49-50, p. 10.

Unofficial Members - three from European Elected Members, two would be Asians and one African - and two nominated Members. There would be no changes in the powers of the Governor. The Executive Council would comprise all the members of the Council of Ministers, together with one Arab and two additional Africans, and the possibility of further members being added by agreement of all members of the Council of Ministers was not precluded. The Executive Council would remain in being and would continue to exercise the functions of Government, among them, for example, the review of death sentences and approval of draft legislation. There would also be set up a War Council for the Emergency, charged with the duty of supervising the conduct of the Emergency and ensuring the action to secure its early end. Its members would be the Governor, the Commander-in-Chief, the Deputy Governor and an Unofficial Minister nominated by the Governor after consultation with the Council of Ministers. All members joining the Council of Ministers would be expected to subscribe to a joint statement of policy.

The broad objectives of Government would be:

(1) To prosecute the fight against terrorism with the utmost vigour and to ensure the maintenance of law and order throughout Kenya.

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124 Ibid., para. 7, p. 3.
(ii) To build within the British Commonwealth a strong and prosperous Kenya owing loyalty to the British Crown.

(iii) To promote racial harmony and friendliness and to develop opportunities for all loyal subjects, irrespective of race or religion, to advance in accordance with character and ability.

(iv) To secure that individual rights of private property are respected.

(v) It was agreed that during the period up to 1956 the Government would initiate a study, in which Africans would play a prominent part, of the best method for choosing African Members of the Legislative Council.

These arrangements, Lyttelton said, would be experimental until the next general election to be held on 30 June 1955, or six months after the Emergency had been brought to an end, whichever was the later. If at that election the electorate returned members who were willing to serve as Members of the Government formed in accordance with these proposals, there would be no further changes in the proportions of members of either the Legislative Council or the Council of Ministers, either between the main racial groups or as between officials and unofficials, before 1960. If, on the other hand, the constitutional arrangements set out above had become unworkable, either before the next elections or as a result of them, the position would revert to what it was before the Emergency and Her Majesty's Government would be free to take such action as they thought fit. He recognized that these proposals did not meet in full the desires of any of the main racial groups
in the Colony, but considered that they represented an agreement in accord with the then political realities in Kenya.

There were objections to Lyttelton's proposals particularly from Africans who were given only one seat on the proposed Council of Ministers. Although a genuine effort, the

125 *Lyttelton was reported to have walked into the Conference with the Asian representatives with the remark: "I am going to be blunt with you." The Observer said, he was deliberately "acting tough". The surprised Asian representatives told him: "Sir, you are a politician yourself: how are we to sell the proposal you make to our constituents?" He answered: "Tell them it is the best you could get from such an illiberal Colonial Secretary." The Observer, 7 March 1954.

In his *Memoirs*, Lord Chandos remembers saying to the settlers, during his first visit to Kenya in October 1952: "Sixty thousand Europeans cannot expect to hold all the political power and to exclude Africans from the legislature and from the Government. The end of that will be to build up pressures which will burst into rebellion and bloodshed... I warn you that one day you will be let down, and therefore, besides force, which must now be used and which we will furnish, you must turn your minds to political reforms, and to measures which will gradually engage the consent and help of the governed."
Lord Chandos, n. 33, p. 393.

126 *Protesting against one seat for Africans, Eliud Mathu, leader of African members said: Africans could no longer continue to occupy the third place, politically, in his own country.*

The *Listener*, vol. LI, no. 1313, 29 April 1954, p. 723.

127 *A joint statement by the African unofficial members said: "We do not consider the aim and objects of a multi-racial society in Kenya can be achieved by providing only one seat for Africans on the proposed Council of Ministers with a total of 16 seats... The one portfolio, that of Community Development, proposed for an African Minister is so small it can hardly inspire confidence among African communities in the new Government."

The *Times*, 11 March 1954.
Asian unofficial members said, had been made by the Secretary of State to hammer out an acceptable scheme, in a statement, they said that his (Lyttelton) work, from the beginning to end, had been handicapped by the opposition of European unofficial members to any Asian or African holding any portfolio, except a communal one and by the strong desire of the Europeans to maintain the status quo for 10 years as regards the composition of the legislature. Later, on 14 March 1954, Lyttelton made a big gesture to the Africans in an effort to solve Kenya's constitutional crisis. He promised them an extra seat in the Council of Ministers on the understanding that the Europeans also had an extra seat. But the agreement could not be reached and his modified proposals ran into confused water. And, therefore, he had to stick to his original proposals. But he made an important concession that African members of the Legislative Council would be elected and not nominated. Before

128 Ibid.
129 In his Memoirs Lord Chandos said: "I tried to get the other races to accept one more African in the Ministry, but to have insisted would have been to breakdown the agreement which I had secured. Politics are the art of what is practicable." Lord Chandos, n. 33, p. 407.
130 Daily Mail (London), 17 March 1954.
131 Yorkshire Post, 17 March 1954.
leaving Nairobi, Lyttelton said he was well satisfied with the results of his visit and claimed that almost complete agreement had been reached. He emphasized that the Europeans and both Asian groups had accepted the plan. Though Africans as a group or an organization had opposed the plan, they supported the scheme and the principles behind it and would not stand in the way of, or oppose, any individual member of their group accepting a post in the Government if it were offered.

There were comments from the Press on Lyttelton's constitutional proposals. According to The Scotsman it was hard to

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132 Before boarding the plane at Nairobi, Lyttelton remarked: "I have had a lot of tough negotiations in my life. This was my toughest assignment." The Times, 18 March 1954.

133 The Times, 18 March 1954; Manchester Guardian, 19 March 1954.

134 The Scotsman, 17 March 1954.

Editorially, The Scotsman (11 March 1954) said: "It is an old arrangement to introduce a Council of Ministers in Kenya but to leave the Executive Council in existence to perform some of its present functions. One would have thought that it would be more natural to change the character of the Executive Council, but presumably it was felt that if the Council of Ministers did not succeed it could be withdrawn, and the Executive Council would resume its old function and authority." In short, the Council of Ministers was a prospective Cabinet - in the words of Lyttelton "the principal instrument of government in the Colony" - and if it should succeed, the Executive Council was bound in time to become a useless appendage.
believe that, given time, adjustments could not have been made to meet the perfectly legitimate demand of one more seat for Africans on the Council of Ministers. A serious weakness in the scheme, it said, was that the changes would be made without African support and that new constitutional arrangement would not be based upon consent. Editorially, The Observer said, judged purely as a piece of constitutional machinery the proposals were not convincing. It said it was a fatal flaw that the White and Asian Ministers who must carry the responsibility for the well-being of the whole Colony, should have to submit themselves at the end of their office only to the White or Asians sections of the community. In the then state of racial tension in Kenya, it was particularly dreamlike to imagine that Ministers would readily put the interests of the whole community first, even when these conflicted with interests of their own racial electorate. Further, although the British Parliamentary Mission which had then visited Kenya had urged that immediate attention should be given to winning the confidence of the Africans, there was

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135 Lyttelton told a Nairobi Press Conference that the modern form of franchise was not practical for Kenya "at this stage" - a polite way of saying no votes to Africans. Daily Worker, 11 March 1954.

136 The Observer, 14 March 1954.
little in the new constitutional proposals that seemed intended
for this purpose. Lyttelton's claim that an agreement repre-
sented a triumph for the principle of "multi-racial govern-
ment" was refuted by The Scotsman which argued that racial partner-
ship could not be created by a constitutional scheme alone,
especially if it was one that excited grievances. It feared
that Lyttelton's scheme might strike the Africans as the
beginning of the transfer of the powers of the Colonial Office
to Nairobi so that Kenya might become another Southern Rhodesia.
The Times, however, put it differently stating that first of
all, it meant the rejection of the thesis that the Colonial
office should maintain an all-powerful grip on Kenya until

137 Ibid. It urged Lyttelton to show "the same patience in
seeking agreement in Kenya that he showed in Nigeria, the
situation demands it."

138 The Scotsman, 22 March 1954.

139 This was also the opinion of Colin Legum of The Observer
(21 March 1954) who said that it was a simple fallacy to
suppose that Africans regarded their interest as being
safeguarded once a hand picked member of their community
had been put on an Executive Council. By creating a
Cabinet before creating a representative Assembly,
Lyttelton had reversed the proper procedure. "The new
Kenya constitution" he said, "opens the way for a
substantial transfer of power to the handful of white
settlers and to the Asians... Once this process of abdi-
cating or sharing power has begun, it cannot be reversed.
This is what happened first in Southern Rhodesia and
later in Northern Rhodesia, until it became almost
impossible for Westminster to resist any demand the
Settlers made."

140 The Times, 20 March 1954.
racial differences were composed, and secondly, the final rejection of the principle of European domination, though not of European leadership. What seemed to have counted largely in inducing the Africans to withdraw active opposition to the proposals was the promise of direct elections at the next general election. Whatever might be the weaknesses in the scheme, there was one big weapon given to the different racial groups to use against policies with which they disagreed— that of resignation. And The Scotsman said it was not then very hard to foresee continual threats of resignation, one or other of the five races represented in the Government. This was the experience of Nigeria where a similar system of government prevailed until 1954.

On 22 March 1954, Lyttelton announced in the Commons that his new constitutional proposals, in the then prevailing political circumstances, represented the largest common factor of agreement which was practicable. The proposals meant important advances to Africans. For the first time in East or Central

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141 Ibid. It said: "The present system of half-election, half-nomination succeeds only in getting the worst of both worlds."

142 The Scotsman, 22 March 1954.

143 525 H.C. Deb. 5s. cols. 880–5, 22 March 1954, Lyttelton.

144 Cmd. 9103/1954.
Africa, they were to have a portfolio with full administrative responsibility. Moreover, the idea of appointing two African Parliamentary Secretaries was an attempt to broaden the political class among Africans and to give them the opportunity of acquiring both administrative and parliamentary knowledge. These proposals, he said, would achieve three objects with which they were framed: first, to bring unofficial members into the Government and thus close the ranks in the struggle against Mau Mau; secondly, to ensure that the Government had a multi-racial foundation; thirdly, to set up the War Council.

Lyttelton's statement in the Commons did not add anything to what was already known of the new constitutional arrangements. Clearly, he had to overcome a formidable barricade of European opposition to the appointment, for the first time in the history of East or Central Africa, of an African as a Minister in charge of a department. This was the key to the whole problem; without it, no further advance could be made towards the participation of Kenya's own representatives in the administration of the country. As late as April 1953, Lyttelton gave an assurance in the House of Commons that there would be no constitutional change or allocation of portfolios to unofficials until the Emergency was over. But events had

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145 Manchester Guardian, 23 March 1954.
146 514 H.C. Deb. 5s. col. 2142, 29 April 1953.
overtaken the policy of retaining official control. Lyttelton had not only brought non-officials into the Government at the highest levels, but also ensured that each major race—African, European and Asian—should share in this Cabinet responsibility. This marked clearly the British Government's determination that the Government of Kenya should reflect its plural society. However, it was straining words to speak, as Lyttelton did, of this settlement as "the largest common factor of agreement" in the Commons, when an important party to the settlement did not formally agree. Nevertheless, the principle had been established.

Later, these proposals for a reconstruction of the Government of Kenya were brought into effect in April 1954 and a new Council of Ministers was set up on 20 April 1954 which became the principal instrument of the Government and exercised collective responsibility for decisions on Government policy.

Meanwhile, Lyttelton resigned and in his place, Alan Lennox-Boyd joined as the new Colonial Secretary. In October 1954, Lennox Boyd began his 18 days tour to East Africa, during which he visited Kenya. Realising the fear and suspicion which lay at the root of many of the Colony's problems


and controversies, he gave to the Settlers of Kenya assurances more categorical than any spoken by a Secretary of State for many years - that they were in Kenya to stay, with the full force of the British Government behind them. He said he believed in British emigration to Kenya and promised to explore with vigour ways of overcoming the difficulties in the way. He also made it clear that whatever might be the recommendations of the Royal Commission, no action affecting the then status of the White Highlands would be taken before 1960. To the Africans, Lennox-Boyd gave no less categorical assurance that those who did not renounce the ideas and practices of Mau Mau would not be allowed to return to the areas where loyal Kikuyu lived.

On 21 June 1955 the Kenya Government announced that Africans would be allowed to form political associations for the first time since the Emergency. But this was permitted only on a district basis, except in Central Province, where all that was permitted was a nominated Advisory Council of 'loyalists'. Africans reacted to this decision on the ground that it would lead to an intensification of tribal feeling.

But Lennox-Boyd made it clear on 18 April 1956 that he was not

149 The Times, 19 October 1954; Manchester Guardian, 21 October 1954.


151 551 H.C. Deb. 5s. cols. 1010-11, 18 April 1956, Lennox-Boyd.
prepared to go beyond the arrangement starting with district organizations, then merging into Conventions of District Associations and later into a Central Convention of Political Associations.

The Government was clearly determined not to have something like the KAU over again which, they felt, was not satisfactory as a representative body. And therefore, the Government sought to avoid this danger by building an African political structure on district associations, covering fairly a small area, and linked together in larger "Conventions" with a Central Convention at the top of the pyramid. In such a body, no centralised group (the Kikuyu living in Nairobi for instance) could dominate the whole. According to the Manchester Guardian, it was certainly "a step in the right direction" though one wondered whether it was not "too halting a step." This over-cautious approach of the Government had its dangers. It said if the district associations were too "official", too much under the Government's wing, nobody would take them seriously. Also, it would not be possible for all Africans to belong to one party or association in each district since they did not all think alike. As such Kenya would not be round the corner politically until it was possible to form multi-racial parties as well as multi-racial government. That could not be done yet.

152 Manchester Guardian, 22 June 1955.
But it never would be done if political representation became firmly based on monolithic racial parties.

Coutts Commission's Report

Meanwhile the Coutts Commission which had, since February 1955, been conducting investigations into the best system or systems to be adopted in choosing African members on the Legislative Council, submitted its Report in August 1955. The Coutts Report, together with a White Paper outlining the Kenya Government's view on it, were laid before the Kenya Legislative Council on 10 January 1956. The basic proposal in the Report was for a qualitative franchise coupled with a system of multiple voting. Although the African unofficial members of the Legislative Council had asked for universal adult suffrage, the Report recommended against it and said that there should be 10 "points" based on age, education, property etc. to qualify a person for a vote and some combination for further votes. Two groups of Africans were excluded from these provisions - the primitive nomads of the Northern Province whose enfranchisement was to be recommended at the next elections, and members of the Kikuyu, Embu and Meru tribes for whom special provisions were made. Coutts recommended that

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153 Ibid

154 Report of the Commissioner appointed to Enquire into Methods of the Selection of African Representatives to the Legislative Council (Nairobi), 1955.

no one who had taken the Mau Mau oath should vote. Instead, there should be a positive loyalty test. The White Paper accepted in principle the basic proposal of the Commission but considered some modifications necessary. The main effects of the modifications were to make the franchise less restricted; reduce the number of "points" to seven; and reduce to three the maximum number of votes for any one person. While it might not be possible for the electoral rolls to be prepared in time for the general elections, in September 1956, the Government announced its intentions that the election of African members should take place before March 1957. With the modification in the Coutts' Report, it was estimated by the Nairobi Correspondent of The Times that above sixty per cent of adult males would be enfranchised.

The concept of a multiple vote had been roundly condemned by The Times which pointed out that no one could expect the

156 Ibid.
157 The Times, 11 January 1956.
158 Idris Cox said: Less than one-tenth of the adult Africans would have the vote and the six African elected members would be in a hopeless minority against the 39 European members and ten British officials. Idris Cox, "The Kenya Electoral Fraud", Daily Worker, 23 January 1956.
African to accept this "well-meaning but artificial contrivance", which had not been considered necessary for European franchise and which was, therefore, bound to be suspected. The main argument in favour of such a proposal was that it would eventually facilitate the inclusion of the African electorate with the Europeans and Asians on a common roll. But the vast disparity in numbers between Africans and other races in Kenya "makes it doubtful whether so artificial and complicated a device will in fact serve to allay the fears of the smaller and more advanced communities, be they fancied or real." It, therefore, suggested that it would "be better dropped". The essential point in Coutt's proposals was that all African representative members in the Legislative Council would be elected by direct and secret ballot instead of being, as then, nominated after some consultation with African bodies. Although the

Manchester Guardian considered this "a vital step", The Observer


The Observer (15 January 1956) said: the idea of a multi-vote might perhaps be justified where an attempt was being made to integrate voters with different cultural standards into a single electoral roll; its advantages were less obvious when Africans were voting only for Africans. Also, it would not induce racial cooperation. There was a debate in the Commons on 6 June 1956 in which the Opposition criticized the new method of franchise and system of election for Africans. Arthur Creech Jones called the method of African election as "complicated", "undemocratic" and "illiberal".

553 H.C. Deb. 5s. cols. 1089-92, 6 June 1956, Arthur Creech Jones.
felt that this was bound to intensify racial conflict, especially so long as 6,000,000 Africans were entitled to elect only six members to the Legislative Council, as compared with the twenty members elected by 200,000 Asians and Europeans. This was the nub of Kenya's electoral problem, and the latest proposals unfortunately completely ignored it.

General Election to the Legislative Council

The elections of the Europeans, Asians and Arabs to the Legislative Council took place at the end of September and the beginning of October 1956. After the elections, all groups in the Legislative Council had requested changes in the Constitution. They demanded further increase in numbers on the non-government side of the Legislative Council and greater unofficial representation in the Council of Ministers by changes in its composition which would allow one extra European elected and one extra African representative Minister to be appointed immediately.

In order to meet these requirements, Lennox-Boyd recommended to the Governor on 31 October 1956, that the latter should immediately appoint the extra African and European

162 R.C. Deb. 5s, col. 1424, 31 October 1956, Oral Answer, Lennox-Boyd.

members to the Council of Ministers to make it four Europeans, two Africans and two Asians on the Unofficial side. He also recommended that extra seats should be created in the Legislative Council within the framework of the Lyttelton Plan, but only after African elections in March and during 1957.

But the outcome of the African elections in Kenya held in March 1957 created a difficult position for both the Kenya and the British Governments. Of the eight retiring African representative members, only two had been returned to the Legislative Council. In a policy statement on 18 March 1957, seven of the eight newly-elected African members of the Kenya Legislative Council said that they would take no part in the Kenya multi-racial Government. They said that the Lyttelton Plan, on which the Constitution was based, should be declared null and void. Tom Mboya, the leader of the eight African elected members, said afterwards that behind the move to "wreck" the Lyttelton Plan was the demand for increase in African representations. While *The Times* emphasized that Mboya's threat to wreck the Lyttelton plan in all its forms should not be regarded as a blind attempt, the *Manchester Guardian* wondered whether Mboya would be persuaded "to eat

164 Manchester Guardian, 16 March 1957; *The Times*, 19 March 1957.
165 *The Times*, 20 March 1957.
166 *Manchester Guardian*, 16 March 1957.
his words -- though one remembers that Dr Nkrumah decided to take office under a Constitution which he had denounced as 'bogus and fraudulent'; and see what he had made of his chance."

Lennox-Boyd took an early opportunity, on 10 April 1957, to make a statement in the Commons, in which he said that the then Constitution of the Colony, including the composition of the Legislative Council was based on various documents which comprised what was usually known as the Lyttelton Plan. There was nothing to prevent their amendment in any way which was acceptable to all parties concerned. But agreement between the parties was essential before any change could be introduced.

He admitted that the African group in the Legislative Council did not positively endorse the new Constitutional arrangement in April 1954. But the subsequent amendment in 1956, for an extra seat on the Council of Ministers for an European and African member was approved by all groups in the Legislative Council. For all these reasons, Lennox-Boyd said, the Government could not accept the view that the African group in the Legislative Council did not adopt or participate in the then Constitutional arrangements. He reaffirmed his intention in the Commons on 1 May 1957 that he was not prepared to

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167 568 H.C. Deb. 5s. cols. 122-4, 10 April 1957, Written Answer, Lennox-Boyd.

168 569 H.C. Deb. 5s. col. 183, 1 May 1957, Oral Answer, Lennox-Boyd.
compromise on either of the two main principles of the Lyttelton Plan; first, that all main races should have the opportunity for representation in the counsels of the Government; and, secondly, that no change would be made before 1960 without the agreement of all races in Kenya.

Tom Mboya, who went to London in July 1957 to explain and interpret the case for increased African representation in the Legislative Council and the African elected members attitude to the Lyttelton Constitution, said that there was no connection between the African members' demand for increased representation and their refusal to take part in the Government under the Lyttelton Constitution. The case against the present system or government had nothing to do with the inadequacy of African representation, but was based on the fact that it was created during the Emergency, when there were no African political parties or effective representatives. The African community had never signed an agreement to abide by this Constitution; consequently, the eight African members then elected could not be held to be a party to it. He urged the British Government to make a definite declaration of policy towards Kenya, but with due regard to the fact that the "population of Kenya was predominantly African." During the

169 The Times, 20 July 1957.
In a letter to The Times dated 25 May 1957, Tom Mboya said: "Our objection to the Lyttelton Constitution is
talks with Lennox-Boyd in London it was suggested that negotiations, in the final phase, might require assistance from the Secretary of State to bring the parties together and Lennox-Boyd offered to take part in their local talks during his next visit to East Africa, if such talks, by then, reached a sufficiently advanced stage.

Most of the time during his visit to Kenya in October and early November 1957, Lennox-Boyd held discussions with the various political groups, but was unable to secure an agreement acceptable to all. Lennox-Boyd tried for two weeks to find some way of bridging this political no man's land, but he left for Tanganyika without breaking this deadlock. On his return

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...nothing new. Everybody in Kenya was aware that the Constitution had never been accepted by the Africans. The Government was indulging in the most extravagant degree of self-deception to have thought that because it had got one Government-nominated African member to join the Government, it would arbitrarily commit the African population to the Constitution for all time. We are elected by the African people and one of our pledges was to remove this Constitution... The continuance of this Constitution moves Kenya further on the road to the Southern Rhodesia type of government... In its total analysis, the Colonial Secretary is not only defending the European settlers whose leaders have until now chosen to remain silent and pretend to be indifferent, but he is also opposing a demand supported by the majority of the races in Kenya." The Asian elected members, the Indian Congress, the Muslim League and the Arab member had publicly supported the African demand for increased representation.
from Tanganyika, he found a new situation in Kenya created by the resignations of the European and Asian elected members, thus making the Constitutional arrangements, set up in 1954, unworkable. Therefore, he said that, in these circumstances, the position had reverted to what was before the Emergency and the British Government was free to take such action as it might think fit.

New Constitutional Proposal

In the light of this background, Lennox-Boyd announced his new constitutional proposal at Nairobi on 3 November 1957 and was published as a White Paper. This was afterwards amplified by another White Paper published in February 1958. The main elements were an increase in the Legislative Council, of six African members elected by their community, coupled with the disappearance by 1960 of the two unofficial members created.

171 Manchester Guardian, 9 November 1957.
172 Cmd. 309/1957, Kenya: Proposals for New Constitutional Arrangements. Commenting on Lennox-Boyd's new proposal in which there were to be six additional seats in the Legislative Council for African elected members, Tom Mboya said: "If this is an invitation for us to join in a bus ride, we would like to know the destination." Manchester Guardian, 9 November 1957.
as a result of the 1956 agreement; the creation of 12 new specially elected members, four from each main community, chosen by the Legislative Council sitting as an electoral college; a ban on further increase in communal representation for all races; and the creation of a Council of State — a constitutional innovation — whose function was to intervene and report upon differentiating measures against the interest of any community and finally keeping the Council of Ministers unchanged in size and composition. The new constitutional instrument was to come into force in April 1958.

The basic principles of the new Lennox-Boyd Constitution for Kenya were the same as the old Lyttelton one, that there should be sufficient number of official members whether ex-officio (such as the Financial Secretary) or nominated by the Governor, to enable a government formed both of official and unofficial ministers to get its measures passed, even if the remaining unofficial members, who were then all elected by their separate races, opposed them, and that all major races should be represented in the Council of Ministers. The essential difference between the old House and the new was that in the latter, by giving the Africans six more elected seats on the communal electoral roll there were then 14 Africans representing a population of 6 million, thus giving them parity with the European-elected membership of 14, representing
50,000 Whites. But this still left the Africans in a racial minority because there were, in addition to the 14 elected Europeans, seven official and fifteen nominated Europeans. However, the position was to be somewhat changed by the indirect election of 12 "non-communal" members -- four Africans, four Europeans and four Asians -- by the whole House sitting as an electoral college. A new body called the Council of State would apparently act as a second chamber to deal with the matters relating to minorities. But one suspected whether many more teeth would be put into this body than into the African Affairs Board in Central Africa. These arrangements, taken as a whole, made many changes -- an increase in the proportion of African elected members and an all-round increase in the number of unofficial seats in the Legislative Council -- in the existing Constitution introduced in 1954. But an important feature of that Constitution namely the presence of elected Ministers on the Council of Ministers was preserved.

The new Constitution had been approved by the European and Asian members, though some Europeans had been critical of the proposal to grant Africans, in effect, ten more seats. It had been rejected out of hand by Mboya and the other African elected members, on the ground that it resorted to "old

fashioned colonial and imperialist technique" to preserve colonial rule and ensure "White settlers domination". Lennox-Boyd, however, said that he could not regard their statement as representative of African opinion as a whole -- to which the African members replied that Lennox-Boyd had been tricky in imposing the new Constitution and that they would, if necessary, go to the country for a vote of confidence. In fact, the attitude of Lennox-Boyd, as late as 1957, was governed by the long term view of Kenya in which he saw no prospect in the "foreseeable future" of any British Colonial Secretary being able to abandon his responsibilities in Kenya. For many years to come it would be necessary, he said, for the Government of Kenya to include certain number of official members and ultimate control to remain with the British Government.

175 The Times, 14 November 1957.


177 Commenting on the new proposal, the Manchester Guardian (9 November 1957) said the Colonial Secretary was "a great trier" who produced a novel and ingenious idea to end the political impasse in Kenya. He retained the principle of multi-racial government, but put a new prop under it. He adopted the suggestion that the whole membership of the Legislative Council itself should not act as a miniature non-communal constituency, but these could include some members who might fail to get elected in a purely communal constituency. And a multi-racial Council of Ministers could draw on them even if directly elected members were unwilling to serve as the African elected members were, in 1957.
Kefuva's political problem was complicated by the presence of White settlers who had made permanent homes in Kenya, occupying most of the fertile land on Highlands and dominating the Government and politics in Kenya. The Africans rightly saw the presence of White settlers to be an obstacle to their political advance. They also alleged them to have stolen their land, some fifty years ago. And therefore, there was a contrast between the poverty of the masses and the prosperity of the White settlers which undoubtedly led to general resentment and enmity towards Europeans. It was against this background of long standing grievances and accumulated frustration - political, economic and social - experienced by Africans prior to 1952, Mau Mau movement was born. And it fell on the Conservatives to grapple with this problem.

Although the exact nature of Mau Mau could not be known and remained most difficult to understand, the basis of Mau Mau was undoubtedly the Kikuyu tribe which had acquired the knowledge of firearms, learned how to drive lorry and use gun during Second World War when they served as British forces. They were also more intelligent and politically minded, and therefore, more restless than other tribes. And having seen the world outside where Whiteman was being defeated and getting inspirations for independence movement from India,
Burma and other countries, they thought they should take a leading role in the campaign for greater political self-determination. Also, there was a strong tribal oathing tradition -- a system of committing the people by oath -- which worked as a powerful political lever. The immediate cause was the land hunger -- impossibility of the people to make a living on the land, to find a job in the towns and conflict in the Central Province between the Kikuyu and White Highlands.

But there was no doubt that they were determined to get political control which was the root of all their troubles. Its nationalist character was admitted by The Times Special Correspondent in Kenya and the British Officer in-charge of the operations against Mau Mau.

However, the Conservative Government took a very different view. Lyttelton himself said that Mau Mau was not the child of economic pressure but later agreed that it would have been impossible for Mau Mau to 'have gained such momentum unless it could feed the fires of its campaign...with the fuel of some supposed, some feigned and some genuine grievances'. Even the Parliamentary delegation which went to Kenya, in 1954, reported that Mau Mau was a political and social conspiracy of a secret society which sought to lead the Africans of Kenya back to the

178 Interview with Appa B. Pant (formerly Commissioner for India in Nairobi) High Commissioner for India in London, on 15 April 1970.
bush and savagery, not forward into progress and urged the British Government not to confuse Mau Mau with economic, social and political grievances of the Africans. Psychologists and anthropologists might offer reasons why the Mau Mau ceremonies were primitive and barbaric, but these only explained the forms of the movement and not the causes of it. And therefore, it was absurd to explain Mau Mau as merely the mental breakdown of the Kikuyu tribe as a result of the impact of Western civilization and culture; or the result of the rapid transition from primitive to modern society or the result of the suppression of the tribal dances by the missionaries which Lyttelton tried to impress on British Parliament as an explanation for Mau Mau. In fact, all their Blue books, White Papers, Commissions' Reports were misleading.

The British Government believed, in a sense typical Tories, to put this Mau Mau movement down by force and they were too slow in understanding the gravity of the problem. The Army view -- of General Erskine -- was pretty early on that "Mau Mau cannot be beaten up by soldiers. Mau Mau needs a political solution." But the British Government picked up this idea of political settlement much later. So, it was pretty late in the day only after they found that they could

179 Interview with Colin Legum, Commonwealth Correspondent of The Observer in London, on 6 May 1970.
not defeat Mau Mau by force, they decided to go in for more and more economic and social change. On the one hand, the Conservatives would deny economic grievances, on the other hand, they would go in for more and more impressive programme of land consolidation which finally succeeded in Kenya.

Mau Mau was a turning point in the history of Kenya in that it left a deep mark and impressed the British mind for political and economic reforms. Although the British Government went ahead to suppress the movement by force, they realised, but very late, that political reforms could not be held for a long. So when the situation improved, Lyttelton went to Nairobi in March 1954 and announced his new Constitutional proposal in which for the first time in British Africa, excluding West Africa and Sudan, the ministerial responsibility was offered to non-Europeans, and thus, when his Constitution came into force, the principle of "multi-racialism" was firmly established. However, it was nothing but the colonial version of 'partnership' preached by Sir Roy Welensky in Central Africa and that remained the leading theme of British colonial policy for quite some time. But the way the British Government saw political settlement, was not the way in which militant nationalists saw political settlement. This produced a cleavage between multi-racial concept of Blundell and the Conservative Government and nationalist concept of Africans.
The Conservatives said: they were in favour of independence and liberation but on a multi-racial basis and against nationalism. Black nationalism was racist as White nationalism. These were the phrases used then. The Conservatives, thus, were trying to create and set up their idea of multi-racialism against the nationalists idea of African nationalism. And, multi-racialism, whatever its intensive merit, was very heavily discredited by the fact that multi-racialism was the defense for the increasing unpopularity of Central African Federation. Therefore, while buttressing up this hated Central African Federation for the sake of multi-racialism they were trying to encourage multi-racialism in all its aspect in Kenya, and thereby pursuing self-defeating policy. As a result, they were building up nationalists everywhere.

In the multi-racial Government of Kenya, the White settlers still dominated both the Legislative Council and the Council of Ministers since the official and nominated majority was retained in both. The idea of bringing non-Europeans on the Council of Ministers was to give educated Africans a share in the administration of the Colony but again not in proportion with their population. Besides a post in the Council of Ministers, the only other concession to Africans in the 1954 Constitution was that African members of the Legislative Council would be elected and not nominated, and elections for this were to take place after the method of election had been
decided by a Commission. It was also true that Africans as a group or an organization did not positively endorse new Constitutional arrangement in 1954 but had agreed that they would not come in the way of any member of their group joining the Government if it were offered. However, it was straining words to speak, as Lyttelton did, of this settlement as "the largest common factor of agreement" in the Commons when an important party to the settlement did not formally agree.

In 1955, when the African political parties were allowed to form, the British Government seemed over cautious by allowing these, only, on district level and hence one wondered whether it was not too halting a step. Also, the multiple voting system which Coutts Commission recommended for African election was resented by Africans. The Observer rightly said the idea of a multi-vote might perhaps be justified where an attempt was being made to integrate voters with different cultural standards into a single electoral roll; its advantages were less obvious when Africans were voting only for Africans.

The outcome of the African elections in Kenya, held in March 1957, created a difficult position for both the Kenya and the British Government since the eight African elected members decided not to take part in the multi-racial Government.

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180 The Observer, 15 January 1956.
of Kenya and declared that the Lyttelton Constitution was 'null and void'. As a result, the Lyttelton Constitution became unworkable and initiative reverted to Lennox-Boyd to propose another constitution. The basic principles of the new Lennox-Boyd Constitution were the same as the old Lyttelton one, that there should be sufficient number of official members whether *ex-officio* or nominated by the Governor to enable a government formed of official and unofficial ministers to get its measures passed, even if the remaining unofficial members, who were, then, all elected by their separate races, opposed them, and that all major races should be represented in the Council of Ministers. The essential difference between the old House and the new was that in the latter, by giving the Africans six more elected seats on the communal electoral roll, the parity was given with the European elected members. But with the creation of 12 new specially elected members by the whole House sitting as an electoral college, Lennox-Boyd put a new prop under it. Because a multi-racial Council of Ministers could draw on them, even if directly elected members were unwilling to serve. This was the novelty of this Constitution but the African members resented this.

Whether the Mau Mau had speeded up Kenya's advance towards independence is a debatable point but at least one fact bears out that it had certainly checked the British Government's effort taking Kenya towards Southern Rhodesian
pattern -- by transfer of power from the Colonial Office to Nairobi -- if they had a wish to do with the Settlers backing. And, in the absence of Mau Mau it would have been possible to keep Africans under the Settlers domination for quite a long time. Even otherwise, as late as 1957, the British Government saw no prospect, in the "foreseeable future" in abandoning their responsibility in Kenya.

(C) NIGERIA

Background

The problem of Nigeria was different in kind from that in Kenya as there was no sizeable presence of White settlers, but there are profound differences in language, traditions and cultural patterns, and ways of thinking between the groups of African tribes inhabiting the then-existing three Regions of Nigeria -- the Northern, the Eastern and the Western -- which makes it a heterogeneous society. Politically, Nigeria is an artificial British creation as a result of conflicting European colonial activities, warlike and otherwise, with scant regard for ethnographic or economic realities. There are three major tribal groups in the country, namely the monarchical Moslem Hausas, in the North, the equally monarchical and shrewd

181 Manchester Guardian (19 May 1953) said: "The Northerners have the virtues and the faults of a peasantry and squirearchy; they are in general slow, tenacious, disciplined, courteous, pious, and prejudiced; willing to

(footnote contd....)
Yorubas, in the South West, and republican-oriented Ibos, in the South-East. Technically, the northern part of the country was a Protectorate, the South or Coastal part, a Colony, and a strip along the eastern border, a United Nations trusteeship territory, formerly part of the German colony of the Cameroons. In administrative and constitutional practice, these divisions had been ignored, but in fact, they represented a real cleavage in human and geographical terms.

But it was not until 1914 that the two blocks of Nigeria - Northern and Southern - were amalgamated into single political unit. And even after the 1914 amalgamation, Southern and Northern Nigeria were not governed under an identical system. For many years, Southern Nigeria had a Legislative Council on which there was an unofficial representation, while the North advanced, but at their own easy pace. The spread of commerce and of the railway system into the North has brought with it, a strong element from the Ibo people of Eastern Nigeria, who are all that the Hausas are not... Their qualities have won them many administrative and clerical posts outside their own region, and they have lacked the grace to make the intrusion acceptable."

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Besides this, there are several other linguistic or tribal groupings, such as the Fulanis, the Edos, the Ibibios etc. The population of the North, according to 1952 census was roughly 17 million, slightly more than the combined population of the East and the West i.e. 8 and 7 million respectively. See Kalu Ezera, "Nigeria's Constitutional Road to Independence", Political Quarterly (London), vol. 30, 1959, p. 192.
was governed directly by the Governor, by means of official decrees and through the means of "Indirect Rule". This was the position until 1947 when constitutional reforms were introduced by the Governor, Sir Arthur Richards (afterwards Lord Milverton) which brought Northern Nigeria into line with the South under a common Legislative Council for both territories, and for the first time unofficial representatives from the North took their place in a common legislature which exercised authority over the country as a whole. Before this, for administrative convenience, the country was divided into three Regions — the North, East and West. In the new arrangements, a provision was made for the establishment of Regional Assemblies with limited legislative powers, thus accepting the concept of regionalism. But the manner in which these reforms were introduced caused considerable disappointment, and in 1950, the country embarked on further reforms which were introduced in June 1951, as the Macpherson Constitution.

The Macpherson Constitution provided for an enlarged single chamber Legislature, comprising of 148 members (68 from the Northern Region, 34 from the Eastern, 34 from the Western, 

183 The system — whereby people were governed through their own chiefs or traditional heads — was introduced by Lord Lugard.

6 *ex-officio* members and 6 nominees to represent special interests), composed mainly of Nigerians elected from all parts of the country, via the Regional Houses and a Council of Ministers, at the Centre; elected Regional Legislatures and Executive Councils in the Regions. The Constitution, so evolved, was a quasi-federal one, and the Regions were made the effective units of Government -- with their own executive and legislature. The Regional Executive Councils were to consist of official and unofficial members, but with a majority of African ministers drawn from the regional legislatures and responsible to them. At the Centre, the substitution of the Executive Council by a Council of Ministers, however, did not establish the Cabinet system of government in Nigeria. The Ministers were appointed on a regional basis and were, therefore, individually responsible to their respective Regional Legislatures. Collective responsibility -- an essential feature of cabinet system -- was, thus, missing. Also, the Ministers were not given effective charge and complete control of their various departments; their function was to "cooperate" with the permanent heads of their respective departments.

The emphasis on regional autonomy, with the general application of the elective principle throughout the country, although using for the most part the method of indirect
elections, and the introduction of ministerial system which seemed to be the characteristic of the new Constitution, brought a revolution in the party system of government, particularly in the regions. It encouraged inter-regional jealousy and partisan hostility. Thus, the separatist tendencies grew and the new Constitution showed signs of instability.

The Conservative Approach

In 1953, the Conservatives were faced with a major constitutional crisis in Nigeria involving the possibility of a total breakdown in the Macpherson Constitution. Its working was interrupted in February and March 1953 by the events, first in the Eastern Legislature, and then in the Central House of Representatives. The events in the Eastern House of Assembly which was purely internal party squabbles were in no way connected with the crisis at the Centre. The crisis at the Centre arose in March 1953 over a debate in the House of Representatives on a Motion tabled by the member belonging to the Action group from the Western region to accept self-government in 1956 as a primary political objective. This was


186 While moving the Motion, Enahoro of the Action Group said that Nigerians were employing less violent methods than the people of Kenya and did not wish to part from the British with any rancour. He said they were giving the British proper notice to quit, because the British
objected by the Sardauna of Sokoto of the North by moving an amendment that "as soon as practicable" be constituted for "in 1956". After the amendment had been seconded, another member of the North moved that the debate be adjourned so that the people could be consulted and any increase in bad feeling between the Regions avoided. As a protest then, the Ministers representing the Western Region resigned. Later, in May 1953, during the visit of the Action Group leaders in Northern Nigeria,

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mind did not like things thrust upon it suddenly. Having been given notice, the British would be able to make gradual arrangements for the orderly transfer of power. See The Times, 1 April 1953.

187 Sardauna of Sokoto pointed out that the British had done the country good service in bringing the different communities together, but each section still then looked on others with suspicion and misgiving. The motion was deliberately designed to destroy the happy inter-regional relationship which the Macpherson Constitution was rapidly building up. The Times, 1 April 1953.

The argument of the Northern bloc was that the North whose population was overwhelmingly Mohammedan, started late in the race for Western education, as compared with the Western and Eastern Regions. These had had an earlier start through the work of European Christian missionaries. The North, in other words, had considerable leeway to make up in the realm of education, without which it could hardly hope to hold its own if the intricacies of self-government were introduced before the North was ready; the latter would inevitably be compelled to take a back seat in national activities. This they were unwilling to contemplate. See Ernest Ikoli, "Political Tension in Nigeria", The Listener, vol. L, no. 1270, 2 July 1953, p. 14.
there was a riot at Kano. But this was 'only a closing appendage of the series of events that followed the crisis at the Centre'.

It was perhaps not altogether surprising that such an impasse had been brought about. Lyttelton himself admitted in the Commons that the system was complicated, and called for long and patient study. Later on 21 May 1953, he informed the Commons that the events had shown that it was not possible for the three Regions of Nigeria to work together efficiently in a federation so closely knit as that provided by the then Constitution and said that the Constitution had to be redrawn to provide for greater regional autonomy and for the removal of goodwill needed to make it work.

Editorially, The Times (13 April 1953) said: The system was so complicated as to require more than an average amount of goodwill to make it work. At the beginning, it appeared to be forthcoming. But there was a basic weakness in the virtual impossibility of getting a clear single party majority at the Centre and consequent frustrations had whittled goodwill away. "Constitutionally what is wanted is a more streamlined system such as that in the Gold Coast. But that is just what Nigeria is never likely to have. The reason is that the so-called "backward" provinces of the north, unlike the Northern Territories of the Gold Coast -- or the Southern Sudan -- are numerous, rich and powerful enough to make their will effective. To apply the term "backward" to northern Nigeria is indeed a misnomer. It is just as keen on self-government as the south, and would probably run a more stable administration if given it. But for that very reason it is less in a hurry to obtain it."

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189 514 H.C. Deb. 5s. col. 1161, 22 April 1953, Oral Answer, Lyttelton.
of powers of intervention by the Centre in matters which could, without detriment to other regions, be placed entirely within regional competence. This was a far-reaching policy statement which laid down the broad principle that was to guide the proposed London Conference for redrawing the Constitution. Accordingly, the Governor issued the invitations, on behalf of the Colonial Secretary, to representatives of each region, and after initial grumbling, they agreed to come to London to attend the Conference.

The 1953 London Conference

The London Conference which was presided over by Lyttelton lasted from 30 July to 22 August 1953. Replying to the opening day debate in which hostility to the British was expressed or implied by every speaker except Abubaker Balewa, and Britain was even accused of a cynical policy of 'divide and rule', Lyttelton said that "the only cement which kept the rickety structure of Nigeria together was the British." The main problem before the Conference was to reconcile the desire of the Eastern and Western political leaders for a more rapid

190 515 H.C. Deb. 53 cols. 2263-8, 21 May 1953, Oral Answer, Lyttelton.

191 Lord Chandos, n. 33, p. 409.

advance towards self-government with that of the Northerners for a delay in which to make up their leeway in education, so that self-government for Nigeria would not mean, in effect, government by the South for the North. But the Conference got over this difficulty by agreeing to the demand for greater regional autonomy. And once this was agreed to, it became easy to find a solution to the problem of self-government.

The main decision taken at this Conference were: the Regions should be given greater degree of autonomy in respect of subjects allocated to them and that they no longer be required to submit their legislations to the Central Executive for approval. In order to strengthen the Regions further, the Residual functions should be transferred from the Central Government to the Regional Governments. At the same time, the Conference also decided to strengthen the Central Government in federal matters by introducing direct and separate elections in an attempt to break the dependence of Central Ministers on the Regional Governments which had led to the breakdown of the Macpherson Constitution in 1953. In his

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194 According to the Macpherson Constitution, the Residual powers belonged to the Central Government.

195 In his Memoirs, Lord Chandos said: "In my opinion, the fatal flaw in the existing constitution was that members of the Central Council of Ministers were nominated by the Regions: in this system it was inevitable that they

(footnote contd....)
Memoirs, Lord Chandos rightly said: "Only in this way could Nigerian policy be formed; otherwise compromises amongst the 'delegates' would take the place of decision, and where compromise became impossible, the bearings would burn out and the machine of government would grind to a stop." It also enlarged the Central Legislature from 148 to 184 total members elected on the basis of population. However, the North undertook not to insist on its full entitlement of members on a population basis but to accept 92 members, the balance being distributed among the Eastern Region 42, Western Region 42, Lagos 2 and Southern Cameroon 6. With regard to the question of self-government by 1956, the Conference finally accepted the British Government's declaration that, in 1956, full self-government would be granted to those regions desiring it, in respect of all matters within the competence of the Regional Government. But all these were at the expense of the Centre whose powers were now further reduced. On the future of Cameroons, Lyttelton said that the British Government had decided not to keep any final decision until the Conference

(Previous footnote contd.)

should regard themselves, and act, as a delegates and not as national figures."
Lord Chandos, n. 33, p. 409.

196 Ibid., p. 409.
reassembled. On the question of Lagos, the Conference asked the Colonial Secretary to arbitrate. Accordingly, Lyttelton announced that Lagos should be a federal territory forming no part of any Region. But this was resented by the Action Group delegation.

The London Conference, thus, fulfilled its primary objective of drawing up proposals for a revised constitution for Nigeria. The defects in the Macpherson Constitution were remedied by making the Regions stronger than before, by transferring residual powers from Centre to Regions. And therefore, the arrangement looked, as if giving legal sanction to the myth of the Regions being the original source of authority, part of which they had devolved to the Centre. Yet, it was a

197 Historically and geographically, Lagos lies within the Western region. A large proportion of its population belongs to the Yoruba tribe - the dominant tribe in the Western Region. Most Yoruba business have their offices in Lagos and many wealthy Yoruba have land there.

198 Lord Milverton (formerly Sir Arthur Richards, Governor of Nigeria) said: "In fact and in origin the Regions are artificial boundaries with only a very general ethnic justification. They each comprise tribal areas which may, in the future, claim separate status with perhaps as much justification as the Southern Cameroons, whose chief claim to separate treatment is based on a dislike of Ibo domination. Furthermore, in deciding to build a new Federation on the basis of Regions whose own internal cohesion may well prove unstable in face of challenges similar in nature to those which broke in 1951 Constitution, the risk friction is multiplied." Lord Milverton, "The Future of Nigeria", National and English Review, vol. 143, no. 860, October 1954, pp. 268-9.
remarkable achievement that agreement was reached on so many issues, some of which had become clouded with tense emotions. As in the Conference on West Indian federation, Lyttelton himself had made an admirable personal contribution in resolving differences. In fact, all had made some concessions to reach this compromise. The Centre would certainly be stronger than the Northerners wanted a few weeks back; on the other hand, the East and West had foregone the application of the 1956 date to the Centre. The London Conference, however, adjourned until January 1954 to give time for a Fiscal Commissioner to study the financial arrangements which would have to be made to accompany the changes proposed.

The 1954 Lagos Conference

The Lagos Conference which began on 19 January 1954, under the chairmanship of Lyttelton, was in continuation of the earlier Conference. The main object of this Conference

In his Memoirs Lord Chandos said: "I was deeply satisfied with the results of our labours in London:... Above all, the happiest relations between the Nigerian leaders and myself had been established." Lord Chandos, n. 33, p. 415.

200 Before opening the Conference Lyttelton placed a large cigar presented to him by Churchill, on the desk in front of him and said that he did not propose to smoke it unless the Conference was getting into difficulty. In fact, the cigar was never smoked and it is now in Nigerian Museum on display. Daily Herald, 26 January 1954.
was to put the finishing touches to the federal scheme agreed upon in London and to discuss the financial recommendation of the Chick Report and regionalisation of public service and judiciary. The Conference agreed upon all matters on which the final decisions had been deferred at the London talks and the details were worked out. During the Conference the Action Group did not raise the issue of Lagos, over which they were very sore, but demanded the inclusion in the amended constitution, the right of a region to secede from the Federation. The Conference, however, objected to this inclusion. On the position of the Southern Cameroons, the Conference endorsed the proposals put forward by the Colonial Secretary in consultation with the leader of Cameroon National Congress that the Southern Cameroons would cease to be part of the Eastern Region but should remain part of the Federation of Nigeria as a quasi-federal territory.


202 In his Memoirs Lord Chandos said: If the right of secession was to be given to the units of a federation, the Central Government could always be placed in a dilemma. 'Either you agree', they would be told, 'or we secede'. Lord Chandos, n. 33, p. 417.

203 Cmd. 9059/1954, Annex III, p. 54. It is interesting to note that Northern Cameroons leaders did not fall to the temptation of breaking away from the Northern Region, but strongly expressed the wish that Northern Cameroons should remain part of the Northern Region.
In the words of Lyttelton, the Conference was "an unqualified success", and he was certainly entitled both to use the word and take a good deal of credit for the success. At Lagos, all parties contributed to the success by their willingness "to sink sectional interests for the common good." This was the more creditable when one recalled the crisis of 1953. Lyttelton believed that the settlement reached was firmly based on "the realities of the political situation." It was certainly based on the agreement of the main existing political parties. But the Manchester Guardian doubted whether there were not "below their surface, political movements which have been obscured by the cumulative effect of the present system of indirect election but which may, if things go limpingly, burst out and introduce new elements into the political balance in a few years time."

On his return to London, Lyttelton informed the House on 10 February 1954 that constitutional instruments would be repaired in accordance with the conclusions reached at both Conferences, for submission to Her Majesty. He, however,

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204 523 H.C. Deb. 5s. cols. 1181-4, 10 February 1954, Lyttelton.
205 Manchester Guardian, 11 February 1954.
206 523 H.C. Deb. 5s. cols. 1181-4, 10 February 1954, Lyttelton.
said there would be further conference to review the revised Constitution, to be held not later than August 1956, when any question relating to the constitution would be open for discussion. Later, the new constitution came into operation on 1 October 1954.

The 1954 Federal Election

Under the new Constitution, elections to the Federal House of Representatives were held on 10 and 11 November 1954 in the Eastern and the Western Regions respectively. In the Northern Region, due to a curious mixture of indirect elections, election to the Federal Legislature lasted from October to December 1954. Since no single party obtained a majority of seats in the Federal House of 184, the Northern People's Party (N.P.C.) which had won 79 seats out of 92 seats allocated to the Northern Region, formed the coalition government with the support of the National Council of Nigeria and the Cameroons (NCNC). But it was a "political marriage de convenance." The only common thing between the N.P.C. and the N.C.N.C. which differed in ideology and temperament, was their determination to see the capital territory of Lagos to remain as Federal territory. The 'Action Group - the United National Independent Party Alliance' formed the Parliamentary

Opposition in the Federal House; the only thing common between them being their exclusion from the Government.

The Postponement of 1956 Conference

Whilst procedural arrangements were being made for a proposed constitutional conference in 1956, a political crisis, as a result of the enquiry and findings of the Foster Sutton Tribunal, occurred in the Eastern Region. The dispute arose over the connection of Dr Azikiwe, Premier of Eastern Nigeria with the African Continental Bank. The Tribunal's findings was that Dr Azikiwe's conduct in connection with the affairs of the Bank fell 'short of the expectations of honest, reasonable people'. As a result of this, the House of Assembly of the Eastern Region was dissolved and fresh elections took place on 16 March 1957 in which Dr Azikiwe and his party returned with a large majority.

On 2 January 1957, in a Press release, Lennox-Boyd had explained that the constitutional conference planned for September 1956 could not be held and that consequently the British Government's promise, made in 1953, to grant self-government to those Regions which desired it in 1956, could

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208 Cmd. 51/1957, Nigeria: Report of the Tribunal appointed to inquire into allegations reflecting on the Official Conduct of the Premier of, and certain persons holding Ministerial and other Public Offices in, the Eastern Region of Nigeria, p. 42.
not be fulfilled in time. He, therefore, suggested that the postponed conference should be held in May or June 1957, and proposed that "so far as it is legally possible to do so in advance of making of new constitutional instruments, step should be taken to give effect, by a date not later than one month from the conclusion of the forthcoming conference, to all arrangements for the introduction of Regional self-government which may be finally agreed at the Conference."

**Independence for Nigeria - Motion Debated**

Before the postponed constitutional conference began in London in 1957, there was an important development with regard to independence for the whole country. On 26 March 1957, the Leader of the Opposition, in the Federal House, tabled a Motion instructing the Federal delegates of the 1957 constitutional conference to "express the views of this House to do all in their power to secure the grant of self-government to the Federation of Nigeria, in 1957." When the motion had been duly seconded, a leading member of the NCNC moved an amendment which was substantially different from the original motion,

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209 Great Britain, Colonial Office, Press Release, Conference on Nigerian Constitution, 2 January 1957. Editorially, The Times (7 January 1957) said to have held the Conference without Dr Azikive would indeed have been to play Hamlet without the Prince.

and which was supported by the N.P.C. one of the constituents of Federal Government, demanding independence for Nigeria "within the British Commonwealth in 1959." At this stage, the Leader of the Opposition also accepted the amendment "in order that Nigeria may speak with one voice on this vital matter." Finally, this historic motion was passed without any dissentient voice. The attainment of independence by Ghana, a neighbouring country, much smaller than Nigeria, was no doubt considered to be a challenge by the Nigerian leaders. And every one was waiting to see this new spirit round the conference table in London in May 1957.

**The 1957 Constitutional Conference**

Because of the findings of the Foster Sutton Tribunal,

211 Ibid., col. 1417, 26 March 1957, Jaja Washuku.

212 Ibid., col. 1424, 26 March 1957, Chief Akintola.

213 Ibid., col. 1416, 26 March 1957, Chief Akintola. Commenting on the debate *The Scotsman* (19 April 1957) observed that in 1953, 'Independence for Nigeria by 1956' had split the country wide open, and a first class political crisis was precipitated leading to a complete breakdown of the Constitution. Also, in the past, regional interests had come first, aided by the old differences between the three big sections of the people -- the Hausas in the North, and the Ibos and the Yorubas in the South. But this time the South, hitherto impatient, was prepared to put on the brakes and wait for the North to catch up; the North, still anxious not to be unduly hurried on the road to complete independence, was at the same time willing to accelerate so that the South's waiting period should not have to be too long.
the postponed constitutional conference opened in London on
23 May and sat until 26 June 1957 under the chairmanship of
Lennox-Boyd. The composition of the Conference followed
broadly the same pattern as the 1953 Conference, the only con-
trast being that the delegates, though divided on many impor-
tant issues, were in a mood to negotiate and compromise.

The Conference agreed to confer self-government on the
Western and Eastern Regions which the representatives of those
Regions had claimed, in accordance with the promise given by
Her Majesty's Government, in 1953. The representatives of the
Northern Region did not ask for regional self-government
before 1959, but proposed interim changes to take immediate
effect. With regard to the structure of the Federal Gover-
ment, the Conference recommended that after the dissolution
of the then House of Representatives about the end of 1959,
there should be two Legislative Houses for the Federation --
a House of Representatives and a Senate. On the issue of
Lagos, it was generally agreed that in the interests of unity
there should be no fundamental change in the constitutional
position of Lagos. But the Conference made specific recommen-
dations on matters affecting the city. The Conference

214 Cmd. 207/1957, Report by the Nigerian Constitutional
Conference, held in London in May and June 1957,
paras. 21-22, pp. 11-12.

recommended that on Nigeria becoming independent, the British Cameroons both North and South would remain part of an independent Nigeria country. The thorniest of all Nigeria’s problem -- that of safeguarding the numerous minorities that existed in all the major Regions -- was to be referred to a Minorities Commission to ascertain the facts about the fears of minorities and to propose means -- including the creation of new states "as a last resort" -- of allaying those fears whether well or ill-founded.

Dealing with the demand for Nigerian independence in 1959, in pursuance of the resolution passed by the Nigerian House of Representatives, on 26 March 1957 and All-Party Memorandum submitted to the Colonial Secretary in this connection, Lennox-Boyd said he was unwilling to commit Her Majesty's Government "to draw a blank cheque" in favour of Nigerian independence in 1959, because he must know what the face of Nigeria in 1959 would likely to be. He said there was much unfinished business to be completed before he, or anybody else, would foretell what would be the shape of Nigeria in

216 Ibid., pp. 13-14. Kalu Ezeru said: "Prior to the Conference, there were strong demands for the creation of separate states, notably from the advocates of a 'Mid-West State' in the Western Region, of a 'Middle-Belt State', in the Northern Region, and of a 'Calabar-Ogoja-River State' in the Eastern Region." Kalu Ezeru, "Nigeria's Constitutional Road to Independence", Political Quarterly, vol. 30, 1959, p. 136.
1959. The two Regions were only just launching out on Regional self-government, while the third and largest did not wish to receive it for some time. Also, minorities problem was still to be settled. But later, he agreed to undertake that if, early in 1960, the United Kingdom Government received a resolution from a newly-elected Federal Legislature asking for "full self-government within the Commonwealth" by a date in 1960, the United Kingdom Government would "consider it with sympathy" to do its best to implement such a resolution and be prepared to fix a date when it would accede to the request. On the following day in a statement issued to the Conference by the Sardauna of Sokoto, on behalf of the Nigerian delegates, it was stated that having been, thus, disappointed they, the Premiers, reserved to themselves "the right to pursue the issue further with a view to impressing upon Her Majesty's Government the necessity of granting independence to the Federation of Nigeria not later than 2nd April 1960." This joint statement issued by the Nigerian delegates firmly demonstrated Nigerian leaders' unanimous determination to demand their country's independence from an unwilling Britain at any cost. And Lennox-Boyd took careful note of that.

The 1957 Conference, thus, ended on a note of "progress

218 Ibid., para. 54, p. 27.
and compromise" with a large measure of agreement, thereby refusing the critics who predicted that it would be impossible for the conflicting parties in Nigeria to reach an early settlement. The Conference was significant in that it conferred internal self-government on the Eastern and Western Regions, although it left the question of the timing of Nigeria's ultimate independence originally fixed by the Nigerian leaders for 1959, in abeyance. It reached a wide measure of agreement; but on some of the more difficult problems, it avoided disagreement only by postponing decision, or by remitting the question for further study to an expert commission. The minorities problem was an explosive one, and was partly responsible for not getting the assurance from the British Government of the independence for Nigeria by 1959. This was, according to The Times, "bound to continue as a bone of contention, but it would be running true to Nigerian form if this controversy too were ultimately resolved in a friendly fashion."

Appraisal
Thus, by 1957, Nigeria, Britain's biggest colony on the

219 The Times, 27 June 1957.
220 The Observer, 26 June 1957.
221 Manchester Guardian, 27 June 1957.
222 The Times, 27 June 1957.
West Coast of Africa, was well on the road to self-government and eventual independence. Since there was no sizeable presence of White settlers, it was accepted fairly early that Nigeria, like Gold Coast, should move towards self-government and independence as an African state. Self-government fast because it had already moved that way and then to delay independence until there had been reasonable opportunity to work out the transition from self-government to independence, particularly by providing constitutional safeguards for the minorities.

In 1953, the Conservatives were faced with a major constitutional crisis in Nigeria when the Macmillan Constitution of 1951 showed signs of instability. This was partly because of differences between the North and the South over the issue of self-government by 1956, with the South's desire for a delay in which to make up the leeway in education so that self-government for Nigeria, with and partly because of the anomalies in the then Constitution, for example, the approval of some of their legislations and the absence of collective responsibility.

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223 Interview with Colin Legum, Commonwealth Correspondent of The Observer in London, on 6 May 1970.
in the Council of Ministers at the Centre for their being nominated by the Regions. At the 1953 London Conference, the Conservatives, however, resolved these crises by promising self-government in 1956 to those regions who desired it. Also, the Region's dependence on the Centre was removed by not requiring the Regions to submit their legislations to the Centre for approval and by transferring residual powers from the Centre to the Regions, thereby making the Regions more autonomous than before. But this created a myth as if the original powers belonged to the Regions, which were no more than artificial boundaries with only a very general ethnic justification, the part which they had devolved to the Centre. On the other hand, the Centre was made stronger by introducing direct and separate elections in an attempt to break the dependence of Central Ministers on the Regional Governments which had led to the breakdown of the Macpherson Constitution in 1953. The Lagos Conference of 1954 which was in continuation of the 1953 London Conference did not raise any fresh issues and the previous decisions were endorsed. Even the Lagos question which looked most controversial and burning issue of the day and which was resolved at the 1953 Conference by accepting Lyttelton's arbitration who made it a federal territory, was not raised at this Conference. But the arrangement agreed at these two Conferences was only up to 1956 when there was to be another conference. However,
the Conference had to be postponed from 1956 to 1957 because of Dr Azikiwe's alleged connection with African Continental Bank and the Report of the Foster Sutton Tribunal on this. And when the Conference met in London, in 1957, the British Government promptly conferred internal self-government on the Eastern and the Western Regions, according to their promise of 1953. The Colonial Secretary, however, refused to agree to the demand of the Nigerian delegates for the independence of Nigeria by 1959, but agreed, if by 1960, a newly-elected House of Representatives passed such a resolution, to consider it with sympathy. What prompted Lennox-Boyd to say this was that there was much unfinished business to be completed; the two Regions had just launched on Regional self-government, while the third and largest did not wish to receive it for some time. Also, the minorities problem was still to be settled and was referred to an expert commission with a possibility of creating new regions for them from the existing ones. Lord Boyd told me that there was very often a plea from the Nigerian leaders

Lord Boyd told me: "I appeared to be rejecting their claim for self-government. But in all these negotiations...what went on in the Public session was reported. I, like other Secretary of State,...had innumerable private conversations with the leaders...it will surprise you if ever I said what exactly they told me later on and very often the profound statements of demands of independence made in public by the leaders were followed up by a plea not to take them more seriously in private discussions when I came to make up my mind."

Interview with Lord Boyd (formerly Alan Lennox-Boyd), in London, on 28 May 1970.
who had made a profound statements of demands of independence publicly, not to take them seriously when he came to make up his mind.

The British policy in Nigeria came in for a praise and tributes were paid to Lyttelton and Lennox-Boyd for playing the role as a 'mediator' and 'negotiator' at the Conferences. For Britain did two things. First, it granted internal self-government which each of the three big parties wanted so that each of the Region could be able to have a power base in their Regions and then set a date for "independence". Thus, there was a consensus and Britain was caught in a consensus -- first self-government in three Regions and then independence of the federation within the British Commonwealth.

But Britain was also to blame. In the North, British policy was to administer through Chiefs and through Muslim emires and to that extent Britain did strengthen and stabilize the undemocratic Moslem pattern of society. In the South, both in the East and the West, there had been great development of democratic ideas. And therefore, between the North and the South, the difference was just between two different civilizations. It was a peculiar federation where largest single unit, the North whose population was more than the combined population of the East and the West, was backward in most respect. The three Regions in Nigeria with artificial barriers did not speak adequately of the different feelings
of different sections of their population. Also, the feder-
tion was very weak from the beginning because all the Regional
Premiers wanted strong Region and weak Centre, and Britain,
being caught in a consensus had agreed to this. The recent
crisis in Nigeria had a great deal to do with past British
policy, but not simply 1951-57. The trouble began right at the
start, when some British administrator drew a pencil line round
a great chunk of West Africa and said: 'That's Nigeria' by
disregarding great ethnic differences and religious differences
as well.

(D) UGANDA

Background

Uganda was a British Protectorate, but had no White
settlers to speak of, and the traditional British policy had
been to develop it as an independent African state. While
the British Government ruled the country as a whole, Buganda,
the old kingdom and principal province, had its own African
government under Kabaka who had, under normal conditions, a
great deal of power and whose relations with Her Majesty's

225 Buganda - only a quarter in size of the whole Uganda -
was one of the four provinces of the Protectorate, and
the Buganda only one of the many tribes, though the
largest, the wealthiest, and the best educated.
See Manchester Guardian, 2 December 1953.
Government were regulated by the 1900 Agreement. The Baganda were, and still are, extremely conscious of their traditions and history and one of the most powerful but notoriously suspicious tribes in Eastern Africa.

When the Conservatives took over, Uganda had Sir Andrew Cohen as its Governor, a Labour appointee, a man of exceptionally liberal outlook. He was sincerely concerned to help Uganda move towards independence and had just introduced a set of important Reforms with this end in view. He granted the Kabaka's Council -- the Lukiko (a deliberative body) -- for the first time an elected majority and declared that the Uganda Protectorate had been and would continue to be developed as an Unitary state. Although these reforms were introduced in consultation and with the approval of the Kabaka, it aroused some suspicion of the British motives and was feared that their local independence might be impaired. The Governor too was suspicious that the Kabaka was planning to separate Buganda from the rest of the Uganda Protectorate, thereby upsetting his own plans for the Uganda Protectorate.

228 Interview with Cyril Dunn, Correspondent of The Observer, in London, on 14 May 1970.
The Kabaka Crisis of 1953

The immediate cause for the Kabaka crisis, which led to the withdrawal of recognition from Kabaka Mutesa II of Buganda and his subsequent deportation on 30 November 1953, was the hint dropped by Lyttelton in his after Dinner speech on 30 June 1953 at the East Africa Dinner Club in London in which, after discussing Central African Federation he went on to say: "Nor should we exclude from our minds the evolution, as time goes on, of still larger measures of unification, and possibly still larger measures of federation of the whole East African territories." This immediately set off angry protest within Buganda and the Kabaka's suspicion got into this. The Uganda people as a whole were opposed to anything of the kind which Lyttelton had hinted. Above all, they did not want to be associated too closely with the countries where there were large number of White settlers. Besides this, they said that other states in Africa were well ahead on the road to self-government, like the Gold Coast and Sudan, whereas Uganda had not been brought up to their level.

The assurance given by the Governor, in his letter dated 27th July 1953 to the Kakaba, on the issue of East African Federation that there was no change of policy and

229 Cmd. 9023/1953, p. 6.
230 Sudan, Uganda's immediate Northern neighbour, was granted full self-government.
that the future development of Uganda and other East African territories would largely be guided by local public opinion, could not satisfy the latter. On the contrary, the Kabaka, in his letter to the Governor dated 8th August 1953, raised, for the first time, two entirely new demands: that responsibility for the affairs of Buganda should be transferred from the Colonial Office to the Foreign Office and an early date should be fixed for the independence of Buganda. However, the British Government could not meet his demands and when the Kabaka started opposing the decision of Her Majesty's Government publicly, the latter withdrew his recognition and deported him to London.

The action of the British Government was debated in the House of Commons early in December 1953, while the Kabaka himself sat in the Visitor's Gallery as an honoured guest to hear his case. There were Opposition's cries of "resign" when Lyttelton made the announcement of deposition of the Kabaka. These cries, according to the Christian Science Monitor, reflected a growing hostility to the Colonial Secretary who was accused of still retaining some of the old school of

231 Christian Science Monitor (Boston), 1 December 1953. It added: "Mr Lyttelton certainly has had one of the hardest experiences of any Colonial Secretary -- all the more so because of Sir Winston's pledge about not presiding over the liquidation of the British Empire."
imperialism in his make-up and policy. But, as The Times said, Lyttelton showed himself "completely master of the occasion in a manner which re-called his handling of Buganda debate", when a vote of censure was moved by the Opposition, on 16 December 1953, in the Commons on the Government's conduct of African affairs.

The legality of the British Government's action was tested in a case brought before the Chief Justice of Uganda in November 1954. The outcome was indecisive. The Court held that the withdrawal of recognition from the Kabaka under Article 6 of the 1900 Agreement was mistaken. But it also observed that the Kabaka had 'disregarded his duty' to acknowledge and abide by the overrule of the British Crown and the Government could have withdrawn his recognition. In other words, the British had simply made a procedural error and taken a legally justified action under the wrong article.

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232 The Times, 17 December 1953.

233 In his Memoirs Lord Chandos said it would have been possible for him to persuade the Kabaka to alter his views if the Kabaka had been invited to fly to Britain. But Cohen doubted this, stating that he would not be responsible for the safety of the Colony if, after successfully defying the Colonial Secretary, the Kabaka was to return to Uganda, and further asked whether the Colonial Secretary should detain him in England on the Kabaka's refusal to change. Obviously, this did not appeal the Colonial Secretary who in turn asked the Governor to try again and, in case he failed, to withdraw his recognition.

Lord Chandos, n. 33, pp. 418-19.
Appraisal

In Uganda, the Conservatives ran into the problem of the Kabaka arising directly from the speech made by Lyttelton in which, after a reference to Central African Federation, he talked very incautiously about the possibilities of federation in East Africa. It set off angry protest within Buganda and the Kabaka's suspicion got into this. And then, there was no going back. On the point at issue, there could be little doubt that the Kabaka was in the wrong as he wanted the separation of Buganda from the rest of the Protectorate. But the Kabaka should have been banned by his own people and for different reasons than what the Conservatives had given for his deportation. Banning the Kabaka, the British Government made mistake in making him a symbol of the rights of the Baganda and in that way it rather intensified the conflict between the Baganda and the rest of the Uganda people. It made nationalists position very difficult because they would not speak against him as they would not approve the colonial action. The Kabaka's action though wrong-headed had its roots in the suspicions and frustrations of many of the Baganda. Only next door, in Kenya, similar fears and frustrations had taken a more hideous turn. And there seemed no doubt that the Baganda had been asked to swallow, too large a dose, all at once. To what extent the fear of another Mau Mau

234 The Times (1 December 1953) said: "Only long and patient (footnote contd....)


was an active influence upon the British mind is difficult to assess but "Mau Mau was an obvious part of the context." High Court judgement which went against the action of the British Government played a larger part in bringing the Kabaka back to his throne. But at the same time the Conservatives could not ignore such thing as African public opinion which was very much against the colonial action and they had to bow before it.

(Previous footnote contd.)

Efforts can overcome such suspicions. Even they may fail. But it may be questioned whether that patience has been exercised in this instance to the full."


236 Politics in the whole of the Uganda area was at that time governed far more by Palace intrigue than by the activities of democratic liberation movements.