RACIAL POLICY

In the West, British people were basically receptive to the concept of multi-racialism and racial equality. The spirit of accommodation and tolerance of different races of the Commonwealth was one of the cornerstones of her racial policy during the period under study. The achievement of independence by three Asian nations in 1947 and 1948 and their option to become members of the Commonwealth made the Commonwealth association multi-racial in composition and character. Since this spectacular change in the composition of the Commonwealth Britain's commitment to the concept of racial equality had become more explicit. India's membership of the Commonwealth helped to evolve and promote this British outlook. As V.K. Krishna Menon states, promotion of racial harmony was a major objective of India in the organization. "It was the decision to stay in the Commonwealth was a free-wheel action by the Indian people and it was left to be implemented by the long series of long conversations and in Pandit Nehru's mind was the feeling that India's remaining as a member of the Commonwealth would probably help towards erasing of the racial differences with the rest of the colonial Empire. This was a thing that weighed in his mind a great deal and he was quite prepared even that the basis was India as a Republic, that all authority comes from the people as written in the Constitution that there would be reciprocity in our relationship". In conformity

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with this new spirit in Britain and the Commonwealth, 80 Labour Party Members of Parliament tabled a motion in the British House of Commons, on 26 February 1951, calling upon "White people everywhere to free themselves from the conception of racial superiority to follow a course directed towards the brotherhood of man and based upon the declaration of human rights of the United Nations that all human beings are born free and equal in dignity and in rights". However, in examining the extent to which the Commonwealth was a factor in governing Britain's racial outlook, one has to examine three facets of her racial policy — her attitude towards the twin questions of South Africa's treatment of the people of Indian origin and the Union's policy of apartheid in the forum of the United Nations, and also to the question of immigration into the United Kingdom of coloured people.

**TREATMENT OF PEOPLE OF INDIAN ORIGIN IN SOUTH AFRICA**

The British attitude towards the discriminatory treatment of people of Indian origin in South Africa provided an illustration of the Commonwealth as a factor in the evolution of British racial policy. India took the matter to the United Nations in 1946, stressing *inter alia* the responsibility of the British Government for ensuring fair treatment to people of Indian origin in South Africa, since those people were the

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2 *The Times*, 27 February 1951.

3 *GAOR*, Session 1, plen. mtgs, 7 December 1946, p. 1007.
descendants of Indians who migrated to the Union with the knowledge and consent of the British Indian Government and the Colonial Office. To Mrs Vijayalakshmi Pandit, India's representative, the discriminatory legislation against Indians in South Africa amounted to segregating them from the Whites.\(^4\)

She contended that the Union's policy was a violation of the principles of the UN Charter, particularly, those provisions on human rights. But the South African representative, General Smuts argued that under Article 2 paragraph 7 of the Charter\(^5\) the question lay essentially within the domestic jurisdiction of a State and thus the United Nations was not competent to consider it.\(^6\) Opposing the Union's arguments Mrs Pandit stated that "It is too late now to hope that fundamental violations of the principles of the Charter are matters of domestic jurisdiction of Member States".\(^7\) She emphasized: "The Government of the United Kingdom has all

\(^4\) GAOR, Session 1, Jt. Cttee of 1st and 6th Cttee, 21 November 1946, pp. 2-3.

\(^5\) See the statement of General Smuts of South Africa on 21 November 1946, p. 1016, Article 2, paragraph 7 of the Charter says: "Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII".

\(^6\) GAOR, Session 1, Jt. Cttee of 1st and 6th Cttee, 21 November 1946, p. 3.

\(^7\) GAOR, Session 1, plen. mtgs, 7 December 1946, p. 1016.
along, through statements made by Secretaries of State and others, deprecated the discrimination against Indians in South Africa. The United Kingdom and her Dominions, with the exception of South Africa, at the Imperial Conference in 1921 expressly passed a resolution to the effect that Indians in any of the Dominions should not be discriminated against. I would only remind them of this resolution and of their past attitude in this matter. I trust they will live up to the profession made in the past and lend full support to the recommendations of the Joint Committee".  

But Britain supported the South African stand on lack of United Nations jurisdiction. Her representative, Sir Hartley Shawcross, argued that though the position of Indians in South Africa was a matter of great importance, more important was the question whether the General Assembly had any jurisdiction over a domestic problem of South Africa.  

He asked:

What does this clause about domestic jurisdiction really mean? How does it relate to the provisions in our Charter, repeated over and over again, about fundamental human rights. That is the question, a purely legal, constitutional question. There is no question of merits here. I have indeed, myself, throughout assumed that the merits are all upon one side. The question is not what are the merits, but what are the powers, what are the powers that we possess in such a matter. To give an emotional and a political answer to that question is to strike at the very roots of the rule of law which our organization is pledged to uphold and to enhance. (10)

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8 Ibid., p. 1018.

9 GAOR, Session 1, plen. mtgs, 8 December 1946, p. 1033.

10 Ibid., p. 1035.
Britain favoured examining the question of domestic jurisdiction under the UN Charter by the International Court of Justice, in the light of Article 2 paragraph 7 of the Charter.\(^\text{11}\) Thus, contrary to the Indian expectation, right from the beginning, Britain chose to join hands with the Union at the United Nations. Commenting on the British stand, the Indian representative told the 52nd plenary meeting of the United Nations on 8 December 1946: "When I spoke yesterday, I expressed the hope that the British Commonwealth would at least remain neutral in this controversy, which vitally concerns one of its most important members. But Sir Hartley Shawcross's speech has shattered my hopes. He has spoken in a manner which I consider to be entirely partisan, however full of dialectical skill it may have been".\(^\text{12}\)

Though in subsequent years, the Indian representatives continued arguing that racial discrimination was a violation of the UN Charter and that the UN General Assembly was competent to consider this question,\(^\text{13}\) the United Kingdom refused to

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11 Ibid., p. 1036.
12 Ibid., p. 1045.
13 For e.g. see the speech of Indian representative G.S. Pathak before the General Assembly on 16 October 1952. GAOR, Session 1, plen. mtgs, 16 October 1952, p. 46. At the Fifth Session of the General Assembly, Ad Hoc Political Committee, in its 46th meeting the view of competence was resolved by 35 votes to 3 with 17 abstentions. The resolution said:
"The Ad Hoc Political Committee
In view of the fact that the question of competence regarding the item on the agenda relative to the treatment of people of Indian origin in the Union of South Africa has been considered,
"In view of the discussions on this subject and the proposals submitted,
"Decides that it is competent to consider and vote on such proposals as have been submitted". See GAOR, Session 5, Ad Hoc Pol. Cttee, 18 November 1950, p. 291.
accept that point of view and maintained that it was within the domestic jurisdiction of the Union of South Africa. The other White Commonwealth countries either supported the British point of view or remained neutral.\(^{14}\) This was more or less the position till South Africa left the Commonwealth in 1961.

Immediately after South Africa's departure from the Commonwealth, a shift in the British attitude was discernible in the Commonwealth countries like New Zealand, Australia and the United Kingdom. In 1961, at the 981 Plenary Meeting of the UN General Assembly, the Australian representative said that the treatment of Indians in South Africa was closely linked with the question of apartheid. Australia "does not support or condone the policy of apartheid, of which the matter here at stake — the treatment of the people of Indian origin — is one aspect".\(^{15}\) The United Kingdom representative, Sir Patrick Dean said: "We consider that this is essentially an aspect of apartheid which is now no longer of purely domestic concern, for reasons which we have explained elsewhere in the United Nations".\(^{16}\) It is significant that the United Kingdom voted in

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14 Australia supported the British point of view. See the speech of Casey, the Australian representative at the United Nations, on 20 September 1957. *GAOR*, Session 12, plen. mtgs, 20 September 1957, p. 51.


16 Ibid., p. 266.
favour of the five power Asian draft resolution, which marked a major shift in her traditional policy of favouring a "hands off" policy in the United Nations over the South African race problem.

APARTHEID IN SOUTH AFRICA

The changing British outlook towards South Africa's apartheid policy brings out remarkably how the Commonwealth was a factor in Britain's racial policy. On several occasions the question was debated in the British Parliament. It may be recalled that a week after the 1949 Commonwealth Prime Ministers' Conference, the House of Commons discussed race relations in the Commonwealth. It was pointed out by Driberg that Britain had committed strongly to the idea of inter-racial co-operation, and not to the idea of racial segregation, and therefore, should remain a model for inter-racial co-operation in the world.

17 The sponsors of the resolution were Ceylon, Malaya, India, Indonesia and Afghanistan. See UN Doc. A/SPL/L.59 and A/SPC/L.59 Rev. 2. The Asian draft resolution was adopted as Assembly resolution 1598 (XV) on 13 April 1961. The resolution deplored the continued and total disregard by the South African Government of repeated requests of the UN and asked that it should reconsider its racial policies.


19 The doctrine of apartheid was defined by a South African Minister as follows: "It means that there will never be social equality; that non-Europeans will never have the same political rights as the Europeans; and that the Europeans will always be base (boss) in South Africa". Quoted by Driberg in British House of Commons on 6 March 1949. See UK, House of Commons, *Parliamentary Debates*, vol. 464, Session 1948–49, col. 1402.

20 Ibid., col. 1398.
Besides, the Government was asked to instruct the United Kingdom representatives at the United Nations, to support nations which condemned the practice of racial segregation in South Africa.  

Prophetically, as early as 1949, it was stated that "the time may come when we shall have to consider whether continued defiance by a member of the Commonwealth 'club', of the club's basic principles might not necessitate expulsion". A Labour Party leader, Reginald W. Sorensen, felt that, to make the Commonwealth a reality, Britain should welcome every attempt to raise the status of the people within the Commonwealth. Therefore, he urged the Government to encourage British representatives at the UN General Assembly to take the initiative and give a lead; and that Britain should make it clear to the world that she would do her best to see that the coloured races got the treatment on a par with the White races; and that Britain should press all Commonwealth countries to accept the principle of common rights within the Commonwealth.

Though members of Parliament were fully conscious of the practice of racial discrimination in the Union and though the policy was assailed by many members, a section of members felt that the problem should not be taken out of the Commonwealth association and should be solved "privately" within the

\[\text{21 Ibid., col. 1402.}\]
\[\text{22 Ibid., col. 1408.}\]
\[\text{23 Ibid., col. 1410.}\]
\[\text{24 Ibid., col. 1413.}\]
\[\text{25 Ibid., col. 1414.}\]
\[\text{26 Ibid., col. 1415.}\]
Commonwealth through persuasion. The idea of expulsion of South Africa from the Commonwealth on this issue was generally not favoured. But every articulate section in Parliament was indignant over apartheid. The official British attitude was that even if there was disagreement among the Commonwealth members it would be wise to keep a restraint in public utterances. Therefore, Philip Noel-Baker, Commonwealth Secretary, conveniently stated that the question of racial policy in South Africa was an internal matter, since the members of the Commonwealth were fully self-governing in every respect of their internal and external affairs.

More than once the racial policy of South Africa jeopardized some British plans for Africa. In 1949, when Prime Minister Attlee proposed a colonial army in Africa, with native recruits, as part of the imperial defence forces, the South African Prime Minister Malan opposed it vehemently by saying that the militarization of natives would jeopardize the future security of the White race throughout the continent. In the face of this opposition, in 1950, Britain abandoned

27 For e.g. see the speech of Frederick William Skrinnard, Labour Member, at the House of Commons on 6 May 1949. Ibid., col. 1421.
28 Ibid., col. 1422.
29 See the speech of Philip Noel-Baker, the Secretary of State for Commonwealth Relations, on 6 May 1949. Ibid., col. 1428.
30 Ibid., col. 1430.
31 Johannesburg Star, 31 March 1949. See also Cape Times (Capetown), 1 April 1949.
Similarly, in 1955, the ruling South African Nationalist Party, urged the transfer of Simonstown naval base to South Africa because Britain did not observe apartheid at the base.33 The Union objected to the comparative liberalism with which the British military authorities in the Simonstown treated their thousands of non-White dockyard workers, disregarding the Union's apartheid policy.34

The question of racial discrimination in South Africa came up before the UN General Assembly in September 1952.35 But, as in the case of the treatment towards the people of Indian origin, the South African representative opposed the inclusion of the item in the agenda, on the ground that the question lay within the domestic jurisdiction of the Union. Strongly supporting the South African argument, the United Kingdom representative, Gladwyn Jebb, said bluntly that the "internal racial policy of the Government of the Union of South Africa is one which the Assembly is not competent to consider and which it ought not to discuss. We hold this for reasons

32 The Observer, 28 May 1950. Later a Colonial Office Official denied the report that Britain contemplated in terms of raising a colonial army for the continental defence of Africa. See Johannesburg Star, 31 May 1950. This was again contradicted. In January 1951, New York Times reported that Britain had a plan to recruit 500,000 African troops as part of the imperial defence forces, to help her armies to defend the West. See New York Times, 18 January 1951.


35 UN Doc. A/2183, 12 September 1952.
which are both technical and general". He was even more emphatic: "A question which is essentially within the domestic jurisdiction of a State does not cease to be so merely because it may create tensions or affect relations within the State or with some other State or States". 36

Among the other Commonwealth countries Australia also strongly "aligned" with the South African and British points of view. 37 While the General Assembly was considering reports of the Ad Hoc Political Committee and the Fifth Committee 38 on the problem on 5 December 1952, South Africa moved a motion to stop its further consideration. 39 When the Motion was put to vote, the British and Australian representatives voted in favour, India and Pakistan voted against and Canada and New Zealand abstained. 40 Britain officially remained unrelenting for some

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37 See the speech of R.G. Casey, the Australian representative on 17 October 1952. Ibid., pp. 64-65, paragraphs 111-17.

38 UN Docs. A/2276 and A/2282.

39 The Motion (A/L 124) said: "The General Assembly, "Having regard to the provision of Article 2, paragraph 7, of the Charter, finds that it is unable to adopt the proposals on the item entitled 'The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa' contained in the Rapporteur's report of the Ad Hoc Political Committee, dated 2 December 1952 (A/2276)". See GAOR, Session 7, plen. mtgs, 5 December 1952, p. 331.

40 Ibid., p. 332. The South African Motion was rejected by 43 votes to 6 with 9 abstentions.
In later years, opinion in Britain also began to change in favour of accepting the principle of racial equality by all the members of the Commonwealth. In 1954, at an unofficial Commonwealth Conference in Lahore, a British delegate declared that if at any time Britain was to choose between the White settlers, practising racial discrimination in Africa, and the 'Gold Coast democracy', in her own interest and in the interest of Commonwealth unity, she would choose the African side.42

41 See the statement of Ian Harvey, the Joint Under Secretary of State for Foreign Affairs in the House of Commons on 4 December 1957. UK, House of Commons, Parliamentary Debates, vol. 579, Session 1957-58, col. 350.

42 Nicholas Mansergh, The Multi-Racial Commonwealth: Proceedings of the Fifth Unofficial Commonwealth Relations Conference, held at Lahore, Pakistan, 17-27 March 1954, A Report (London, 1955), p. 114. Among the Whites in the world the British people were credited with a unique record of constant campaign against racial discrimination, and hence against apartheid also. This attitude against racial segregation prompted the South African Minister for External Affairs, Eric H. Louw, to complain in London, in 1957, that however excellent and cordial the relationship between the two Governments [United Kingdom and South Africa] might be, there was little doubt that relations between the peoples were being detrimentally affected by the anti-South African campaign in the name of apartheid. The Times, 29 June 1957.
Of the Commonwealth countries, Australia toed the British line that the United Nations was not competent to consider the question of race conflict in South Africa. But other countries like New Zealand and Canada were generally more flexible in their stand on United Nations jurisdiction. In the Special Political Committee of the United Nations, the New Zealand representative T.C. Larkin said that while his delegation did not agree with the opinion that the UN General Assembly was not competent to discuss the question, he felt it desirable to get the advisory opinion of the International Court of Justice in the matter.\(^{43}\) By 1959 the New Zealand's view in the matter was more pronounced and vocal. On 3rd November 1959 her representative Foss Shanahan told the Special Political Committee:

New Zealand's experience in the formation of a multi-racial Society had on the whole been a happy one, and it was not surprising that the attitudes and social patterns which had developed there were quite different from those current in the Union of South Africa. All New Zealanders, whatever their racial origin, enjoyed the same rights and freedoms. That principle was staunchly supported by public opinion and formed the basis of government policy; and New Zealand would never countenance a departure from it.\(^{44}\)

Canada all along took a positive stance against any kind of racial discrimination. At one stage, she deplored the ineffectiveness of the world body in handling the problem.\(^{45}\)

Her representative, J.A. McCordick, said that the Canadian

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45 See the speech of the Canadian representative J.A. McCordick at the 56th meeting of the Special Political Committee on 31 October 1957. *GAOR*, Session 12, Spl. Pol. Cttee, 31 October 1957, p. 71.
people wholeheartedly supported the United Nations and believed that practical means should be sought to eliminate racial discrimination wherever it existed. 46 The new members of the Commonwealth like India, Pakistan, Ceylon, Ghana and Malaya spearheaded attacks on South Africa's apartheid policy. By 1959, Britain's lone Commonwealth supporter, Australia, also modified her stand; its representative said that though the racial policy of South Africa fell within the domestic jurisdiction of the Union, it did not mean that Australia was "unmindful of the purposes of Article 55, calling for the promotion of universal respect for human rights for all without distinction as to race, sex, language or religion, or of its obligations under Article 56 of the Charter". Australia "did not approve of policies of racial discrimination and no such policy existed in Australia". 47 The views expressed by the members of the Commonwealth demonstrated that the British official viewpoint on South Africa's apartheid policy was not quite popular among the other members of the Commonwealth. On this issue Britain, together with South Africa, stood isolated, a position Britain could not stomach for long. The Government was assailed for its failure to match words by deeds on the racial policy and also for leading the country towards isolationism. Charles Royle, a Labour Member, condemned the

46 Ibid.

47 See the speech of the Australian representative, J.D.L. Hood, at the 147th meeting of the Special Political Committee on 9 November 1959. GAOR, Session 14, Spl. Pol. Cttee, 9 November 1959, p. 99.
British approach as "hypocritical". 48

But officially it was stated: "It is not the policy of Her Majesty's Government to express views on internal policies of other Commonwealth countries. The United Kingdom representative in the Special Political Committee expressly stated that in opposing the resolution concerning South Africa's racial policies Her Majesty's Government were not expressing any opinion on those policies". 49 At the same time, it was acknowledged that:

The Government are fully aware of the fact that under Article 56 of the Charter they have pledged themselves to take joint and separate action and to co-operate with the U.N.O. for the achievement of the purposes set out in Article 55, which, in Section (C), refer to human rights and fundamental freedom. The Government are fulfilling this pledge in all the territories for which they hold responsibility and we will continue to do so. We interpret Article 56 of the Charter as a pledge to maintain our own standards and to co-operate by mutual agreement with other member states in forwarding the principles embodied in Article 55. But we do not regard it, and in fact are prevented from doing so by Article 2(7), as an undertaking to intervene in the internal policies of other Governments. (50)

In 1959 during a debate on a private Motion 51 on apartheid in the House of Commons, James Callagan, a leading Opposition member criticized the Government that "we are not satisfied with


49 See the speech of C.J.M. Alport, Under Secretary of State for Commonwealth Relations, on 24 November 1958. Ibid., col. 188.

50 Ibid., col. 189.

51 The Motion said: "That this House declares its strong disapproval of racial intolerance and discrimination, and calls upon Her Majesty's Government to act on all occasions, particularly at the United Nations, in a manner wholly consistent with the declaration". UK, House of Commons, Parliamentary Debates, vol. 615, Session 1959-60, col. 107.
the actions of the Government on this matter over the last few years. Certainly, within the last few months, they have not given the confidence which they should do to mankind as a whole that they intend to act in accordance with the principle which, I believe, will be accepted by the overwhelming majority of the people of these islands".\(^53\) He recalled:

The other day the Prime Minister criticised the action of the Opposition in raising this matter and said that it would divide the Commonwealth. It is not the discussion of this matter which divides the Commonwealth; what divides the Commonwealth is the policy being pursued by one of its fellow members. We have only to look at the record of the voting on the most recent motion: Canada abstained, Australia did not vote, and Malaya, Ghana, New Zealand, Pakistan, India and Ceylon voted for the motion. Britain voted against it. That is where the division of the Commonwealth takes place.\(...) In my view, we have reached a very sorry position where the actions of one member of the Commonwealth are leading people to claim that it would be an advantage if that member were to leave the Commonwealth. Spontaneous boycotts are being organized against the products of that member of the Commonwealth. (53)

It was stated that the policy of reluctance to denounce publicly a fellow Commonwealth nation for her policy of racial segregation was not healthy. During his speech in the House of Commons on 7 December 1959 Nigel Fisher, a Conservative member, strongly disapproved of apartheid and attacked it as "quite inimical to all that a multi-racial Commonwealth should stand for".\(^54\) Stronger terms were used in the debate by Elwyn Jones.

\(^{52}\) Ibid.

\(^{53}\) Ibid., cols. 110-11.

\(^{54}\) Ibid., col. 154.
He said:

As for the Government's official representation at the United Nations, we have, as we have been reminded more than once today, found ourselves ultimately in a position where we have taken a stand against the view of the overwhelming majority of civilized States who have gone on record in criticising the apartheid policies of the South African Government policies which represent perhaps the cruelest and ugliest of all contemporary manifestations of racial discrimination. Gradually, our friends have deserted us in this battle on the issue of apartheid until, in the end, we are left with France and Portugal. It is a most shameful story. The battle has been lost. (55)

But C.J.M. Alport, the Minister of State for Commonwealth Relations, expressed the fear that the Commonwealth would be split if Britain tried to intervene in South Africa's racial policy. He maintained that "the fundamental basis upon which the relations of independent countries of the Commonwealth rest is that each member should be free to follow its own policies both internal and external, without interference... Any United Kingdom Government which sought to intervene in matters which were the internal policy of Commonwealth Governments would be acting contrary to the whole spirit of the Commonwealth and would produce a reaction in the country at which the interference was arrived which would add strength to, rather than modify, the policies to which the United Kingdom Government might take exception". 56

The election manifesto of the Conservative Party in 1959 was a prelude to the "wind of change" in British policy towards

55 Ibid., col. 157.
56 Ibid., cols. 166-67.
apartheid. The manifesto said: "Our aim in multi-racial countries is to build communities which protect minority rights and are free of all discrimination on grounds of race or colour. If democracy is to be secured, education must underpin the franchise; and the rapid expansion of education is the Commonwealth's most pressing need." 57

A Fresh Line

The year 1960 marked the change in British policy. In a speech in the State Banquet in Accra (Ghana) on 9 January 1960, Prime Minister Harold Macmillan told the people of Africa that: "We want you to know that you have the respect, the friendship and the good wishes of all of us in Britain in your great adventure." 58 In February 1960 Prime Minister Macmillan paid a visit to South Africa and made his famous "Wind of Change" speech in the South African Parliament, Capetown, on 3 February 1960. He said:

It is a basic principle for our modern Commonwealth that we respect each other's sovereignty in matters of internal policy. At the same time, we must recognize that, in this shrinking world in which we live today, the internal policies of one nation may have effects outside it. We may sometimes be tempted to say to each other 'mind your own business'. But in these days I would myself expand the old saying so that it runs 'mind your own business, of course, but mind how it affects my business too'.... We reject the idea of any inherent superiority of one race over another. Our policy therefore is


non-racial. It offers a future in which Africans, Europeans, Asians, the peoples of the Pacific and others with whom we are concerned will all play their full part as citizens in the countries where they live, and in which feelings of race will be submerged in loyalty to new nations.... As a fellow member of the Commonwealth, it is our earnest desire to give South Africa our support and encouragement, but I hope you won't mind my saying frankly that there are some aspects of your policy which make it impossible for us to do this without being false to our own deep convictions about the political doctrines of free men to which in our own territories we are trying to give effect. (59)

This fresh line of approach of British policy was strengthened as a result of the Sharpeville massacre, of 21 March 1960, which symbolized the worst type of inhuman behaviour towards the coloured population in South Africa. The tragedy took place when a 5,000 strong African men, women and children staged a peaceful demonstration to express their resentment over the Pass Law regulation, and the police fired at them. This pre-meditated mass murder, in the name of colour, shook the conscience of the world, with its instantaneous impact on Britain and the Commonwealth.

59 Ibid., pp. 11-13. According to a British Foreign Office Official, T.H.R. Cashmore, Mr Macmillan's 'Wind of Change' speech was a "change of tactic rather than a change of policy". Mr Cashmore in an interview with the author on 23 September 1970, in London. A group of Conservative members of British Parliament under the chairmanship of Lord Colyton stressed in 1960 that "We emphasise as the most significant single issue to be faced, that the modern Commonwealth can survive only if, in multi-racial countries, we are resolute to build communities free of all discrimination on grounds of race or colour, and to hold the ring until there is assurance that within such communities minority rights will be respected". Conservative Political Centre, Wind of Change: The Challenge of the Commonwealth (London, 1960), No. 211, p. 6.
On a private Motion on the subject, the British Parliament witnessed an angry debate.60 There, the position of non-Whites in South Africa was described as 'thinly disguised slavery'.61 The British Prime Minister was asked to take the initiative to put the problem of race relations in South Africa on the agenda of the next Commonwealth Prime Ministers' Conference.62 Some feared the break up of the Commonwealth. Others stressed the need for adopting racial equality as a basic principle of the Commonwealth. There was a school of thought which was against open condemnation of apartheid. "There is nothing to be

60 The Motion was moved by John Stonehouse, a Labour Member. It said: "That this House, deploring the present racialist policies now being pursued by the South African Government, under which non-Europeans are consistently denied normal human and political rights, including the right of campaigning for a peaceful change in the laws under which they live, and the recent declaration of a State of emergency and the many arbitrary arrests, fearing that a continuation of this repression in threatening the security and welfare of all races living in the Union of South Africa and good relations between members of the Commonwealth, urges Her Majesty's Government to take the opportunity at the forthcoming Commonwealth Prime Ministers' Conference to bring home to the South African Government the strong feelings of British people on this question; and restages the firm belief that peace and tranquility in South Africa can only be secured in the long run on the basis of freedom and equality and a full report for the inherent dignity and humanity of all men". See UK, House of Commons, Parliamentary Debates, vol. 621, Session 1959-60, col. 774.

61 See the speech of John Stonehouse, on 8 April 1960. Ibid., col. 775.

62 Ibid., col. 779.
gained by public condemnation. There is everything to be gained by private counsel. Experience has shown that public criticism tends merely to harden opinion in the person or country publicly condemned. That is only human nature. Even to a champion of human rights and racial equality, Fenner Brockway, a leading Labour Member, expulsion of the Union of South Africa from the Commonwealth was not an answer to the problem. In his words: "While I think that it would be a mistake to expel the Union of South Africa from the Commonwealth, I think that the Commonwealth itself should assert certain principles of human relations on which the Union of South Africa could judge whether it desired to remain a member". A Conservative member Godfrey Nicholson cautioned: "Nothing that we say or do must damage the prospects of success for the Commonwealth Prime Ministers' Conference". According to him: "The worst way of helping the native inhabitants of Africa is to drive South Africa out of the Commonwealth. It did not always think that, I freely confess, but I have come to the conclusion that I was wrong, and that we shall lose the last chance of helping the Africans if we break the Commonwealth link". Another speaker, J. Grimond, wanted to strike a balance: "I do not believe that we should drive South Africa out of the Commonwealth. On the other hand, I do not think we should compromise about the underlying nature of

63 See the speech of Nigel Fisher, a Conservative member, on 8 April 1960. Ibid., cols. 806-7.
64 Ibid., col. 813.
65 Ibid., col. 786. A similar view was expressed by Cyril Osborne, another Conservative member also. Ibid., col. 794.
66 Ibid., col. 786.
the Commonwealth so as to keep South Africa in". 67 To quote the Labour Party spokesman, Michael Stewart:

This tyranny is being practised in the supposed interests of White people and by it, therefore, the whole White section of mankind is shamed. It is being practised in a country which is a member of the Commonwealth and by it, therefore, the Commonwealth is shamed. It is being practised in a country which has at any rate the forms of Parliamentary democracy and by it, therefore, the Parliamentary democratic form of Government may be shamed. What happens there could be used as argument in the world by those who say that Parliamentary democracy is everywhere a shame. (68)

Tempers rose high in other Commonwealth countries over the Sharpeville massacre. In the Indian Lok Sabha, the Indian Prime Minister Jawaharlal Nehru, said that the Union presented a picture of people who were practically prisoners, and that the racial policies of the Nazi regime, under which the Nazis claimed the right not only to suppress but to exterminate a race they considered sub-human, were being adopted and openly proclaimed in South Africa. 69 The Canadian Prime Minister, Diefenbaker, deplored the situation and said that he was aware of the profound anxiety about the methods used by the South African Government to quell African demonstrators. He said: "the government has no sympathy for policies of racial discrimination". 70 Australia, also 'deplored' the Sharpeville massacre, but still felt that it was a domestic affair of

67 Ibid., col. 792.

68 Ibid., col. 802.

69 See his speech in the Lok Sabha, on 28 March 1960. India, Lok Sabha Debates, series 2, vol. 41, Session 1960, col. 8375.

70 See the speeches of Lester Pearson, the Leader of the Opposition and Diefenbaker, the Prime Minister, in the Canadian House of Commons on 25 March 1960. Canada, House of Commons Debates, vol. III, Session 1960, pp. 2448–49.
South Africa. While Malaya expressed deep concern and indignation, Nigeria severed trade relations with South Africa. The matter was taken up before the UN Security Council also.

This was the background in which the 1960 Commonwealth Prime Ministers' Conference was proposed to meet in London in May. But, as early as March 1960, Daily Telegraph reported that the South African Prime Minister, Hendrik Verwoerd, would not attend the Prime Ministers' Conference largely due to Macmillan's Capetown speech. The Union took Macmillan's anti-apartheid speech as a virtual British disapproval of the Union's racial policy. But Dr Verwoerd repudiated the Daily Telegraph report on the same day 21 March 1960 and told


72 See the speech of Prime Minister Tunku Abdul Rahman in the Malayan House of Representatives on 26 April 1960. The Times, 27 April 1960.


74 For the letter of request for urgent meeting of the Security Council see UN Doc. S/4279 and Add. 1.

75 In April 1960, The Economist pertinently observed: "Unless there is a dramatic reversal of the present policies of the South African Government, it seems only a question of time before the requisite unanimity on this point (the expulsion of South Africa) is reached". "Commonwealth in Convoy", The Economist, vol. 195, 16 April 1960, p. 224.

76 Daily Telegraph, 21 March 1960.
the South African House of Assembly that he would attend the Conference. However, Dr Verwoerd did not attend the Conference. He sent Eric Louw, another Minister, to represent the Union.

Among the older members, Canada was more vocal in criticizing the apartheid. Prime Minister Diefenbaker said in London, on 29 April 1960, that Canada had disapproved of racial discrimination. But, he said: "the spirit of the Commonwealth denies that the Prime Ministers' Conference should in effect become the judge and jury on the actions of other members of the Commonwealth". The Malayan Prime Minister, Tunku Abdul Rahman, said in Karachi, that South Africa's apartheid policy was not an internal affair of the Union, but a matter which concerned the entire Commonwealth. He said that this policy had "gone beyond the borders of South Africa. It has become an issue which affects not only the non-White people of South Africa, but other members of the Commonwealth who are non-White". He wanted to raise the issue at the Conference even if South Africa walked out. The Indian Prime Minister Jawaharlal Nehru said in London, on 1 May 1960, that apartheid was a subject that could not be "glossed over" from the point of view of the Commonwealth. He said: "in the Commonwealth as it is today, it seems to be obvious that you cannot have this policy of racial discrimination and racial segregation". Also, he said that "Apart from the

77 Johannesburg Star, 22 March 1960.
78 The Times, 30 April 1960.
79 Dawn, 1 May 1960.
immorality of it, it is a danger to world peace".  

On the eve of the Prime Ministers' Conference, the Canadian Prime Minister told the members of the Canadian Chamber of Commerce in London on 2 May 1960: "On this occasion a major principle of the Commonwealth must continue to be the equality of all races and peoples, in all parts of the Commonwealth".  

Three days earlier, on 29 April, he had said: "I feel the nature of the relationship between members of the Commonwealth is such that the appropriate course would be informal discussions between the various Prime Ministers rather than making the subject one for general discussion: in other words, an exchange of views rather than collective acts of condemnation". Thus there was a general agreement among the Prime Ministers for informal discussion on South Africa's racial policy. In the circumstance, what Macmillan had in mind was to make it clear to South Africa Britain's dislike of apartheid and try to find some way of helping South Africa out of the crisis. He wanted to avoid any dramatic development or unavailing recrimination.

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82 The Times, 3 May 1960.
83 The Times, 30 April 1960. Just before the commencement of the Conference, in an article to The Observer, an informed Indian writer and diplomat, Sardar K.M. Panikkar, wrote: "It is undoubtedly a crisis, for if the meeting of Commonwealth Prime Ministers is unable or unwilling to do anything, or even to express an opinion on apartheid, not only will the prestige of the Commonwealth decline, but its very utility cannot fail to be widely questioned". K.M. Panikkar, "Commonwealth Crisis: The Racial Issue", The Observer, 1 May 1960.
84 Sunday Times, 1 May 1960.
On 3 May 1960 the Prime Ministers began their deliberations in the absence of the South African Prime Minister Dr Verwoerd in their midst. The Union was represented by Eric Louw, the External Affairs Minister. On the opening day of the Conference, there was no discussion on apartheid, but Louw agreed to meet the Prime Ministers "informally" to discuss the Union's racial policy. Louw met Prime Ministers in groups for discussion.

But the Malayan Prime Minister Tunku Abdul Rahman refused to participate in the informal discussion because of a Press conference Louw held on 4 May 1960, in which he took an uncompromising stand on the apartheid policy. On 6 May 1960, Jawaharlal Nehru said in London that apartheid and racial discrimination "might well shake the very foundation of the Commonwealth". Three days later, on 9 May, there was a private and confidential meeting of the Prime Ministers without aides and advisers, to discuss the difficulties created by apartheid for the Commonwealth. The discussion which was the stormiest session in the history of Commonwealth Conferences, lasted two hours. The Prime Ministers made it clear to Eric Louw

85 Dr Verwoerd was hospitalized after receiving bullet injuries in an attempt on his life. Eric Louw represented South Africa at the meeting.

86 Daily Telegraph, 4 May 1960.

87 The Times, 5 May 1960.

88 Daily Telegraph, 6 May 1960.

89 The Hindu, 7 May 1960.

90 Christian Science Monitor, 10 May 1960.

91 The Times, 10 May 1960.
that apartheid, being incompatible with the Commonwealth principle of racial equality, was causing a rift within the Commonwealth.92

Thus, for the first time, though in private, the Prime Ministers discussed the issue together.

Public opinion in Britain was not sympathetic to South Africa's apartheid policy. Therefore, in a speech to the South Africa club in London on 10 May 1960, Eric Louw said: "In so far as this anti-South African campaign is being carried on here, there is the danger that our relations with the United Kingdom may be seriously disturbed if it is permitted to continue unchecked". He said that in Britain he sensed a feeling of estrangement and hostility towards the Union.93

These developments led Whitehall to feel that the expulsion of South Africa from the Commonwealth was round the corner. But Prime Minister Macmillan's efforts were to persuade his colleagues in the Commonwealth not to do so.94 It was reported that in order to avoid expulsion of South Africa from the Commonwealth Prime Minister Macmillan had worked out a compromise plan which was: (1) to give the Prime Ministers a chance to let off steam, if they wished to do so, by inviting them to discuss the subject privately at Chequers, where Dr Verwoerd also would be present; (2) if apartheid was discussed at all in the plenary session, it should be in connection with

92 Ibid.
93 The Times, 11 May 1960.
the general situation in Africa and as an aspect of the problems of that continent, rather than as overt interference in South Africa's internal affairs; and (3) to try and treat the membership question as a purely technical matter, so that the argument would turn on such abstruse constitutional points as to whether South Africa was being readmitted or was simply continuing membership, without any gap, after becoming a republic. 95 Obviously, this plan which was devised to forestall an outright expulsion demand, would have succeeded if South Africa co-operated with Macmillan.

But the prevalent atmosphere was not quite conducive to achieving this object. When Dr Verwoerd arrived in London, on 3 March 1961, to attend the Prime Ministers' Meeting, he said that South Africa was not prepared to change its policy and would not allow the Commonwealth to interfere in the internal policies of the Union. 96 On the other hand, Jawaharlal Nehru told the Lok Sabha, on 4 March 1961, that India would not compromise with racialism, in any shape or form, at the Commonwealth Prime Ministers' Conference. 97 On 5 March, Hugh Gaitskell, the Opposition Leader, said that South Africa should be kept out of the Commonwealth for practising apartheid. He opposed the readmission of South Africa into the Commonwealth after it became a republic. He said: "If a Commonwealth is to

95 _The Hindu_, 9 March 1961.


97 _The Hindu_, 5 March 1961.
mean anything at all, it must surely imply that we have certain ideals in common". Albert Luthuli, President of the banned African National Congress in South Africa, in a statement, called for dismissal of South Africa from the Commonwealth to show "international disavowal of the apartheid mania". It said: "The African people are watching to see whether Britain and other members of the Commonwealth are going to prefer economic and monetary consideration to human dignity and human happiness". On 10 March 1960, 20 British Labour MPs, in a letter asked Prime Minister Macmillan that South Africa should not be readmitted to the Commonwealth until she changed her racial policy. The letter said: "The non-White people of South Africa want readmission to be refused as another non-violent means of forcing their Government to abandon apartheid. The presence of South Africa in the Commonwealth while apartheid is practised implicates other member countries in the oppression of the South African people".

The Commonwealth Prime Ministers' Meeting of 1961 was the first one Dr Vervoord attended. The discussion of South Africa's membership and her racial policy was scheduled to take place on 13 March 1961. But on 12 March 1961, in an explosive article in The Observer Julius K. Nyerere, then Chief Minister of

98 Daily Telegraph, 6 March 1961.
100 Daily Telegraph, 11 March 1961.
Tanganyika, wrote:

The apartheid policies now being practised in the Union of South Africa are a daily affront to this belief in individual human dignity. They are also constantly reiterated insult to our own dignity as Africans, about which we cannot be expected to remain indifferent and which could inflame our own passions if not otherwise dealt with.... We believe that South African membership under present conditions makes a mockery of the inter-racial composition of the Commonwealth.... We believe that the principles of the Commonwealth would be betrayed by an affirmative answer to South Africa's application for re-admission as a republic. Inevitably therefore we are forced to say that to vote South Africa in is to vote us out. (101)

That was a timely warning for the Prime Ministers, including Harold Macmillan, to ponder over the consequences of allowing South Africa to continue in the Commonwealth without changing her racial policy. The choice before them was simple and limited - either to allow South Africa to continue in the Commonwealth and allow the organization to disintegrate or drop South Africa out, if she refused to change her apartheid policy, and help the organization to grow with new members. A "wind of change" was blowing over the minds of Commonwealth statesmen.

On 13 March 1961 the Prime Ministers held a five hours' secret meeting to discuss the question of South Africa's racial policy as well as her continued membership in the Commonwealth. It appears that the Union's racial policy came under heavy fire

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101 Julius Nyerere, "Commonwealth Choice: South Africa or Us", The Observer, 12 March 1961. Canadian Prime Minister later said that Nyerere's article foreshadowed course and promise of the future and it had a tremendous influence on the Commonwealth Prime Ministers during the discussion of South Africa's membership in the Commonwealth. See Canada, Department of External Affairs, Statements and Speeches (Ottawa), 17 March 1961, No. 61/3, p. 7.
from all other ten Prime Ministers. In an outright attack on apartheid, Jawaharlal Nehru warned that if racialism was maintained in South Africa, it would eventually lead to the disintegration of the Commonwealth. Diefenbaker of Canada emphasized that Commonwealth countries must have regard for basic principles. Similarly, Ayub Khan, Nkrumah, Tunku Abdul Rahman and Abubaker Tafawa Balewa, all condemned apartheid.102 The next day, on 14th March, the six leaders of the Afro-Asian countries - India, Pakistan, Ceylon, Ghana, Malaya and Nigeria - joined by Diefenbaker of Canada, formed more or less a united front against South Africa. The Indian Prime Minister Jawaharlal Nehru took the lead of this new move which was known as "Nehru Plan" or "Commonwealth Charter". The plan called upon the Prime Ministers of the Commonwealth to put their signatures, as Heads of Government, to a simple statement which read: "We accept the principle that apartheid is inconsistent with membership of the Commonwealth of Nations".103

Nehru warned the Conference: "If we fail to act now against apartheid and race discrimination, the Commonwealth as we know it will shrink and disintegrate. If we decide that those who practise racial discrimination must be excluded then the Commonwealth of today will continue to grow in strength and


103 *The Guardian*, 15 March 1961. In 1960 Prime Ministers Conference also some of the Commonwealth Prime Ministers like Nehru, Nkrumah, and Tunku Abdul Rahman favoured such a declaration affirming positive opposition to all forms of racial supremacy, without mentioning South Africa's name. See *The Observer*, 1 May 1960.
It appears that he made it known to Macmillan that his efforts to keep South Africa in the Commonwealth through compromises, would lead only to the destruction of the Commonwealth, and its transformation from a dynamic body into a static and eventually shrinking organization. However, undeterred by these warnings, Macmillan placed his compromising formula before the Prime Ministers on 14 March 1961. It visualized a declaration accepting a Republican South Africa, while registering the abhorrence felt by many of the Commonwealth leaders on apartheid. While Dr Verwoerd stressed not to link apartheid with the question of South Africa's membership question, Diefenbaker insisted that there should be a Commonwealth declaration of human rights. The rift between South Africa and the other members became so wide, on the issue of apartheid, that smooth functioning within the Commonwealth became almost impossible. Macmillan realized that the Union's apartheid policy "was even threatening to damage the concept of the Commonwealth itself as a multi-racial association. In all

105 Ibid.
107 Ibid.
those circumstances it was impossible to overlook the racial issue. In fact... it became the dominant issue, and the purely constitutional point was overshadowed".109 He came out openly with the view that Britain deplored the principle behind the policy of apartheid. "But, apart from all these strong considerations of sentiment, I was not satisfied that the exclusion of South Africa from the Commonwealth would best help all those European people who do not accept the doctrine of apartheid, and the growing body whose opinions are in flux. Nor, as far as I could see, would it help the millions of Africans".110 He called the philosophy behind the policy of apartheid "tragically misguided and perverse".111 Duncan Sandys, the Commonwealth Secretary, declared: "It must, however, be recognized that apartheid has aroused deep emotion throughout the world, and has ceased to be a matter of purely domestic concern.... While applying for continued membership, the South African Government — and this is something which bit very deep into all other members — still firmly refuses to receive diplomatic representatives from any non-European members of the Commonwealth. This makes a mockery of consultation; and in any case, we cannot accept that because of the colour of their skins, certain members of the Commonwealth are to be treated


110 Ibid., col. 445.

111 Ibid., col. 449.
as lepers". 112 This statement officially invalidated the traditional British argument that apartheid was purely a matter under Article 2(7) of the UN Charter.

What made Britain to adopt this attitude and agree, with other members of the Commonwealth, to part company with South Africa on account of her racial policy? Undoubtedly, a major consideration was to keep the Commonwealth free from disintegration. It may be seen that from 1960 onwards, Britain pondered over the question with a clear vision. This was evident in Prime Minister Macmillan's speech in the House of Commons in March 1961 in which he remarked that the door remained wide open to South Africa to come back, if there should be a change of heart. 113 However, by 1960, Britain stopped soft-peddling of the Union's racial policy under the cover of Article 2(7) of the UN Charter. When the issue of race conflict in South Africa was raised at the UN Special Political Committee in 1961, the British representative, Smithers, said: "While the importance attached by the United Kingdom to Article 2, paragraph 7 of the Charter remained undiminished, it regarded apartheid as being now so exceptional as to be sui generis, and his delegation felt able to consider the three power draft resolution (A/SPC/L.59/Rev.1) on its merits". 114

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112 Ibid., cols. 528-29.
It took 15 years for Britain to effect a change in her racial policy, when her Commonwealth Secretary, Duncan Sandys, declared in 1961 that the policy of apartheid had ceased to be a matter of domestic concern.\(^{115}\) Till then, by taking umbrage under legal niceties, she refused to look into the merit of the question of apartheid.\(^{116}\) The main reason for the British support to South Africa at the United Nations and elsewhere, all those years, was perhaps the fellow-feeling towards a member of the Commonwealth. She took it on her shoulders the entire responsibility to go to the rescue of a fellow Commonwealth member, when the latter was bitterly attacked by others. It would be wrong to say that Britain supported the Union because she was in favour of apartheid. Britain maintained this position until South Africa opted to leave the Commonwealth.

It is true that, over the years, public opinion in Britain had hardened against South Africa's apartheid policy. Though

\(^{115}\) Patrick Gordon Walker, a former Commonwealth Secretary, criticized Britain for the prolonged support given to the Union: "It was in my view an error on the part of the United Kingdom and Australia to hold out so long against the movement of opinion amongst other members of the Commonwealth at the United Nations. It was over-precise to rest on legalistic arguments that no longer carried weight with Canada or New Zealand... South Africa's withdrawal from the Commonwealth will remove any consideration of the need to stand by her as a fellow member. There should henceforth be a united Commonwealth line on these issues affecting South Africa". Patrick Gordon Walker, *The Commonwealth* (London, 1962), pp. 355-56.

\(^{116}\) It may be noted that the British official attitude towards South Africa's policy of racial segregation was crystallized as early as 1946, when the Commonwealth remained a purely White man's club, and also when there existed deep emotional attachment between Commonwealth members. This official attitude remained unchanged until 1961 when the new Asian and African members of the Commonwealth confronted Britain with a choice.
this might be a contributory factor that influenced the British Government to review her outlook towards the racist regime of the Union, the decisive factor that prompted the change was the prospects of Britain's future relationship with the new and incoming members of the Commonwealth. She was keen that her outlook towards the South African racial regime should not inhibit the new independent countries of Africa from joining the Commonwealth. For this reason, Julius Nyerere's warning was timely. However, Britain was quite conscious of its impact on her diplomatic relations with other Commonwealth countries who strongly condemned apartheid. Therefore, Britain was virtually left with no other alternative but to make up its mind on the question and choose between racist South Africa and a Commonwealth expanding with new African members. Britain was forced to make this choice when finally the attempt of the British Prime Minister failed to bridge the two warring sections in the Commonwealth through a compromise formula which denounced apartheid and allowed South Africa "with its unregenerate race policies to stay in the Commonwealth".117 There is no doubt that Prime Minister Macmillan was keen on keeping South Africa within the Commonwealth, but gave up the attempt in the face of the determined opposition of other Commonwealth members.118


118 This was affirmed by Philip J. Noel-Baker, Commonwealth Secretary in the Attlee Government, in an interview with the author on 29 September 1970, in London.
quote Kenneth Younger: "If there have been no pressure from the Commonwealth, Britain would not have acted at all. Britain, would not have, I think, positively expelled South Africa, had it not been for the feeling that she had to choose between the solidarity with the rest of Africa or the solidarity with the Union of South Africa. And it was very specific for the Union of South Africa, but for economic reasons we might have just let it around. And I think the Commonwealth pressure was probably the decisive one". 119 The reason why it was embarrassing for Britain to think about the Union's expulsion was explained by a former Foreign Secretary, Michael Stewart:

The idea of a country, that had been in the Commonwealth, going out of it was totally a new idea, and naturally, we wanted to avoid it, if at all possible. If one country goes out, what will happen to the Commonwealth as a whole? In time Britain realized, of course, that it would not be able to hold the Commonwealth together if you try to maintain South Africa in it. The growing facts of life was to make a choice, which we were reluctant to make; I think simply because, the idea that the country leaving the Commonwealth was totally a new one. (120)

According to him, Britain did not raise her finger of reproof against the Union till 1960, largely because of the hope that she would change her apartheid policy if she was kept exposed to many influences from the outside world. This hope was belied. "In the end we have to recognize that is not going to happen". 121

119 Kenneth Younger, Minister of State, Foreign Affairs in the Attlee Government, in an interview with the author on 19 October 1970, in London.


121 Ibid.
During the period under study, the factor of race had not crept into the immigration policy of Britain though it peeped into it in a rudimentary form in late 1961, when she brought legislation to restrict Commonwealth immigration. Otherwise, by and large, British immigration policy was "to promote the national economy and to relieve distress by admitting immigrants who satisfy me, the Home Secretary, that they are desirable, so far as may fairly be done without detriment to the interests of the existing population". Therefore, the policy was largely governed by economic considerations - race and colour factors not being permitted to influence it. It is interesting to note that for a fairly long time after the War, Britain did not care to keep even separate statistics of the White and the coloured immigrants into Britain.

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123 See the statement of James Chuter Ede, Secretary of State, Home Department, on 19 October 1950. UK, House of Commons, Parliamentary Debates, vol. 478, Session 1950, col. 259. The Conservative Party's immigration policy in 1949 was that: "we welcome... those who come from the Dominions and colonies to live and work with us in Britain". See Conservative and Unionist Central Office, Imperial Policy: A statement of Conservative Policy for the British Empire and Commonwealth (London, 1949), p. 33. It supported a steady flow of British emigration to the Commonwealth also. "It is often argued", the Party said, "that that this would gravely weaken the economy of the United Kingdom, but unless the other Dominions have the resources and manpower necessary to develop their full potential strength, Britain can never hope to be strong and prosperous herself". Ibid., p. 33-34. It believed that "there must be freedom of movement among its members within the British Empire and the Commonwealth". See Conservative and Unionist Party, The Right Road for Britain (London, 1949), p. 58.
However, broadly, the policy was that any citizen of a Commonwealth country or a colony, irrespective of his colour, had the absolute right to enter into the United Kingdom, and on entry, he was entitled to enjoy all rights, privileges and immunities of a British citizen. Therefore, in the United Kingdom, a Commonwealth citizen was treated on a par with a British citizen. The immigrant had merely to prove that he was a citizen of the Commonwealth. "Under our law, any British subject or Commonwealth citizen who satisfies the immigration officer of his British nationality is entitled to come to this country and to stay here as long as he wishes". 124

It may however be noted that by 1955 there were demands in Parliament to control Commonwealth immigration into the United Kingdom. 125 But the Government did not encourage such demands until 1961, since it realized that it would weaken Commonwealth connections. Therefore, it stuck to the traditional British policy to "continue to do our utmost to assist in strengthening our bonds with the Commonwealth in this sphere of immigration,


just as we are endeavouring to do in other activities of mutual interest".126

In 1958 a private Motion was moved in the House of Commons seeking reconsideration of Britain's immigration policy.127 In supporting it, a Labour Party member, H. Bynd, said: "I would be the first to object to any kind of ban on the grounds of race, colour or creed. Indeed, my object today is the very opposite. It is precisely because I am beginning to be afraid that these prejudices may develop in this country that I want something done about this uncontrolled immigration before the position becomes more serious".128 But a few others supported restrictions on the ground that because one fourth of the immigrants were coloured, it would change the composition of the British population.129 It may be noted that the demand was made at a time when Britain had a coloured population of only 190,000 of which about 50,000 were from India and Pakistan.130 However, at that


127 The Motion said: "That in the opinion of this House, the time has arrived for reconsideration of the arrangements whereby Britain subjects from other parts of the Commonwealth are allowed to enter this country without restriction". UK, House of Commons, Parliamentary Debates, vol. 585, Session 1957-58, col. 1415.

128 Ibid., col. 1415.

129 For e.g. see the speech of James Lindsay, Conservative Member, in the House of Commons on 3 April 1958. Ibid., col. 1419.

130 See the statement of the Joint Under Secretary of State for the Home Department on 3 April 1958. Ibid., col. 1422.
time also the Government rejected the demand, expressing its unwillingness to prejudice "the traditional freedom of British Commonwealth subjects to come to this country".\textsuperscript{131} In November 1959, it was re-emphasized by official spokesmen that the United Kingdom would not give up her traditional position as the centre of the Commonwealth, where all Commonwealth citizens were free to enter.\textsuperscript{132}

But it ought to be noted that from 1958 onwards, the racial factor was mixed up with immigration policy. There was tension, in certain localities in England, born out of racial conflicts. As a measure of dealing with the situation, the Government, ultimately, envisaged control on Commonwealth immigration. Though, in order to justify the measure, the Government advanced economic arguments, like unemployment, and expenditure on social service, in retrospect it seems that colour prejudice was very much at the root of the change of policy. Undoubtedly, the restriction was sought in 1958 mainly due to the problem arising out of the concentration of immigrants from West Indies and also from some other parts of the Commonwealth like Pakistan, in certain areas of Britain. During the year, Britain was caught in the grip of a series of race riots in different parts of the country. In August 1958, there broke out violent clashes between the Whites and non-Whites in Nottingham, in which several people were

\textsuperscript{131} See the statement of Patricia Hornsby Smith, the Joint Under Secretary of State for the Home Department on 3 April 1958. Ibid.

\textsuperscript{132} See the statement of David Renton, the Joint Under Secretary of State for the Home Department, on 17 November 1959. UK, House of Commons, \textit{Parliamentary Debates}, vol. 613, Session 1959-60, col. 1126.
injured,\textsuperscript{133} precipitating a pressing demand for control of coloured immigrants into Britain. Race riots in Nottingham and Notting Hill, in the same year, made Prime Minister Macmillan to look into the question of the Government's immigration policy in September.\textsuperscript{134} In October 1958, Colonial Secretary Lennox-Boyd told a meeting organized by the Conservative Political Centre: "To me, it would be a tragedy to bring an end to the traditional right of unrestricted entry into the mother country of Her Majesty's subjects, and quite unthinkable to do so on the ground of colour".\textsuperscript{135} To avoid a formal legislation on Commonwealth immigration, at the initial stages, Britain tried to solve this problem through voluntary restrictions imposed by Commonwealth countries themselves on the emigration of their citizens to Britain. As a result, India and Pakistan imposed certain restrictions on the emigration of their citizens to Britain.\textsuperscript{136}

Though there the economic arguments to support control on Commonwealth immigration had some relevance, colour prejudice played an important role in it. This was explicit in a letter to \textit{The Times}\textsuperscript{137} by Charles Royle, a Labour M.P. It was in this

\textsuperscript{133} \textit{The Times}, 25 August 1958.

\textsuperscript{134} \textit{Daily Telegraph}, 6 September 1958.

\textsuperscript{135} \textit{Manchester Guardian}, 10 October 1958.

\textsuperscript{136} See the statement of C.J.M. Alport, Minister of State for Commonwealth Relations in the House of Commons. \textit{The Times}, 16 May 1958. Pakistan raised the required deposit for emigrants from Rs 11,000 to Rs 18,000. \textit{The Times}, 8 April 1958.

\textsuperscript{137} \textit{The Times}, 14 April 1958.
context another Labour member, Fenner Brockway, urged Parliament to declare, through a Bill in the House of Commons, racial discrimination illegal. However, soon after, Lord Perth, Minister of State for Colonial Affairs, stated in the House of Lords that, if a legislation would be made on Commonwealth immigration, it would apply to all Commonwealth immigrants without the distinction of race or colour.

When the immigration question was seriously considered, Home Secretary R.A. Butler, told the House of Commons in April 1959, that Britain would consult other Commonwealth nations before a decision was taken in relation to the deportation of Commonwealth citizens, who committed crimes, from Britain. He said: "Owing to the spirit in which we run our British family of Nations, I would rather give them the other Commonwealth nations an opportunity of giving their final view before we took any final decision". In July 1960, he said: "It is very unlikely that this country will turn away from her traditional policy of allowing free entry. Equally, we shall look... to

138 The Times, 1 May 1958.

139 UK, House of Lords, Parliamentary Debates, vol. 212, Session 1958-59, col. 681. Following troubles in Birmingham, Blackpool and some other areas where large number of immigrants from West Indies stayed, a leading Conservative paper, the Daily Telegraph, wrote that the influx of coloured people into Britain would cause social tension and would dissolve the cohesion of the British society. "If Britain maintains free Commonwealth immigration, the price will be an ever increasing proportion of coloured people in our midst". See "Colour in Britain", Daily Telegraph, 23 October 1958.

those Governments to try and help us with a voluntary restriction of migration to this country". 141

However, racial conflict and tension continued to be a lively subject in British policies. Isolated disturbances, magnified disproportionately, kept them alive all along. By December 1960, the Government was under great pressure to bring legislation on immigration control and there was a feeling that the subject matter would be discussed at the Commonwealth Prime Ministers' Conference. 142 In summer 1961, the issue was tested in a gallop poll, in which 67 per cent favoured some restriction on Commonwealth immigrants, 21 per cent favoured continuation of unrestricted entry, 6 per cent were in favour of closing the door for Commonwealth immigrants, and 6 per cent remained neutral. 143 The Conservative Party annual conference in 1961 passed a resolution that: "That this Conference expresses its concern at the very serious problems being created by the uncontrolled number of immigrants flowing into the United Kingdom. It asks Her Majesty's Government to take action quickly on this matter". 144 Soon after the Government brought legislation putting restrictions on Commonwealth immigration.


In November 1961, a Bill was introduced to control the flow of Commonwealth immigrants to Britain.\textsuperscript{145} Introducing the Bill in the House of Commons, R.A. Butler, Home Secretary, said that the decision to control immigration under the Commonwealth Immigrants Bill, applicable to the whole Commonwealth, was taken "only after long and anxious consideration and a considerable reluctance".\textsuperscript{146} One of the main reasons the Government emphasized was the pressure of social problems like housing difficulties overcrowding in cities, as well as the problem of unemployment. "The strain which such a situation would provide between immigrants and resident British subjects could well have its effect on Commonwealth relations".\textsuperscript{147}

The Bill stipulated that those born in Britain, or holding British passports were exempted from the immigration control. Other Commonwealth citizens, who could support themselves without working were allowed to enter Britain without restriction. So also people with job or special technical training or skill, useful for Britain. However, the Bill gave preference to

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\textsuperscript{145} It came into force in July 1962. Looking into the timing of the introduction of the Bill, one might assume that it was also meant to impress upon the European Common Market members that Commonwealth citizens will not use Britain as a door of entry into the Common Market area, if Britain joined it. Such an impression was necessary to facilitate British entry into the Common Market.


\textsuperscript{147} Ibid., col. 694.
\end{flushleft}
Commonwealth citizens over aliens. Unlike the aliens, the Commonwealth citizens, with skill or a job, were allowed to enter freely and were free to seek employment wherever they wished.

The spokesman of the Labour Party wanted continued and unrestricted immigration from the Commonwealth. A Party spokesman, Patrick Gordon Walker, opposed the Bill after tabling a Motion that it should not be discussed without a full discussion of the matter by the Commonwealth Prime Ministers. 148 He criticized the Bill as "ill-conceived" and said that it would do "irreparable damage to the Commonwealth". 149 Another Opposition member, Clement Davies, said that "the Bill has done more to wreck the Commonwealth than any action ever taken by any Government at any time". 150 Opposition Leader Hugh Gaitskell called

148 The Motion said: "This House declines to give a Second Reading to a Bill which, without adequate inquiry and without full discussion at a meeting of Commonwealth Prime Ministers, removes from Commonwealth citizens the long standing right of free entry to Britain, and is thus calculated to undermine the unity and strength of the Commonwealth; gives excessive discretionary powers to the executive without any provision for appeals; will be widely regarded as introducing a colour bar into our legislation; and, though providing for health checks and for the deportation of those convicted of certain criminal offences, fails to deal with the deplorable social and housing conditions under which recent Commonwealth immigrants and other subjects of Her Majesty are living". Ibid., col. 705.

149 Ibid., col. 706.

150 Ibid., col. 730.
the Bill "a plain anti-Commonwealth measure in theory and a plain anti-colour measure in practice". The leading London newspaper, The Times, in a leading article, observed: "The damage, emotional, economic, and political, which it is likely to do to the already fragile fabric of the Commonwealth can hardly be exaggerated".

Various Commonwealth Governments protested against their not being properly consulted on such a vital legislation. President Ayub Khan of Pakistan said on 22 November 1961 that the Bill had endangered the psychological advantage of Britain as the base of the Commonwealth, and warned that the very idea of the Commonwealth would be seriously impaired if the law was not applied "sensibly". Mrs Lakshmi Menon, Indian Deputy Minister for External Affairs, feared the possibility of discrimination between various member countries of the Commonwealth on the basis of colour, rendering the position of Commonwealth citizens even worse than that of the citizens of non-Commonwealth countries. The British Government sought to reassure India on the score that the restrictions would not operate on the basis of colour. She indicated that the Government of India might review the arrangement of free entry into India by the holders of British passports in the light of the British legislation.

151 Ibid., col. 799.
152 The Times, 14 November 1961.
However, the Bill was passed by Parliament as the Commonwealth Immigrants Act and came into force from 1 July 1962.\textsuperscript{155} Undoubtedly, Britain's immigration legislation was a severe blow to the cordial and informal relationship between Britain and the other Commonwealth countries. Perhaps, it was part of the process of breaking up of the old structure and relations.

There is no doubt that the Commonwealth consideration was dominant in Britain's racial policy. The twin aspects of defending the Union of South Africa against outside attack on her treatment of people of Indian origin and apartheid until 1960, and the decision to part with her ultimately in 1961, after accusing her of practising racial segregation, emanated mainly from Commonwealth considerations. While the earlier stand was to defend a Commonwealth country from external attack, the latter decision was to preserve the organization from damage by the continuance of a member whose racial policies were anathema to the majority of other Commonwealth nations. It may be noted that until 1960, Commonwealth criticism against apartheid was not so strong or widespread that it had not posed a threat to the Commonwealth association. Therefore, Britain was lenient towards the Union, partly to see if the Union responded to world opinion and change the racial policy, and partly due to a mistaken fear that the Commonwealth would

\textsuperscript{155} It came into force on two stages. Part II and III of the Bill came into force on 31 May, and Part I on 1 July 1962.
disintegrate if the Union left the organization. But once the
hope of voluntary change in the Union's racial policy was lost,
and the fear of disintegration was allayed, Britain came out
openly against racial segregation. No doubt, it was South
Africa's membership of the Commonwealth that inhibited Britain
for a very long time from talking against the Union's racial
policy. But the moment she realized that her silence and the
Union's intransigence began to threaten the future of the
Commonwealth, she did not hesitate to part with the Union, to
save the Commonwealth, though sentimental attachment still
haunted the British mind. As The Economist wrote that the idea
of equal dealing between races and peoples, became a basic
feature of evolving Commonwealth. "The essential argument for
excluding South Africa is that its present racial policy may
prove too heavy a load for the Commonwealth bridge to bear". 156
Prime Minister Macmillan's speech in Capetown in 1960 marked
the 'wind of change' in Britain's attitude towards the racist
South Africa. But in effecting such a change in the British
attitude, the Commonwealth influence was very decisive.

The demand of control on Commonwealth immigrations emanated
largely from racial prejudice, and hatred, of a small, but
influential, minority in Britain, though problems like increasing
unemployment and housing difficulties also had some relevance.
The Government did not respond quickly to this demand, until 1961,

mainly because of Britain's pivotal position as the "mother country" in the Commonwealth, which lead her to believe that any Commonwealth citizen had a right to come 'home', and that to put restrictions on his entry would be a violation of the spirit of the Commonwealth family. The mobility of Commonwealth citizens was believed to be an asset to the stability of the organization. Therefore, Britain was keen to maintain this invisible link between the people of Britain and the Commonwealth. When Britain began to contemplate imposing control on Commonwealth immigration, what perturbed her most was the possible repercussions of such an action on her relationship with the rest of the Commonwealth. Therefore, for some time, she held up legislation on the matter, hoping that the problem could be solved through voluntary restrictions of Commonwealth countries on their emigrants. The Commonwealth Immigrants Bill, 1961, was brought in only when she failed to achieve the desired results by other means. Even under the new Bill, Commonwealth citizens, unlike aliens, were allowed to enjoy all the privileges of British citizens, when they were in the United Kingdom. However, the proposed legislation had a harmful effect on the immigration of people of other parts of the Commonwealth, especially in the non-White nations.