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THE CENTRAL AFRICAN FEDERATION

A Study in Its Formation and Dissolution

by

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B.A., American University of Beirut, 1964

Thesis

Submitted in Partial Fulfillment of the Requirements
For the Degree of Master of Arts in the Department of
History at the American University of Beirut

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Beirut, Lebanon
December, 1965.

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INTRODUCTION

The federal idea originated from the need of people with strong regional loyalties to co-operate in achieving certain goals, such as improved security, economic betterment or a more significant role among the nations of the world. Federal constitutions thus provided for separate units to work together under a united government with a unified policy. The United States, Canada, Australia and Switzerland based their federal constitutions on this positive need for co-operation. In each case, a more or less successful formula was worked out, whereby certain powers were surrendered to the federal authority at the center by the several local authorities. This has been the essence of each viable federal experiment - general recognition, however grudgingly given, that the federal authority must, in order to successfully function, possess certain basic powers over all constituent parts of the state.

The Second World War completed a series of trials which the federal experiment underwent in the four countries, and made for the spread of the idea and its application in many parts of the world. It emerged in a slightly modified form - a form requiring more centralization at the expense of the units - but its premises had remained the same. It was applied in countries such as Brazil in the western

hemisphere, West Germany and Yugoslavia in Europe, India in the Far East and Nigeria in Africa. The most important feature of the federal experiment was the willingness of the units to give up some of their power for the sake of the common good.

The Federation of Rhodesia and Nyasaland did not follow the typical pattern of the federal experiment. It was a typical federation in so far as it was a political bargain between the European leaders of the two Rhodesias and Nyasaland, and the British Government acting as a trustee of the African population in the territories. It was not typical in that it was a bargain between the wrong political units, for the main political divisions in Central Africa were racial, and not regional.

The territorial divisions in Central ^{Africa} were and still are far from being equal, geographically, economically, racially or even politically. Of the three territories, Northern Rhodesia is by far the largest - almost twice as large as Southern Rhodesia, and eight times as large as Nyasaland, which is the most densely populated. Moreover, Northern Rhodesia contains most of the copper belt which forms the basis of the Central African economy. These geographic and economic differences gave a special meaning to the Federation of Central Africa. It meant that the most densely populated territory, Nyasaland, would contribute least and demand most of the Federation. Southern Rhodesia

would also profit much more by its association with Northern Rhodesia than would Northern Rhodesia from its association with either of the other two. Moreover, the economic benefits of Federation for both Northern and Southern Rhodesia would have been the same or even better had they been independent of Nyasaland.

The racial distribution of the population was also out of balance. The ratios of European to African in 1960, were 1:313 in Nyasaland, 1:34 in Northern Rhodesia and 1:13 in Southern Rhodesia.¹ This meant that the tendency towards white domination was strongest in Southern Rhodesia and weakest in Nyasaland.

Southern Rhodesia had been a self-governing colony since 1923, and the domination of the black majority by the European minority was already an established fact. It was not so in the two Northern Territories, where although the white man dominated, the African had not completely lost his rights and had greater hope of achieving them if the territories remained unassociated with Southern Rhodesia's discriminatory government policy.

The aims of the Europeans in federation were (1) to strengthen the economy by having a unified economic policy, (2) to limit the influence of the Colonial Office and British Parliament, and (3) to secure dominant political power for the Europeans. Those aims could have been achieved,

¹Wind of Change: The Challenge of the Commonwealth (London, Conservative Political Center, 1960), 34.

as far as they were concerned, by an amalgamation of governments. To this the British Government objected and supported rejection by African nationalists. The federal idea was then adopted by the European leaders, not for its own sake, but because they saw it as the only way of getting round the objections of the British Government to any scheme of union. The Federation of Rhodesia and Nyasaland, was thus based on negative premises and was imposed against the will of by far the majority of Africans. From the outset, the elements of division and disruption were to be seen in the very nature of the institution. In its establishment were the seeds of its downfall.

During the years 1953-63, African nationalism developed and intensified. Leaders such as Joshua Nkomo, Kenneth Kaunda and Dr. Hastings Banda came to the forefront and demanded equal rights of Africans with Europeans in Northern Rhodesia and Nyasaland. At the same time, white nationalism was also intensifying in reaction. The actual break-up of the Federation, however, began in 1960 with Nyasaland's demand for secession. The death throes of the Federation lasted from 1960 until official dissolution on December 31, 1963. During those years, the Conservatives in the British Parliament and the white settlers in the Federation made several attempts to preserve the Federation, and their own status in it. However, each attempt proved to be one more step towards the downfall of the Federation.

The Labour Party at first supported Nyasaland and Northern Rhodesia in their demand for secession on the basis that Federation had been imposed against the will of the African population. However, the situation became much more complicated, when the Labour Party found itself in the embarrassing position of having to consider the same right for Southern Rhodesia. Party politics at Westminster often acted as a delaying agent in finding solutions for the problems arising in the Federation. This gave a greater chance for white and black nationalism to attempt independent solutions. The obvious result was violence, and a further move towards the dissolution of the Federation.

This study is oriented towards a determination of the roles of the British Government and the white settler in the break-up of the Federal Constitution of Rhodesia and Nyasaland. The study will be limited to the years 1960-63, but will take into account that what happened in those years was based on the history of Central Africa before, as well as during, the application of the Federal Constitution.²

²The sources used in the introduction are the following: (1) Wind of Change: The Challenge of the Commonwealth (London: Conservative Political Center, 1960). (2) Max Beloff, "The 'Federal Solution' in Its Application to Europe, Asia, and Africa," Political Studies, Vol. I No.2 (June, 1953), 114-131. (3) W.M. Macmillan, Africa Emergent (Middlesex: 1949). (4) Kenneth Kirkwood, "British Central Africa: Politics Under Federation," Contemporary Africa; Trends and Issues, Vol. 298 of the Annals (Philadelphia, 1955).

CHAPTER I

EARLY HISTORY

Until the 1880s, Rhodesia was known only to the few traders and missionaries who had followed Livingstone. What is now Southern Rhodesia had been dominated for over fifty years by the Matabele tribe. Cecil Rhodes, when he became Prime Minister of Britain's Cape Colony, in 1890, was already interested in Northward expansion because he believed that mineral riches were greater there. In 1887, Rhodes' agent, Charles Rudd, signed an agreement with the Matabele chief, Lobengula, which gave Rhodes some rights in the mineral domain in exchange for rifles, ammunition and £ 100 monthly. These rights were taken over by Rhodes' British South Africa Company which received a Royal Charter in 1889. The Company began its expansion immediately and occupied Mashonaland in 1890. For three years, both Lobengula and the Company regarded the Mashona as their subjects; to the first they were a source of cattle and women and to the second a source of labour.

The basis of Lobengula's authority, the annual raids on the Mashona of course irritated the Europeans, to say nothing of the Mashona. The Europeans had also been disappointed with the amount of gold found in Mashonaland and

there were rumors that there was far more to the West, the search for which provided a greater challenge to Lobengula's position. War was thus provoked and Lobengula was finally defeated and died in December, 1893. The Company had to put down several risings by the Mashona and Matabele tribes, and it was not until October of 1897 that the last uprising was put down, and Kagubi, the chief leader of the Mashona surrendered unconditionally. The era of war ended and that of settlement then began south of the Zambesi. It had become a white man's country by right of conquest, and the settler meant to make it his home.

The attitude of the white settler in Central Africa was clearly expressed by Sir Harry Johnston, who may be considered the founder of Nyasaland. He said on October 10, 1893,

Africa South of the Zambesi and North of the Atlas ... must be settled by the white and whitish races and that Africa which is well within the tropics must be ruled by whites, developed by Indians, and worked by blacks.¹

A few years later, he expanded his views in a letter to Lord Salisbury dated May 31, 1897:

British Africa between the Zambezi and the Mediterranean must in the interest of the native races ... be ruled from Downing Street In districts where climatic conditions encourage true colonization, there undoubtedly the weakest must go to the wall and the black man must pay for the unprogressive turn his ancestors took some thousands of years ago; there ... the direct rule of Downing Street may cease. But where, as throughout all tropical and Muhammedan Africa, we

¹Philip Mason, The Birth of a Dilemma (London: Oxford University Press, 1958), 214.

merely impose our rule to secure a fair field and no favour for all races, and inferentially for our own trade, there the local government must depend directly on London.²

The British South Africa Company administered the Rhodesias until 1924, when Northern Rhodesia became a protectorate under the British Crown. During those years, consideration of the problems faced by the settlers in Rhodesia resulted in the establishment of a trend that made unity and amalgamation the aim instead of separation and permanent domination. This policy was expressed by William Fox, a native Commissioner in Central Africa who wrote the following:

The native population of Rhodesia under a good government will certainly increase. It must be dealt with as a permanent element of the body politic and neither its existence nor its welfare can be ignored in any schemes for future development. It would be both wrong and short-sighted to ignore them and the real problem for the statesman is to make the native play his part in that development under conditions that will best conduce to his welfare and advancement³

This policy, however, was by no means accepted by every Rhodesian settler.

Amalgamation of the two Rhodesias was furthered in a formal way by the British South Africa Company. In its efforts to reduce administrative overheads, it had already amalgamated North-East and North-West Rhodesia in 1911. On Christmas eve, 1915, it proposed to establish a "single

² Ibid.

³ Ibid., 313-314.

unified administration for the whole of Rhodesia."⁴ The British Government agreed but the settlers were more cautious. Northern Rhodesia's unofficial white community opposed it because it feared that business and the further development of the North would be hampered. The settlers of Fort Jameson in Northern Rhodesia preferred to amalgamate with Nyasaland only. Southern Rhodesia settlers saw it as an impediment to self-government, so most settlers voted against the arrangement and the Company had to give in.

In the 1920s, prospects of a federation tying Tanganyika, Northern Rhodesia and Nyasaland were seriously considered for the first time, and two Commissions were appointed for the sake of studying this question. The first suggested that communications should first be improved between the three territories, before the achievement of any closer union. It also recommended periodic technical meetings among officials. Until the beginning of the Second World War, these meetings were regular, but amounted to nothing more than an exchange of views.

In 1927, the Hilton Young Commission reported that South African dependencies had inadequate communications and too insufficient a community of interest to warrant any form of union between the southern and northern territories. They considered among other alternatives the possibility

⁴Robert Rotberg, "The Federation Movement in British East and Central Africa, 1889-1953," Journal of Commonwealth Political Studies, Vol. II, No. 2 (May, 1964), 141.

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⁴Robert Rotberg, "The Federation Movement in British East and Central Africa, 1889-1953," Journal of Commonwealth Political Studies, Vol.II, No.2 (May, 1964), 141.

of partitioning Northern Rhodesia and joining the Copper belt and line of rail to Southern Rhodesia, but nothing came of the idea as most members of the Commission disapproved of Southern Rhodesia's native policy.

In 1938, the Bledisloe Commission was set up in answer to demands for amalgamation by Mr. Godfrey Huggins, the Southern Rhodesia Prime Minister. The Commission accepted the principle of future amalgamation of Southern Rhodesia and the two Northern Territories, but the wide disparity in political and social advance between them ruled out any immediate plan for linking them.

Immediately after the war, one of Bledisloe's recommendations was acted upon and a Central African Council was set up, comprising the governments of Northern Rhodesia, Southern Rhodesia and Nyasaland. The Council was successful in running a joint air service and negotiating a financial agreement, but it was crippled by its advisory status and lack of executive powers. It was also seen by Mr. Godfrey Huggins as an impediment to his plan of amalgamation.

After his victory in the elections of 1948, Huggins tried to put more pressure on the British Government to accept amalgamation. However, the Government's rejection of it brought about the consideration of federation instead of amalgamation in January 1950, when the Southern Rhodesian Government announced that it would leave the Central African Council before the end of the year. Huggins also hinted that unless the British Government agreed to introduce federation,

Southern Rhodesia might be forced to consider some kind of link with South Africa.

In 1951, Africans and whites met at Victoria Falls in an attempt to work out a practical federal scheme, but the conference ended in deadlock. The turning point came when the Government in Britain changed from Labour to Conservative, for the latter, with Secretary of State Oliver Lyttleton taking the leading role, urged federation.

A hurried Lancaster House Conference took place in April, 1952, and was boycotted by Africans from the Protectorates. The Conference drew out a draft of a federal scheme which was highly acceptable to Huggins, Sir Roy Welensky, the Southern Rhodesian whose political star was then in the ascendant, and the new Conservative Government in Britain. Protests from Africans in Central Africa and from the Labour Party in Britain were disregarded. Federation was imposed in January, 1953, after a final inter-governmental meeting in London, again boycotted by Africans of Northern Rhodesia and Nyasaland.

The short and troubled career of the Central African Federation can best be evaluated by a study of the experiences and recommendations of the Monckton Commission, established in 1960 to assess the viability of the federal experiment.

CHAPTER II

THE MONCKTON COMMISSION

According to the Constitution of 1953, the Federal Constitution for Central Africa had to be reviewed seven or nine years after the date in which it came into force; thus a Federal Review Conference was arranged for December, 1960. Earlier in the year, the British Government appointed a Commission of twenty-six members¹, under Lord Monckton, whose "terms of reference" read by the Prime Minister, Mr. Harold Macmillan, in the House of Commons were as follows:

¹ Great Britain, Hansard's Parliamentary Debates (Nov. 24, 1959), DCXIV, 208-210.

The members of the Commission were the following:

Lord Monckton of Brenchley, Q.C. (Chairman).

Sir Donald MacGillivray (vice-chairman).

From the U.K.: Sir Charles Arden-Clarke, Lord Crathorne, Mr. Aidan Crawley, Sir Lionel Heald, Q.C., Mrs. Elspeth Huxley, Prof. D.T. Jack, Mr. Hugh Molson, M.P., Lord Shawcross, Q.C., the Rt. Rev. R.H.W. Shepherd.

From Australia: Mr. F.G. Menzies.

From Canada: Prof. D.G. Creighton.

From the Federation of Rhodesia and Nyasaland: Mr. H.G. Habanyama, Mr. A.E.P. Robinson, Sir Victor Robinson, Q.C., Mr. R.M. Taylor.

From Southern Rhodesia: Mr. Justice, T.H.W. Beadle, Mr. G. Ellman-Brown, Chief Simon Sigola.

From Northern Rhodesia: Mr. Woodrow Cross, M.L.C. Ketilungu, Mr. W.H. McCeland.

From Nyasaland: Mr. W.M. Chirwa, Mr. E.K. Gondwe, Mr. G.G.S.J. Hadlow.

Secretary-General: Mr. M.D. Tennant, Ministry of Labour, London.

In the light of the information provided by the Committee of Officials and of any additional information the Commission may require, to advise the five Governments, in preparation for the 1960 review, on the constitutional programme and framework best suited to the achievement of the objects contained in the Constitution of 1953, including the Preamble.²

The main point of the Preamble was that the British Government would not withdraw its protection from Northern Rhodesia and Nyasaland until the inhabitants of those two territories wished it. Assurances conforming to the Preamble were often made by representatives of the British Government. In a speech at Lagos on January 13, 1960, Mr. Macmillan said that before British responsibility was removed in Nyasaland and Northern Rhodesia, the people of the two territories would be given the opportunity to decide on whether the Federation was beneficial to them. "This will be an expression of opinion that is genuinely that of the people,"³ he said. This expression of opinion was expected to be made in the hearings conducted by the Monckton Commission.

Two points concerning the Commission were not made absolutely clear by the British Government, neither at its appointment or even during its career. These were the exact implications of the "terms of reference" of the Commission and the extent to which African opinion would be heard.

The "terms of reference," were questioned by Labour and Liberal party members and by newspapers voicing liberal

²Ibid., 208.

³The Times (London), Jan. 14, 1960, 10c.

points of views.⁴ They wanted to know how far the Prime Minister's statement carried with it an implication that if the people of the two northern territories decided that the Federation was not beneficial they would be able to secede. Mr. Macmillan's answers to such confrontations were both vague and evasive.

On November 24, 1959, Mr. Grimond, the Liberal leader said in the House of Commons that the Monckton Commission's "terms of reference" clearly supposed that the territories should remain inside the Federation. "Is it open to the Commission," he asked, "to recommend that Nyasaland should secede from the Federation altogether?"⁵ Mr. Macmillan replied: "This Commission is appointed to review an existing Constitution, to which its terms of reference naturally relate.... The terms of reference, in my opinion, give the Commission full scope to advise the Government on how best that object can be achieved, but, of course, if the Commission thinks that it could not fulfill its task to its satisfaction within the terms of reference no doubt it would say so."⁶ In a speech at Salisbury, January 19, 1960, he said: "I should like to make it plain that the function of the Monckton Commission is not to destroy Federation - far from it. It is to advise how the Federation can best go forward."⁷

⁴Such as The London Times and The New Statesman.

⁵Great Britain, Hansard's Parliamentary Debates (November 24, 1959), DCXIV, 214-5.

⁶Ibid.

⁷The Times (London), Jan. 20, 1960, 10a.

The limitations imposed on the Monckton Commission made it clear that Federation would go on no matter what the Commission thought. Therefore, the Commission members found it expedient to give advice within those limitations.

The extent to which African opinion was to be heard and evaluated by the Monckton Commission largely depended on the extent to which protection was provided for African witnesses. Such protection was not provided by the British or Federal Governments, and angry protest was voiced by Liberal and Labor party members inside and outside of the House of Commons. Barbara Castle, in a letter to the Times, voiced complaints which she had raised earlier in the House of Commons, but which had generally been evaded by the Prime Minister. She wrote: "What about the position of African members of the Commission? Presumably, Regulation 35 and Section 5 of the Native Affairs Amendment Act also apply to them, which means that they, too, will be liable to penalties if they do or say anything likely to undermine public confidence in their territorial or Federal rulers."⁸ Since the Africans could not express their opinion, the Commission^{was} described by Miss Castle to have been "reduced to a travesty."⁹ She added: "... , yet is it not, after all, in keeping with the general policy which the government has pursued in this whole matter? It all fits with the Prime

⁸Ibid., Jan. 1, 1960, 10a.

⁹Ibid.

Minister's stubborn refusal to satisfy the Labour Party's anxieties about the Commission's terms of reference."¹⁰

She went on to accuse the Government of giving in completely to Sir Roy Welensky who said: "I would never be a party to any commission coming out here to sit in judgement on the Federation and decide whether it was to continue or not."¹¹ Barbara Castle's accusations were indeed severe and painful. However, they can easily be understood when one follows up the questions and answers discussed in the House of Commons and one notices the evasive character of the answers. Miss Castle pointed out that when she and Mr. Dingle Foot raised the question of protection of African witnesses, the Prime Minister transferred it to the Commonwealth Relations Office, which meant that it would not be discussed before a month had elapsed.

The Prime Minister showed much naïveté and lack of understanding of the whole problem when he said in the debate of the House of Commons on November 24, 1960, that "what really matters is that African opinion of all shades will be fully heard and objectively recorded. As I said before, I regard the Commission as free, in practice, to hear all points of views from whatever quarter."¹² This theoretical attitude, however sincere it might have been,

¹⁰ Ibid.

¹¹ Ibid.

¹² Great Britain, Hansard's Parliamentary Debates (Nov. 24, 1959), DCXIV. 210.

disregarded the existence of the Native Amendment Act of 1959.

After much debate on the subject of protection, it was announced by Lord Alport, Minister of State for Commonwealth Relations that "no statement made to the Commission, whether orally or in writing may be used in evidence in any criminal proceedings; this does not apply to statements made by witnesses outside the Commission, even if merely in repetition of oral evidence or republication of written evidence given to the Commission."¹³ This was obviously a great step forward towards a more scientific approach. This approach naturally demanded that the hearings be conducted in secrecy and this is in fact what happened. A noticeable gap in information is present in newspapers at this time and a deliberate attitude by Lord Alport and Mr. Macmillan not to give opinions prematurely. Some information evidently leaked out and newspapers tended to have sensational headlines on the Monckton hearings, such as the headline in the Sunday Mail¹⁴ which read:

Welensky Cabinet Shocked by Monckton Plan

Storm Brewing over Proposal to Cut Federal Powers.

However, when the rest of the reports are read, it is obvious that they were based on hearsay, although a grain of truth could be discovered now and then. Lord Monckton was rightly

¹³The Times (London), Oct. 12, 1960, 4a.

¹⁴Ibid. Sept. 26, 1960, 14f - quoting the Sunday Mail.

keen on not letting the press publish bits and pieces of evidence and that the hearings should generally be private. Later the evidence would be published as a whole, and that would avoid misunderstandings or at least reduce them to a minimum.

The report of the Monckton Commission was finally published in October, 1960. It consisted of a hundred and seventy five pages, signed by twenty three out of the twenty five members of the Commission,¹⁵ but of those, fifteen appended reservations on various sections. Two members (Mr. H. G. Habanyama, chief councillor of the Gwembe Tonga native authority in Northern Rhodesia, and Mr. Wellington Chirwa, a Nyasaland representative who was formerly an African member of the Federal Parliament) dissented and signed a minority report. This stated that, in their view, the continuance of a Federation not based on consent was unacceptable. The inhabitants of each territory, they said, should be asked in a referendum whether they wished to remain in the Federation and the United Kingdom Government should provide for immediate secession of any territory whose people desired it.¹⁶

The Majority Report could be said to consist of two main parts. First were the conclusions and observations made as the result of the enquiries and second were some constructive

¹⁵ Lord Shawcross had resigned earlier because of ill-health.

¹⁶ The Times (London), Oct. 12, 1960, 4a.

proposals put forward by the Commission as a result of these observations.

The main observations were that in the two Northern Territories, the evidence given by Africans was mainly opposed to Federation and that of Europeans mainly favorable to it. In Southern Rhodesia, on the other hand, African evidence was mainly in favor of Federation, while a significant number of Europeans felt that Federation in its present form could not be made to succeed.¹⁷ The dislike of Federation among Africans in Northern territories was associated everywhere with a picture of Southern Rhodesia as a white man's country. The paradox of this fact was that this attitude was adopted by Africans who went frequently to Southern Rhodesia to work and enjoy the higher wages and standard of living available there. This paradox was vividly explained in a memorandum submitted to the Commission by Mr. B. G. Paver, Chairman of African Newspapers (Pvt) Ltd. in Salisbury. The Commission found it best to quote his own words:

In their tribal areas in Northern Rhodesia and in Nyasaland, the individual was an identifiable unit of village life with no need to produce documentary evidence of his identity, whereas, when he crossed the Zambesi, this became essential. In his tribal life, time was of no consequence, but in his changed environment of a wage-earning existence, time assumed a hitherto unknown significance In his tribal life, there was complete freedom of movement, and no individual ownership of land. In the areas to which he travelled, freedom of movement was impossible. It was restricted by documents

¹⁷ Report of the Advisory Commission on the Review of The Constitution of Rhodesia and Nyasaland (London, 1960) Chapter 3, Par. 25, p. 16.

of identification and by the, to him, unheard of concept of individual ownership of land.... The untutored tribesman naturally found that he could only obtain gainful employment in areas owned by Europeans. From this he assumed that virtually all productive land south of the Zambesi was owned by Europeans, and from this he came to the conclusion that any close association with Southern Rhodesia would inevitably lead to an extension of conditions which would deprive him of his land.

These comparisons of two systems, these misconceptions and fears were perpetuated by being recounted over nearly half a century in hundreds of villages throughout the Northern Territories by tens of thousands of returning migrant labourers. Under the circumstances, the task of the militant African nationalist was a comparatively easy one. He had only to withhold the truth to have his views confirmed by the conclusions arrived at by those who had temporarily assumed the role of migrant labourers.

This is the fundamental origin of opposition to Federation.¹⁸

Thus, African hatred of Federation was based on emotionalism and sentiment. In fact, the Commission reported that often there was no distinction in the mind of Africans between federation and amalgamation. However, it was admitted that that did not make opposition less genuine and that ignorance made it easier for African leaders to exploit the public's emotions for their own purposes.¹⁹

The Report mentioned that intimidation and boycotts made the Commission's task a hard one. But in spite of it, the Commission claimed that it was left with no doubt that genuine opposition to Federation on the part of Africans in the Northern Territories had grown more intense during the last seven years, and that the economic advantages of Federation were not successful in alienating such opposition.

¹⁸Ibid., Chap. 3, Par. 27, p. 17.

¹⁹Ibid., Chap. 3, Par. 28, p. 17.

The repeated demands of the leaders of the Federal Government for a further advance towards Dominion status only helped to increase African fears that the British Government would withdraw protection before self-government in the Northern Territories was secured.²⁰

The grave distrust by Africans of Federation was explained in the report by the fact that Federation, in 1953, was imposed against the will of Africans in the Northern Territories.²¹ Equally important was the "failure to take any immediate, significant and well-publicized steps to demonstrate the reality of racial partnership as the basis of Federation."²²

Racial partnership failed not only on the social but also on the constitutional level. The small number of African seats in the Legislature (12 out of 59), and the passing into law of the electoral legislation of 1957 despite its rejection by the African Affairs Board as a Bill which was "unfairly discriminatory,"²³ were examples of such failure. In conclusion to the section on African opinion in the Northern Territories, the report said: "The opposition to Federation, in part emotional and blind, has indeed become so strong that, however radical might be the changes in form and outlook, the retention of the 'Federation' which has become a hated word and is associated in their minds with a policy of

²⁰ Ibid., Chap. 3, Par. 30, pp. 17-18.

²¹ Ibid., Chap. 3, Par. 33, p. 19.

²² Ibid., Chap. 3, Par. 34, p. 19.

²³ Ibid., Chap. 3, Par. 35-36, p.19-20.

white domination, will cause opposition to linger on. In our view, it should be changed."²⁴

According to the Report, Africans of Southern Rhodesia, in striking contrast with Africans in the Northern Territories, favored Federation partly because they believed that close association with the large African majorities in the Northern Territories, would strengthen their position in relation to the Europeans. Moreover, there was fear that if Federation were dissolved, Southern Rhodesia would be forced into closer association with the Union of South Africa whose government was openly for apartheid. Africans of the Northern Territories did not share this view, mainly because of their fear of white domination of the copperbelt and the Kariba dam - their main source of wealth.²⁵

A large volume of European opinion in Southern Rhodesia was found to be hostile to Federation. The reasons cited were the belief that Federation would bring about an overly rapid increase in African political power, that African nationalist movements in the South were instigated by Africans in the North and the general belief that Federation had been an obstacle to the constitutional advance of Southern Rhodesia.²⁶

Nyasaland, it was generally agreed by white people in both Northern and Southern Territories, was an economic liability to the Federation and some went as far as

²⁴Ibid., Chap. 3, Par. 41, pp. 20-21.

²⁵Ibid., Chap. 3, Par. 42, p. 21.

²⁶Ibid., Chap. 3, Par. 44-45, p. 22.

recommending its secession.²⁷ Asian and Colored witnesses were generally in favor of Federation, but they had complaints against racial discrimination and lack of representation.

The general conclusion of the Monckton Commission was clearly expressed in the following paragraph:

Although the weight of opinion among Europeans in all three territories, and among Africans in Southern Rhodesia, is for Federation to continue, the strength of African opposition in the Northern Territories is such that Federation cannot, in our view, be maintained in its present form.²⁸

On the basis of its conclusions, the Commission put forth eight main proposals for the Federation to best go on:

First, it proposed that Africans must have a much higher proportion of representation in the Federal Assembly (instead of 12 out of 59) and the franchise should be broadened to secure an Assembly representing the broad mass of European and African opinion. A majority of members favored an equal distribution of sixty seats between European and African.

According to the Commission, eventually there should be a common roll of European and African voters, but in the meantime a franchise committee should be set up to recommend franchise qualifications ensuring that African members were fully representative and had real support of their communities. This was their second proposal.

²⁷ Ibid., Chap. 3, Par. 46, p. 22.

²⁸ Ibid., Chap. 3, Par. 49, p. 22.

Thirdly, a number of functions should be transferred from the Federal Government to the Territorial Governments, leaving external affairs, defence and the control of the economy to the Federal Government.⁽¹⁾

Fourthly, the machinery of cooperation between Governments should be strengthened and there should be an economic development council to coordinate all development planning at ministerial level.⁽²⁾

The fifth recommendation was that all Governments should legislate to make discriminatory practices illegal. A Bill of Rights should be written into Territorial and Federal Constitutions, and Councils of State should be set up to protect persons against the enactment of legislation that is unfairly discriminatory on grounds of race, color or creed.⁽³⁾

A reconsideration of the Federal Capital being at Salisbury was suggested by the Monckton Commission.⁽⁴⁾ Federal Legislature should meet in each of the three territories in turn, the first two after the Review Conference being in Lusaka and Zomba.⁽⁵⁾

It was suggested in the seventh point that the United Kingdom Government should make a clear declaration of its intention to grant the right of secession, if so requested, after a stated time or at a particular stage of constitutional development.⁽⁶⁾ The declaration should be made before the Review Conference so that the question of secession would be discussed there.⁽⁷⁾

Lastly, it was recommended that a new constitution for Northern Rhodesia and such constitutional changes as may be desirable in Southern Rhodesia should not wait on a full revision of the Federal Structure.²⁹

The Monckton Commission Report was a frank and straightforward report which profoundly shook British and white settler faith in Federation in its existing form. Sir Roy Welensky hastened to stress the advisory nature of the Commission and utterly rejected the recommendation of secession during special circumstances made by the Commission.³⁰ He assured the Federal Assembly also that "the Government would never have been party to any inquiry which had as its purpose an inquest in the affairs of the Government in the Federation or have associated itself with anything which called into question the continuance of Federation itself."³¹ He went on to accuse the British Government of not abiding by its earlier promises and assurances against secession, and added that "the question of secession complicated matters because it encouraged extremist elements in the Federation."³²

Sir Roy Welensky was supported in his view by Sir Edgar Whitehead who opened his speech at Salisbury on October 18 by saying:

²⁹The Times (London), Oct. 12, 1960, 4a.

³⁰Ibid., Oct. 12, 1960, 5e, f, g, - quote of Radio Broadcast, Salisbury.

³¹"Speech to the Federal Assembly," 25 Oct., 1960. Nicholas Mansergh, ed. Documents and Speeches on British Affairs (London, 1963), 152-157.

³²Ibid.

We simply cannot go on taking a plant up by its roots every five years to see if it is still growing.... We must search for terms on which it is possible for us to agree.... I believe the disaster of the Federation breaking up is far greater than the opposition realize.³³

It is ironical that many different interpretations should have been given to the Monckton Commission Report when in fact it was a clear and straightforward report. While Welensky and Whitehead were objecting to the secession clause and saw it as the most important clause in the report, Mr. Macmillan completely disregarded it and instead, chose to stress what he called " the remarkable and outstanding feature of the Commission's report."³⁴ This was the nearly unanimous acceptance of the need for such a Federation, and the tragedy that would be involved in its collapse.

Both points were given due stress in the Report itself. It is clear that the Monckton Commission supported the principle of federation, however not Federation in its existing form. It recognized the need for a new initiative in the Federation and thought that the declaration of acceptance of the question of secession under special circumstances, would endorse the Federation, or otherwise give it a realistic form. In 1953, Federation had clearly been imposed on the two Northern Territories, and it was clear that it had failed in its mission. Therefore, if federation was to exist, it would have to be supported by the people. That is why the secession clause was a necessary precedent to the continued existence

³³The Times (London), Oct. 19, 1960, 8a.

³⁴Ibid., Oct. 17, 1960, 6e.

of federation.³⁴ Unfortunately, neither Mr.³⁴ Macmillan nor the leaders of white settlers in the Federation showed signs of having grasped the sound logic of the Monckton Report.³⁴

Labour opposition, on the other hand, not only agreed with the major propositions of the report but pointed out that the Commission had simply proved that the opinion of the Labour party had been correct all along.³⁴ In proof of this, quotations were published³⁵ showing that many statements made by the Monckton Commission had been made earlier by the Fabians, and they were set in contrast to statements made by people of Conservative opinion, such as the Colonial Secretary, Mr.³⁴ Lyttelton.³⁴

The Labour party, although in general agreement with the report presented two major criticisms.³⁴ The first criticism concerned the conclusion in Chapter Five of the report that the "high hopes with which Federation was founded have on the economic side been fulfilled."³⁶ Fabians said that this was not justified by the available evidence, and pointed out that there was no mention in the majority report of the fact that economic growth had been uneven.³⁴ They tended to support the view of Messrs.³⁴ Chirwe and Habanyama who in Paragraph twenty-three of the minority report said:

It is because we believe that federal economic policy has been one of distortion that we question its economic value. First, the majority bears out that

³⁵Venture, XII (Nov., 1960), No. 10, p. 5.

³⁶Ibid., XII (Nov., 1960), No. 10, p. 6.

there has been at best an inadequate development of the backward areas of Nyasaland, Northern Rhodesian and Southern Rhodesian reserves. Little money has been spent on African agriculture - less than on European agriculture which is a less important part of the European's livelihood. The lion's share of industrial development has gone to Southern Rhodesia (£105m. out of £127m. as the Majority Report states) and has been protected against competition from outside the Federal area.... Furthermore, the difference in costs of production (such as power, water supply and transport) between Southern Rhodesia and the Copperbelt on the one and heavily populated Nyasaland on the other hand, are being still further weighted against Nyasaland (and for that matter most of Northern Rhodesia) by the speed of development of basic utilities in the European areas. In short, we do not think Federation has done much to increase the standard of life of the poor majority of the people; we believe it has helped most those who are already well off."³⁷

The second criticism by the Fabians concerned the optimistic political conclusion that Federation could be saved by drastic surgery. The party believed that Federation was now beyond repair and it also disagreed with the Report on the implications of the failure of federation. They did not believe that it suggested the failure of different races to live together in harmony. Its failure according to them would be "the result of racial partnership not being practised at a time when it could have worked, and of the Federation being imposed against the vehement opposition in the North and without Africans in the South being consulted."³⁸

The main weaknesses of the Monckton Commission Report may be classified in three categories. The question of secession was, as has been pointed out, criticized by Sir

³⁷ Ibid., (Dec. 1960), No. 11, 7-8.

³⁸ Ibid., 1. Quoting the Central African Examiner.

Roy Welensky, Sir Edgar Whitehead and their supporters as a question that instigated and encouraged African rebellion and was opposed to the principles of Federation. From the point of view of Monckton and the Labour party, this declaration on secession was a necessary step towards the consolidation of the Federation or its eventual dissolution. However, one point was not considered by the Monckton Commission, and not criticized often enough by its opponents although it was essential: if Federation was to exist for seven years on a basis of non-assurance of its continued existence, it would lack the zest and initiative necessary to improve its situation, economically and politically.

Mr. ¹Patrick Wall rightly pointed out in a Conservative Conference that "this would only lead to political and economic disaster." He asked: "Who would invest in a Federation which they knew was bound to be wound up?"³⁹ This logical point, by itself, almost discredited the Monckton suggestion of secession in seven years' time. Moreover, it showed lack of consideration of what was commonly called the "wind of change" that was sweeping through Africa. Changes were taking place at such a rapid pace in Africa, it was hardly conceivable that after seven years' time, Britain would still have the authority to grant independence or regulate the pace and degree of constitutional development as it could have done in 1960. The British Government, in agreement with the Monckton Commission at this point, deferred

³⁹The Times (London), Oct. 13, 1960, 4d.

action to a more opportune time. Later events proved that the most opportune time had been then.

Neither was the second category of criticism ever voiced by Sir Roy Welensky or his Conservative followers. This concerned the impracticability of some of the constitutional measures suggested by the Monckton Report. They lacked the simplicity necessary for their success as they were to be handled by politicians, inexperienced in electoral and legislative devices. For example, since the aim of the Councils of State was to prevent legislation which was unfairly discriminatory against any of the racial groups, it would have been much simpler and more constructive if concentrated efforts were made on one Council of State rather than four.⁴⁰

There was also the suggestion of the election of sixty members to the Federal Assembly on a racial basis, so that there would be complete equality in the Assembly. The complication and danger involved in this method was the fear of the creation of two equally obdurate blocks.⁴¹ It is necessary for a Parliamentary system, to be successful, that there be a majority and a minority on each issue debated. However, if the Assembly was to be divided on a racial basis, it was hardly conceivable that any individual from any one racial group would support the opposing group against his own. Deadlock would be reached, and the solution would have

⁴⁰ "Some Reflections on The Monckton Report," World Today, XVI (Dec., 1960) 503-9.

⁴¹ "Monckton Report: African Awakening in The Federation," Round Table, LI (Dec. 1960), 22-8.

to fall into the hands of the Federal authorities, which would be unacceptable to Africans. Violence would probably ensue.

The third category of criticism concerns the economic reasoning of the Monckton Report. The criticism that economic gain from Federation was not equally shared has already been mentioned. In addition to this, there is the fact that Central African economy on the whole was poor and mainly centered around the copper industry of Northern Rhodesia, an industry which as the Report mentioned, lacked the stability of gold. The economic arguments for Federation, according to the Report were based on agreement to share the profits, principally of this industry. In this argument was the misconception that each territory had the right to share in a Federal prosperity irrespective of its contribution to it. In this, the Monckton Commission showed lack of insight in that it did not see that the question of the future of Federation could not be divorced from the future of its economy.⁴²

The Monckton Report did, however, make two clear contributions: (1) It recognized clearly for the first time that African opinion in the Northern Territories was strongly opposed to Federation when it came into force in 1953, and that opposition was growing at a fast pace. (2) Federation could not be continued against the will of the majority ~~of the~~ ~~majority~~ of the population.

⁴²World Today, LI, loc.cit.

By far, the most important weakness, or rather the basic cause of all the weaknesses of the Monckton Report, was its narrow "terms of reference." The fact that the subject of secession was not included in those terms made it very embarrassing for the Commission, when it reached the conclusions which were its two main contributions. The logical consequence of the conclusions would have been the recommendation of an immediate dismantling of the existing Federation, and establishment of a structure in its place which would have only the broadest links, mainly economic. All these points were conceived by the Commission, but recommended for future rather than immediate application. This, indeed was the effect of the limitation of the Commission's "terms of reference."

It may be argued that the Commission, if it was convinced of the futility of Federation, should have refused to submit its report under the restrictions afforded to it by its "terms of reference." On the other hand, if it had done so, it would probably have been completely ignored by the British Government and replaced by another Commission, more willing to carry out its task under the conditions offered to it. For the Commission to have any hope of being constructive, it was necessary to attempt to put forth the most constructive proposals within its "terms of reference." That was the tragedy of the Monckton Commission.

The British Government, in its postponement of dissolution, removed the possibility of the maintenance of

any kind of co-operation between the three territories. The Monckton suggestions fell on deaf ears, and it was left to Dr. Banda and Mr. Kaunda on one side, and Sir Roy Welensky on the other to take upon themselves the solution. Normally, it is considered most advisable that the people on the spot should find a solution to their own problems rather than have an outside power interfere. However, in the Federation, the two factions were strongly dedicated to the slogans "federation is dead" as against "federation is saved."⁴³ Two irreconcilable slogans and hesitant arbiter were the elements of tragedy for the Federation.

⁴³"via Monckton?", Economist, CXCVII (Oct.1, 1960), 20.

CHAPTER III

NYASALAND: Secession

Nyasaland, being such a poor country, created a problem significantly different from that of Northern or Southern Rhodesia. Of the three territories of the Federation, Southern Rhodesia made the largest financial gain from its association with the other two territories. While it was true that Federation brought some financial gain to Nyasaland, it was also true that equivalent if not larger gains might in this period have resulted from association with Northern Rhodesia alone.¹ Moreover, association did not need to be political, but merely economic. Therefore, Nyasaland had every reason to wish for a break-up of Federation in spite of the economic risk involved. A campaign for break-up was led by Dr. Hastings Banda, Nyasaland's nationalist leader, early in 1959. This caused the British Government to declare a state of emergency in Nyasaland, and to hold in detention Dr. Banda and a large number of his supporters. All throughout his detention, Liberal and Labour party members in the House of Commons pressed for his release. No explanation was given by Mr. Macmillan for the prolonged detention of Dr. Banda,

¹Africa Digest, VIII (August, 1960), No. 1, 9.

even long after violence had subsided. The state of emergency was officially ended on June 15, 1960 with an announcement by the Governor, Sir Robert Armitage. However, he said that a few special cases were to be detained for a while longer.² Those did not include Dr. Banda who had been released two months earlier and flown to Zomba, where he conferred with the Secretary of State for the Colonies, Mr. Macleod, and the Governor, Sir Robert Armitage. Dr. Banda came out of the prison a calmer and less impetuous man. In fact, he joined Mr. Orton Chirwa, leader of the Malawi congress party, in an appeal, in a special broadcast, for peace and calm in Nyasaland. However, his main premises had not changed and his demands had become even clearer.

A few days after his release, Dr. Banda said to reporters that a conference on Nyasaland would be held in London in June. At it, he would be asking for immediate self-government and for Nyasaland's secession from the Federation. He accepted that it might not be possible for that to take place before the conference in autumn, but he hoped that a predominantly African delegation would be representing Nyasaland at this later conference. According to him, there were three reasons that made his demand for Nyasaland's secession a valid one. First, he was convinced that Europeans wanted Federation to prevent Africans from becoming independent. Secondly, because it had been imposed upon them against their wishes and thirdly, because of racial

²The Times (London), June 15, 1960, 12f.

discrimination practiced against Africans in Southern Rhodesia since it became self-governing in 1923.³ Whether considered a valid argument or not, it was clear that Dr. Banda spoke out of conviction and was adamant in his belief. He added that he hoped that in the future, Nyasaland would be able to join up in some way with Tanganyika, with Northern Rhodesia and later on perhaps with the Belgian Congo and Basutoland.⁴ This last suggestion probably came out of Dr. Banda's realization that Nyasaland was economically unable to stand alone. However, he did not wish to consider the continued existence of the Federation. A few days later, he said, "I want to make it quite clear that when we come to talk about the constitution of Nyasaland in London in June or July, I won't be talking about federation ... I mean just that. Or else I go back to Gwelo prison. I do not mind. I have tested it. I know what it is."⁵

Dr. Banda stated his minimum demands in July. They were: (1) a clear African majority in the Legislative Council, elected by Universal Manhood Suffrage, "one man, one vote." (2) The Legislative Council should consist of fifty-five members of whom forty-six were to be elected Africans. The other nine would consist of the then present six elected non-Africans and three senior officials - the Chief Secretary, the Financial Secretary and the Attorney General. (3) An immediate

³Ibid., April 8, 1960, 14c.

⁴Ibid.

⁵Ibid., April 12, 1960, 11d.

Cabinet system with ten or twelve ministries. He summed it up by saying: "My people want no civil servants; the cabinet system right away and independence now."⁶

Such were Dr. Banda's demands. They could be criticized as illogical, or rash or impossible, but no one could ever claim that they were vague. This is in direct contrast with the policy of the British Government. Sometimes, it seems a pity that disagreements between Conservatives and Liberals in the House of Commons should be the cause of so much delay and a lack of firm policy by Britain in her colonies. However, it is indeed doubtful whether things could have been otherwise, with Britain's Cabinet system having so much influence over the Commonwealth Relations Office. Lord Home, the Secretary of State said that the people of Nyasaland could not yet expect independence for several years. He said that "people glibly talk about self-government for Nyasaland, and it is a country that has only about a dozen native lawyers, one doctor who is properly qualified and as for district officers you simply cannot find them."⁷ Lord Home, at another occasion, was reported by The Times to have described Nyasaland as the "slum of Africa." This was later corrected in the House of Commons by Lord Alport who explained that Lord Home had said that there would be future danger of it becoming the "slum of Africa," if it did not have the economic advantage which came from

⁶Ibid., July 15, 1960, 10a.

⁷Ibid., March 15, 1960, 8f.

its association with the Federation. However, this did not alter the fact that for seventy or eighty years, Britain had been responsible for the economic development of Nyasaland, and if the conditions were such in 1960, Britain must surely accept some responsibility. This was pointed out in the House of Commons by Mr. Wade.⁸ Such were the types of futile discussions that went on in the House of Commons, and what is more, very rarely if ever, was a conclusion reached on this subject specifically or any other relating to the Federation of Central Africa. However, the House of Commons could not be expected to make the final decision which ought to have been made by the Commonwealth Relations Office.

Sir Roy Welensky seemed to be in agreement with Mr. Wade of the House of Commons, as he told a Salisbury audience that Nyasaland had "nearly stagnated" under British rule and was best described as an "imperial slum." He pointed out that, in 1953, the territory had not been wanted in the Federation by Lord Malvern or himself, but it was forced upon them by the British Government. However, it was now "right and proper" that the protectorate should be under the federal system of government, as the federal government, if given the chance was able to provide the peoples with a much better life and standard of living than any territory could do individually.⁹

⁸Ibid., March 16, 1960, 5b.

⁹Ibid., March 16, 1960, 11a.

Dr. Banda knew what he wanted, and Sir Roy Welensky too; where, however, did Mr. Macmillan stand in relation to all this? Mr. Macmillan made a statement in Lagos, which he meant to be a declaration of his policy in Nyasaland. This statement raised strong opposition from the Labour party in the House of Commons. Mr. Macmillan was accused of saying in Lagos what he had refused to say in the House of Commons all along, and that is, that it was up to the people of Nyasaland themselves to decide whether or not they wanted to stay in the Central African Federation. It was pointed out that it was his stubborn refusal to make such a statement in the House of Commons, which had prevented the Labour Party from sending a delegation to the Monckton Commission.¹⁰

Much of the debate that went on in the House of Commons was based on hearsay until the text of Macmillan's statement at Lagos was finally reproduced and published from a recording. It would be doing justice to quote Macmillan's speech at this point since he was accused of being inconsistent in his policy. The text ran as follows:

As for the wish of the Nyasaland people to enter into the federation, the Government of the United Kingdom have made it clear - abundantly clear - that we will not remove the protection of the British Government to either of the Northern Territories - Northern Rhodesia and Nyasaland - until it is quite clear that the expressed wish of these peoples is to enter into a full and independent federation.

I want to make it clear that to enter into anything like your Nigeria federation, that is to say

¹⁰ Ibid., Jan., 19, 1960, 9d.

a real independent federation, each of the partners concerned must express its own will in its own part: Nyasaland, Northern Rhodesia, and Southern Rhodesia.

We do not regard its will as expressed until it has reached real self-government - before it can be said that the people in Nyasaland have the machinery to express their will through an elected government of some kind.¹¹

Mr. Macmillan did not make it clear enough what he meant by reaching "real self-government". Macmillan's weakness in general, and as conveyed in this specific speech was that he left too many important things unsaid, thus leaving too much room for individual interpretation and criticism.

The healthiest attitude adopted towards the problem of Nyasaland was that of Mr. Macleod, the Colonial Secretary. He laid down four principles as a basis for the prospective conference on Nyasaland: (1) That African peoples were a majority in Nyasaland was without question. The time had come for a clear African majority on the unofficial side of the Legislative Council, but he attached great importance to the contribution of non-Africans that ought to be made too. (2) A qualitative rather than a universal franchise was appropriate, and the conference was to decide how far to extend it. (3) Concerning the Executive Council and the Governor's powers, divergent views had been expressed. Some called for an Executive entirely responsible to the Legislative Council (Malawi party view). Others, that the Executive should be chosen by the Governor and be unconnected

¹¹Ibid., Jan. 19, 1960, 8d.

with the Legislative. Mr. Macleod believed that the Executive should remain advisory to the Governor. (4) The unofficial members of the Council should be elected mainly or entirely from the Legislative Council and should certainly be associated with work of governmental departments.¹²

Mr. Macleod's proposals were the only constructive and compromising proposals made by a member of the British Government. True, Macleod's proposals fell short of Banda's demands, however, they were compromising enough for Banda and the Malawi party to accept. Mr. John Msonthe, the publicity secretary of the Malawi party said that he thought that party members would be satisfied with the outcome of the talks. "We have got control of the Legislative Council and a good voice in the Executive Council and while the vote for 100,000 people does not amount to universal franchise, I think it is sufficient for the moment,"¹³ he said.

The Liberals in the British Government greatly appreciated Mr. Macleod's principles and praised him for his tactics in negotiation. They also gave credit to Dr. Banda who had settled for much less than his original demands. They regarded it as wisdom rather than weakness and attributed his acceptance of 100,000 votes in place of universal suffrage to his party's confidence that it would win all of the lower-income group seats and thus control

¹² Ibid., July, 30, 1960, 6d.

¹³ Ibid., Aug., 6, 1960, 5c.

the Legislature. They also recognized that the United Federal Prty had also compromised, and attributed that to the fact that there were less than four thousand genuine European settlers in Nyasaland out of a population of three million.¹⁴ Unfortunately, the white settlers in the Federation were most dissatisfied with the Nyasaland compromise and wrongly regarded Mr. Macleod "as the spear-head of Mr. Macmillan's new African policy, and as representing and advocating all its most unpalatable aspects."¹⁵ Later, in 1961, Mr. Macleod was attacked by Liberals and accused of having betrayed the African and given in to Sir Roy Welensky and the Tories,¹⁶ however those accusations appear unfounded as Mr. Macleod's policy remained consistent, and the agreements made in the Nyasaland Conference were carried out to the full.

The new Constitution was for the first time to give an African majority in Legislature. The Legislative Council was to consist of twenty eight unofficial members and five official ones. Of the twenty eight, twenty would be elected on the lower roll and eight on the upper roll. In fact, 106,000 registered for the vote on the lower roll and 4000 on the upper roll. Election took place on August 16, 1961 in an atmosphere of complete calm. The result

¹⁴Venture, XII (Sept. 1960), No. 8, 2.

¹⁵The Times (London), March 23, 1961, 13e.

¹⁶"What have you done Mr. Macleod?", Venture, XIII (Sept. 1961), No. 8, 4.

was an overwhelming majority for the Malawi Congress Party led by Dr. Banda, 99% of Africans of the lower roll having voted for him. The twenty-eight unofficial members were thus distributed to include twenty-one members from the Malawi Congress Party, six from the United Federal Party and one Independent Malawi. It was rightly recognized by the Conservatives that the election results did not augur the successful future of the Central African Federation, especially because Dr. Banda declared that the elections must be regarded as a referendum on the Federation, and that the results gave him a right to "demand secession from this stupid Federation."¹⁷ Conservatives, moreover, stressed that heavy responsibility lay on Dr. Banda as it was very possible that he was leading his people to economic disaster.

Awareness of the financial problem Nyasaland would be facing, led the British Government to appoint a committee of advisers to examine Nyasaland's financial condition.¹⁸ This did not deter the Nyasaland Government from publishing a three-year development plan to cost no less than £ 19m. Of

¹⁷ Commonwealth Affairs (Aug/Sept., 1961), No. 94, 10.

¹⁸ Ibid., (July, 1962), No. 104, 7.

Names of advisers: Sir Roger Stevens - Deputy under-Secretary at the Foreign Office.

Sir Ralph Hone - the constitutional lawyer, who, earlier in the year, had advised political parties in Kenya during the preparatory work for the Kenya Conference.

Mr. D.A. Scott - Deputy High Commissioner in Salisbury.

this £13m. would be spent on Government projects and more than £6m. on commercial projects which private enterprise would be encouraged to share. £2½m. were assigned for education, of which £370,000 was a gift from America for Secondary Schools and £500,000, a gift from America also for a University. Provision was also made for a daily newspaper to compete with the Nyasaland Times and £50,000 were assigned for commercial broadcasting services. The British Government agreed to cover the estimated deficit of £1½m. for 1962-3.¹⁹

The new Constitution of Nyasaland represented a victory for Dr. Banda and the Malawi party, and was a step forward towards the inevitable break-up of the Federation. This was clearly recognized by the British Government - Liberals and Conservatives alike. Nyasaland's secession was thus accepted in principle on December 19, 1962. However, as Mr. Butler explained, it had to take its time before it was to be fully realized. Detailed negotiations between Her Majesty's Government, the Federal Government and the Nyasaland Government would be required and Her Majesty's Government expected the Nyasaland Government to shoulder its just commitments and liabilities arising from its membership in, and withdrawal from, the Federation. Many matters would have been negotiated, including, in particular, those arising from the Nyasaland Government's obligation to bear its due proportion of the Federal debt, and to assume

¹⁹Ibid.

its proper responsibilities, financial and otherwise.²⁰
 The British Government supported Mr. Butler in his negotiations, both Conservatives and Liberals alike; thus his negotiations were most effective. Only Sir Roy Welensky was dissatisfied as expected and accused the British Government of turning its back on him and of breaking the agreement of 1953.²¹

Nyasaland became a self-governing country on February 1, 1963, and its first Prime Minister, Dr. Banda said it was now "a black man's country in a black man's continent."²² He announced that Nyasaland would be seceding from the Rhodesian Federation and "our independence will start a chain of reaction in Africa."²³ Nyasaland certainly had serious budgetary problems to face but the Labour Party in Britain expressed strong faith that it would be able to pull through. "Nyasaland knows where it is going: its sights are fixed and will get there. It is led with a single-minded, highly disciplined determination by Dr. Banda, who makes no secret of his absolute authority."²⁴

²⁰Commonwealth Affairs (Jan., 1963), No. 109, 9-11.

²¹Ibid.

²²The Times (London), Feb., 2, 1963, 8b.

²³Ibid.

²⁴Margaret Roberts, "In Place of Federation," Venture, XV (March, 1963), No. 3, 7-8.

CHAPTER IV

THE FEDERAL REVIEW CONFERENCE:
ITS FAILURE IN DECEMBER 1960.

The Federal Review Conference was expected to be held in December, 1960. Earlier in the year, the Fabians tried to press the point that the Conference was clearly doomed unless prior talks on the Constitution of Northern Rhodesia were held. When the Colonial Secretary finally announced that he sanctioned the Parliament's proposal, he said that the talks should be held in London, concurrently with the Federal Review Conference in December. In the meantime, representatives of all the political parties should meet in Lusaka for preliminary discussions. The Fabians welcomed this development, but they cautioned that it was not the ideal situation, because if the two conferences were to be held concurrently, suspicion was bound to arise that they would influence each other. They pointed out that it was important that territorial constitutional change should be seen as independent of the Federal Structure. But, at that late hour, it was difficult to arrange a full-scale constitutional conference for Northern Rhodesia before the Federal Conference, unless the latter were postponed until early 1961.¹

¹Venture, XII (Nov., 1960), No. 10, 1.

Demands for constitutional talks were made, not only for Northern Rhodesia, but Southern Rhodesia as well. On July 26, Mr. Garfield Todd, former Prime Minister of Southern Rhodesia, together with Messrs. Joshua Nkomo, Enoch Dumbutshena and Paul Mushonga, members of the National Democratic Party delivered a letter to the Secretary of State of Commonwealth Relations in London which said:

For some years we have pleaded with our Governments to extend the franchise so that we might enjoy political stability in Central Africa. The United Federal Party Governments, however, have chosen to play politics with the even more reactionary Dominion party and have paid scant attention to the voice of eight millions of voteless people.... Government policies are now maintained by force of arms and are directly responsible for the present unrest.

... If Britain finds herself unwilling to intervene decisively in the situation within her colonial sphere, a situation in which 80,000 are permitted to govern 8 million by military might, then Her Majesty's Government must state this clearly and now. Those people who are now protesting against their Governments in Central Africa will then know that they must depend upon their own strength to gain liberty. We recognize that eventually this would lead to intervention by the U.N. Organization but that there would be much regrettable and unnecessary suffering before this happened.²

The letter went on to state their demands:

1. That an immediate statement be made to the effect that Her Majesty's Government will intervene in the affairs of Central Africa to establish democratic governments so that the will of the people is implemented.
2. That the Constitution of Rhodesia be set aside and a democratic order substituted for it.
3. That Her Majesty's Government come to immediate agreement with the Federal Government that no troops from the Union of South Africa will be called upon, or permitted to intervene in Central Africa. If South African troops were to be used in Central Africa, it is doubtful if there would be a healing of wounds in the next twenty years.

²Africa Digest, VIII (Oct. 1960), No. 2, 52.

4. That, following an immediate statement of intent to set aside the Constitution of Rhodesia, adequate armed forces should be made available from the United Kingdom to ensure that changes in government are made peacefully. It must be recognized that should British troops be sent to Rhodesia to support the present Government against the people of the country, the prestige of Her Majesty's Government would be so damaged that it would be extremely difficult for Britain to assist in any later attempts to establish a democratic régime.

5. That all necessary measures be taken to bring each of the territories to self-government within the next five years and that elections at the point of self-government should be based upon a universal adult franchise.

6. That immediate moves should be made to transfer powers from the Federal Government to the States. Concurrently with these changes the three territories should be given equal control over what remains of the Federal machine, which should then become the servant of the territories and no longer their master.

The suggestion for the postponement of the Conference was ignored because there were two rival views on the subject in Britain. The premise which lay behind the suggestion of the Fabian party was that it was important for the Federal Government to win African support for the Federation, and that the African share of political power should be substantially increased. Their argument was that it would be a breach of Britain's obligations to transfer her responsibilities over the Africans of the two Northern Territories, against their will, to a government controlled by a white minority in their midst.

The opposing conclusion was mainly responsible for the convening of the Conference in spite of Labour protest. It was that the British Government must provide constitutional concessions without requiring any substantial change in the

4. That, following an immediate statement of intent to set aside the Constitution of Rhodesia, adequate armed forces should be made available from the United Kingdom to ensure that changes in government are made peacefully. It must be recognized that should British troops be sent to Rhodesia to support the present Government against the people of the country, the prestige of Her Majesty's Government would be so damaged that it would be extremely difficult for Britain to assist in any later attempts to establish a democratic régime.

5. That all necessary measures be taken to bring each of the territories to self-government within the next five years and that elections at the point of self-government should be based upon a universal adult franchise.

6. That immediate moves should be made to transfer powers from the Federal Government to the States. Concurrently with these changes the three territories should be given equal control over what remains of the Federal machine, which should then become the servant of the territories and no longer their master.³

The suggestion for the postponement of the Conference was ignored because there were two rival views on the subject in Britain. The premise which lay behind the suggestion of the Fabian party was that it was important for the Federal Government to win African support for the Federation, and that the African share of political power should be substantially increased. Their argument was that it would be a breach of Britain's obligations to transfer her responsibilities over the Africans of the two Northern Territories, against their will, to a government controlled by a white minority in their midst.

The opposing conclusion was mainly responsible for the convening of the Conference in spite of Labour protest. It was that the British Government must provide constitutional concessions without requiring any substantial change in the

³Ibid.

franchises of Northern Rhodesia, Southern Rhodesia or the Federal Government. The argument was that a European-controlled Federal Government would be a surer ally of Britain than any African Government; foreign investment was more likely to continue if Central Africa remained under European rule. Moreover, the Africans did not know what was good for them and the best ^{to} judge were the Europeans on the spot. Thus again, British party disagreements caused the convening of a conference clearly destined to fail.

The Federal Conference opened in London, on December 5, 1960, with representatives from the Governments of the United Kingdom, the Federation, the two Rhodesias and Nyasaland. The inevitable failure of the Conference was best described by Lord Alport who said that it "never succeeded in getting off the ground" and "its main effect was to make all those who took part in it determined never to hold a similar function again."⁴ He noted that seventy delegates attended the opening session, nearly all participating in a series of unrelated speeches, some highly provocative, others merely boring. Most of the Nyasaland delegation walked out during an address by Sir Edgar Whitehead. Mr. Kaunda and the bulk of the Northern Rhodesia nationalists absented themselves in protest from most of the later sessions.

The walk-out of African nationalists from the Conference was described by the Fabians as "ill-timed,"⁵

⁴Lord Alport, The Sudden Assignment (London: Hodder & Stoughton Ltd., 1965), 24.

⁵Venture, XIII (Jan. 1961), No. 1, 4.

because it was at a time when stress on territorial talks was already under way, and it put them temporarily in jeopardy.

"They were resumed only after Messrs. Kaunda and Nkomo had been forced to climb down in one form or another. It was an anxious moment, which must have strained the conciliatory powers of Mr. Macleod and Mr. Sandys, and which might have been avoided if the walk-out had been better timed."⁶

Mr. Sandys, in his final speech, managed "with great skill"⁷ to persuade some of those who were present in the last session of the Conference that it had not been simply a waste of time. Lord Alport, however, was not convinced. The only apparent result to him was ~~that~~ no such conference should be held again. His skepticism was strengthened by his observation of the unconciliatory attitude of Sir Roy Welensky who after one session called out to Alport saying: "Come and sit down, Cub - you at any rate are one of us."⁸ This illustrated "Welensky's assumption that there was no alternative to being either on the side of the white-dominated Federal and Southern Rhodesian Government or being a supporter of the African nationalist parties of the North. There seemed to be no middle way in Welensky's approach to political problems."⁹

Lord Alport's view that there was no use holding another Federal Review Conference was not shared by the

⁶Ibid.

⁷Alport, op. cit., 24.

⁸Ibid.

⁹Ibid.

majority of Conservatives. They felt that the Conference established that no progress would be made until the constitutional position in the Rhodesias had been examined.¹⁰ Therefore, two subsidiary conferences were opened, one for Southern Rhodesia and the other for Northern Rhodesia. The main Conference was thus adjourned on December 17, 1960. In answer to a question on maintaining federal structure of the Constitution, the Prime Minister said in the House of Commons:

We believe that the aims of the Federation, as founded, were sound and valuable, and that they remain so. The purpose of the Conference is to examine how far those aims have been realised, and what changes, if any should be made in the future, but I hope that I may be allowed to say that the Conference, with all its difficulties has done a most valuable work, and I feel that, at the end, the interchange of personal relations and discussions, not only in the full meeting but in private, have contributed something towards the ultimate solution of this very complicated question.¹¹

There were many different opinions on the Federal Review Conference, but unanimous agreement on the need for adjournment. Once this formality was completed, territorial constitutional talks on Northern and Southern Rhodesia were opened.

¹⁰ Commonwealth Affairs (Aug/Sept. 1962), No. 105, 12.

¹¹ Great Britain, Hansard's Parliamentary Debates, DCXXXII (Dec., 1960), 1063.

PART I

THE NORTHERN RHODESIAN CONSTITUTION

There was considerable disagreement between European and African opinion during the Northern Rhodesian constitutional discussions. This led Mr. Macleod, the Colonial Secretary, to put forth his own plan, which in turn was attacked on all sides by Federalists, Africans, and British Parliamentary factions. The main features of his plan were published in a White Paper and were also described by him in the House of Commons on February 21, 1961.¹ The plan proposed an enlarged Legislature to consist of three elements: (1) Fifteen members elected by "upper roll" voters, that is voters with fairly high qualifications, and therefore predominantly European. (2) Fifteen elected by "lower roll" voters, and therefore overwhelmingly African. (3) Fifteen "national" seats, to which a candidate, to qualify for election, had to obtain support from both races. The Colonial Secretary's suggestion was that the amount of support a "national" nominee had to have was twelve and a half per cent (or four hundred votes, whichever was least) of the votes cast by the other race.

The fact that Mr. Macleod made his proposals over the heads of African nationalists displeased the nationalists

¹Great Britain, Hansard's Parliamentary Debates, DCXXXV (Feb. 21, 1961), 323-325.

themselves and the Labour Ministers. On the other hand, the fact that it had been made without consultations with those who stood for Federation, displeased Federalists and Conservative party members. All were united in opposition, for different reasons. Moreover, their lack of unity in making constructive proposals themselves, made their attitude a strictly negative and most destructive one.

Protests of African nationalists were supported by the Liberal Party in Central Africa led by Sir John Moffat, and were voiced by a delegation from Northern Rhodesia, including Sir John Moffat, Mr. Kenneth Kaunda, Mr. Harry Nkumbula, Mr. E. M. L. Mwamba and Senior Chief Chikwanda. They submitted a document representing the joint demands of all parties attending the Conference. The document is considered to be the most important document referring to racial balance in the Legislative and Executive Councils. They required that "there should be a majority of Africans over all other elected members combined in both Councils. Anything short of this will lead to rejection of the constitutional proposals. This in turn would mean unrest in Northern Rhodesia with new demands for Constitutional change."² Moreover, they made the following points: (1) that the Africans required "one man one vote" (the Liberals preferred a qualitative franchise for an interim period). (2) They objected to Federal interference in the person of Mr. J. Greenfield, Federal Minister of Law, and his constant meetings

²The Times (London), Feb. 11, 1961, 6a, b.

with British Ministers. (3) They called on the British Government to state publicly that the provisions in the Preamble to the Federal Constitution relating to the maintenance of protectorate status for Northern Rhodesia would be observed. (4) On procedure, they stated: "we consider it unfortunate that we shall see the British Government's proposals only when they have been finalized."³ They asked that if a case could be made out for modification on major matters, changes would be considered before the Constitutional proposals were made public.⁴ These demands, in the earlier part of February, clearly removed any possibility of Mr. Macleod's proposals being accepted.

In the annual conference of the United National Independence Party, Mr. Kaunda completely rejected the White Paper and vowed, "to strike at the very foundations of British Government in this country."⁵ Protests also took the form of violence throughout August - arson and sabotage were widespread. All this showed genuine dissatisfaction, contrary to Conservative attempts to convince themselves and others that it was wrong "to conclude that the vast body of Africans are behind these acts... many incidents have been misreported or exaggerated."⁶

Conservatives also attempted to reduce the impact of genuine dissatisfaction among Africans by commenting that

³ Ibid.

⁴ Ibid.

⁵ Commonwealth Affairs (Oct., 1961), No. 95, 10-11.

⁶ Ibid.

although it was true that the United National Independence Party sought support abroad and sent delegates to the Conference at Belgrade, it was most significant that its memorandum to the Conference bore a Cairo address.⁷ It was implied by this that the memorandum had been written in Cairo and therefore it did not stem from Northern Rhodesia itself. It was ridiculous to suppose, however, that if it bore a Cairo address, it meant any more than that it was probably supported by a mere faction or even the Government of the United Arab Republic. That did not reduce the genuineness of the protest stemming from Northern Rhodesia itself. The memorandum began with the statement: "A well-planned genocide operation is being conducted on the three million innocent unarmed Africans of Northern Rhodesia by the European settlers of the country with the paternal sanction of the British Government."⁸ There appears to be no valid reason why the African nationalists of Northern Rhodesia should be accused of not having written the memorandum themselves. After all, their demands had been expressed by their own delegation even before the publication of the White Paper, and they had obviously not been met by it. The comment, therefore, made by Conservatives only served to convey their refusal to face the situation realistically.

⁷Ibid.

⁸Ibid.

In September, Mr. Kaunda went to London to try to have changes made in the White Paper. The Government's reply was the following:

In accordance with their normal practice Her Majesty's Government would have been prepared before finally implementing their proposals to consider any reasonable representations about them which those concerned might wish to put forward. They cannot, however, ignore the recent outbreak of grave lawlessness in certain parts of Northern Rhodesia. This carries the risk of serious delay in the constitutional advancement of the Territory, which all are anxious to secure, since it is not possible in such circumstances for any Government to give consideration to constitutional issues. Their first task must be to ensure that law and order are maintained.

When, however, in the Governor's judgement violence and disorder have ceased, Her Majesty's Government will be ready to consider, on the basis of the White Papers and the Secretary of State's statement in the House of Commons on June 26th, any representations within the area where divergences of view persist. Her Majesty's Government would hope that such representations, would disclose a prospect of general agreement. In any event, however, they will proceed, after considering them, to take their own final decisions and to publish the necessary instruments to introduce the new constitution and to prepare for a general election.

The Labour party, on the other hand, informed the Government that they could give no support to the constitutional proposals for Northern Rhodesia, and that some changes had to be made to convince the African people that Britain was being fair to them. Indeed, how could the African nationalist leaders even attempt to put an end to violence when they had no proof of Britain's fairness? Mr. Callaghan pointed out in the House of Commons that "there have been 2000 arrests

⁹Ibid.

and numerous deaths.... The British Government's recent and constitutional proposals have met with genuine, deep-felt and bitter opposition. They are regarded as too one-sided by the African people and are largely responsible for the present unrest."¹⁰ He added that the proposals fell short of the Monckton proposals and of the British Government's original intentions of the previous spring.

Although Conservatives generally backed Mr. Macleod's Central African policy, several backbenchers serving on the party's Colonial Committee quite clearly let him know, at a private meeting before his proposals had been given, that they needed reassurance about the speed with which he intended to apply his Central African policy. There was attendance of about fifty backbenchers and the motion was tabled to read:

That this house calls on Her Majesty's Government in considering the constitutional future of Northern Rhodesia, to maintain the basis of non-racial representation laid down by Her Majesty's Government in 1958 within the Federation of Rhodesia and Nyasaland.¹¹

According to the Times, the motion was designed in the hope that it would bind Mr. Macleod to a commitment that he was considered to have made at the meeting the night before, when he said that his plans were within the principles of the White Paper of 1958.¹²

The main principles of the White Paper of 1958 were three: (1) That politics should be encouraged to develop on

¹⁰ The Times (London), Sept. 13, 1961, 9f, g.

¹¹ Ibid.

¹² Ibid.

party and not on racial lines. Unless political parties could eventually cut across racial divisions, it would be impossible to achieve a united Northern Rhodesia. (2) There should be begun, a move-away from the then existing system of racial representation in the Legislative Council which by its very nature might predispose members to look more particularly at the interests of their own race rather than the common good, and (3) the franchise must, therefore, be one which would give votes to those who were contributing to the wealth and welfare of the country and who were capable of exercising it with judgement and public spirit.¹³

Mr. Turton, the reader of Conservative backbenchers, wrote a letter to the Times in which he quoted Lord Boyd, the Colonial Secretary, when he told Parliament in 1958 that "participation in the political life of the country will depend not on race but on other criteria designed to measure capacity to make a useful contribution."¹⁴ Mr. Turton thought that there was too much consciousness of race problems. The Constitution and franchise should rise above racial differences.¹⁵

By February 15, ninety-one backbenchers had signed the motion put forward by Mr. Turton. However, they still represented only a quarter of the Conservative strength in the Commons,¹⁶ and their obvious weakness was that they never

¹³Ibid.

¹⁴Ibid., Feb. 20, 11e.

¹⁵Ibid.

¹⁶Ibid., Feb. 17, 14a.

gave any practical suggestions of how to make the Constitution and franchise actually rise above racial differences. The ideal itself was not strictly Conservative, but was held by practically all parties and factions in both Britain and Central Africa. What was needed now was a practical solution, and Mr. Macleod must be given credit for at least having understood that fact.

The complexity of the problem was clearly understood by Lord Alport. Although he considered Mr. Macleod's proposals both complicated and cumbersome, he pointed out that the plan did have its merits, "if it was accepted that the alternative to a transitional period in which power was shared by both races was not its indefinite continuance in European hands, but an even quicker transfer to those of the African nationalists, as yet unequipped with the resources of experience for the task."¹⁷

Sir Roy Welensky's reaction to the Northern Rhodesian Constitution was typical of his character. He was indignant and angry, and decided to go to London in the attempt to reach an agreement with the British Government, a step strongly opposed by Lord Alport and often vainly attempted by Sir Roy. It only served to reduce the dignity of the Federal Prime Minister. In this particular case, Sir Roy went to London in March and succeeded only in making a joint statement with Mr. Harold Macmillan, which gave no hint of retreat by the Cabinet from the framework and general spirit

¹⁷ Lord Alport, The Sudden Assignment (London: Hodder & Stoughton, 1965), 40.

of Mr. Macleod's Paper. Only a statement was added saying that "of course due regard will be paid to the considerations which the Federal Government have brought to the attention of the United Kingdom Government."¹⁸ It was not clear whether this included Sir Roy's modification of the proposals declared by him earlier in March, which suggested a reduction in the number of "national" seats, elected by upper and lower roll voters combined. He also wished that this modification would be coupled with a return to the system of cross-voting (everyone voting for candidates of all types of seats). Then the United Federal Party would be able to campaign on the slogan "not one man one vote, but one man three votes."¹⁹

Sir Roy was spared another trip to London in June, when he received a long distance call from Mr. Sandys, while he was boarding the plane in Salisbury, telling him that the Cabinet had reached its decision on Northern Rhodesia and his presence would not be necessary.²⁰ This was even more damaging for his reputation.

In November of the same year, the Governor of Northern Rhodesia announced that law and order had been restored, and this paved the way for reopening the subject of the new constitution. He explained that there was, of course, no intention of reopening the whole issue and representations

¹⁸The Times (London), March 21, 12 a.

¹⁹Ibid., March 15, 14c.

²⁰Ibid., June 24, 8e.

were to keep within the limits indicated in the Government statement of September 14th, which provided for representation on points of divergence. In practice, he explained that these were two - the provision of a separate seat for Asians and Coloureds in the national seat election, and the percentage (twelve and a half per cent or four-hundred votes, whichever was least) of votes to be obtained from each race as a qualification for national seat candidates. The Liberals and the African parties wanted the Asians and Coloureds to remain on the ordinary voters' rolls for the purpose of the national seat elections, and they demanded that the percentage be reduced to five, as they believed that neither side could attain any more than that.²¹

In fact, the election results, a year later, proved the correctness of their point of view. The United Federal Party won fifteen seats, thirteen of which were on the upper roll and two were national seats. The United National Independence Party won fourteen seats, twelve of which were on the lower roll, one on the upper roll and one Asian seat, while the African National Congress won five seats, three on the lower roll and two on the upper. This accounted for thirty-five seats. In the remaining ten (national) there was a stalemate because candidates failed to get the percentage necessary to qualify, and therefore there was to be further election in December.²² The by-elections in

²¹Commonwealth Affairs (Nov. 1961), No. 96, 5.

²²Ibid. (Nov., 1962), No. 107, 10-11.

December again left eight national seats unfilled.

In October 1961, Mr. Maudling succeeded Mr. Macleod as Colonial Secretary. He started his new career by a speech in the House of Commons in which he gave a factual recital of recent events in the Colonial territories. As a preface to this, he stressed the continuity of colonial policy since the Conservatives came to power ten years before. The Government, he said, had throughout pursued a consistent policy "designed to bring independence to Colonial territories at the pace and by the methods best calculated to meet the aspirations of the peoples of the territories and to serve their economic and social interests."²³ Mr. Maudling referred to the suggestion made in some papers that a change of Colonial Secretary meant a change of policy. He said that that was not true and that the policy of his predecessor, Mr. Macleod, had been that of the Government supported by its members. He also referred to the position in Northern Rhodesia, which presented, he said, the most urgent and difficult of all British colonial problems.²⁴

While awaiting the decision of the British discussions on the Northern Rhodesian Constitution, Sir John Moffat wrote a letter to the Times in which he cautioned that "the British Government's decision, now long overdue, will settle nothing unless it permits the African peoples to

²³Great Britain, Hansard's Parliamentary Debates, DCXLVI (Oct. 19, 1961), 345.

²⁴Commonwealth Affairs (Nov. 1961), No. 96, 2-3.

function within it.... If, ..., the new Constitution is such that any African leader who accepts will be repudiated by his followers, then African nationalists will remain outside the Constitution and their actions will be unconstitutional and violent."²⁵ He also pointed out that the "astonishing feature of the Northern Rhodesian constitutional battles of the past year,"²⁶ was that they were waged, not between the British Cabinet and the Northern Rhodesian people, but between that Cabinet and the Federal Government. To the Africans, that was merely the latest in a series proving that Federation had to go and an economic association could take its place.²⁷

Mr. Maudling announced in the House of Commons on February 28, 1962 that after meeting with the heads of many parties, the Government reached the conclusion that some changes were required in the June proposals, but that they should not amount to reopening questions which, at the time, opinion in the territory appeared in general ready to accept. In particular, Her Majesty's Government believed that the fundamental principle of the White Paper should be maintained, namely, that it should be open to any party or parties to obtain a majority if they could pass the necessary tests and that, in particular, in order to qualify for a national

²⁵The Times (London), Feb. 2, 1962, 9c.

²⁶Ibid.

²⁷Ibid.

seat, any candidate must obtain a minimum percentage from both races.

He went on to say that the Government recognized the legitimacy of the complaints on the four hundred votes alternative and understood that while this meant that an African candidate had to obtain from the European voters one in eight, the European candidate would have to obtain only one in twenty-five, therefore the numerical alternative had to be abolished. The Government further felt that the qualification of twelve and a half per cent was too high and it therefore proposed to reduce it to ten per cent. He added that they did "not propose to make any other changes."²⁸

Sir Roy Welensky made a sudden flight to London to arrive on the same morning as Mr. Maudling's announcement was made. When he arrived, he found himself in a press conference, in which he explained that he had come, not to try to change the Government's mind on Northern Rhodesia, but to discuss plans for the future of the Federation. "I believe," he said, "in what it is trying to do and I am prepared to go the whole hog to maintain it."²⁹ Asked what he meant by that, he said: "It means I would take every step necessary to carry out the policy I wish to carry out and use force if necessary."³⁰

²⁸ Great Britain, Hansard's Parliamentary Debates, DCLIV (Feb. 28, 1962), 1340-1.

²⁹ Commonwealth Affairs (March, 1962), No. 100, 10.

³⁰ Ibid.

This unfortunate outburst on the part of Sir Roy made Mr. Healey of the Opposition party ask Mr. Maudling for an assurance that the Government would not be deflected from its course by the "treasonable threats of the Federal Prime Minister"³¹ - a remark which drew protest and resentment from Conservatives.

About forty-three Conservative backbenchers signed a motion by Major Wall urging the Government to seek a non-racial solution of the constitutional problem in Northern Rhodesia "that will not prejudice the future of an independent Central African federation acceptable to all races."³² It is of interest that federation was written with a small f rather than a capital F which implied any federation and not necessarily the existing one.

Almost simultaneously, a number of Labour Members put down a motion asking the Government to "ensure that the modified proposals for the Northern Rhodesian Constitution will allow the continuous growth of a non-racial community and will enable an alliance of federated states to continue in Central Africa."³³ Observed closely, it is noticeable that both Labour and Conservative motions expressed the same ideal. Here again it was the failure to make practical suggestions as to method that resulted in misunderstandings

³¹ Ibid.

³² The Times (London), March 1, 1962, 11c.

³³ Commonwealth Affairs (March, 1962), No. 100, 10

and disagreement at Westminster and precluded a broadly-supported policy.

Mr. Maudling's short role in Central African politics was ended when on March 15, 1962, the Prime Minister announced to the House of Commons that as from March 19, Mr. R. A. Butler, the Home Secretary, would become head of a new Central African Office and would take over from the Secretaries of State for the Colonies and Commonwealth Relations their responsibilities in Nyasaland, Northern Rhodesia and Southern Rhodesia.³⁴

The only hope for success arising from this change, was that Mr. Butler might recognize that the solution for Northern Rhodesia had to be nothing more than a "business deal."³⁵ The past years had not provided any basis for trust between the two races. For a number of years to come, Africans would have to be dependent upon European skills, capital and experience. In return for their contribution, Europeans could demand the right to secure position within the new society. The economic weapon was their only effective defense against the political power of the majority. "Any refusal by Europeans to face political reality and by Africans to face economic reality will lead at best to economic paralysis and at worst to a tragic and unnecessary showdown, from which both races will suffer grievously."³⁶

³⁴Ibid.

³⁵ Colin Morris, "Business Deal for Northern Rhodesia," Venture, XIV (Ap. 1965), No. 4.

³⁶Ibid.

Mr. Butler's first contribution was a speech in the House of Commons in which he emphasized the economic advantages of federation. He saw the basic and continuing aim to be provision for the two races to work together in the three territories. Accordingly, a committee of advisers was to be appointed to study the economic conditions of the three territories of the Federation.³⁷ Mr. Butler made a clear distinction, on an economic basis, between the position of Northern Rhodesia and that of Nyasaland in their relation to Federation. At a press conference in Northern Rhodesia, he emphasized the importance of a continuing economic link between Northern and Southern Rhodesia. When he was asked about the British Government's position concerning the possibility of secession of Northern Rhodesia, he said that he had not made up his mind, but admitted under questioning that he thought Federation was opposed by the majority of Africans. He also made it clear that a Federal Review Conference was now considered of secondary importance. He said that preparatory discussions would show "whether such a conference would in fact be necessary or worthwhile."³⁸ This was interpreted in the Times to mean that in his view, the future of the Federation no longer lay in the hands of the Federal Government.³⁹

In spite of Mr. Butler's attempts to play for time

³⁷ The Times (London), May 9, 1962, 16e, f, g.

³⁸ Ibid., May 23, 1962, 12d, e.

³⁹ Ibid.

and to find some basis for the future of federation, on January 11, 1963, the African nationalist coalition Government of Northern Rhodesia passed a motion petitioning the British Government to take steps to allow the territory to secede from the Rhodesia Federation. Another motion, passed unanimously, affirmed the right of universal suffrage and majority rule for the territory, and called on the British Government to draw up a new constitution on those lines.⁴⁰ On January 26, the Africans asked the British Government to "dig the grave of Federation" and arrange a "funeral procession."⁴¹

⁴⁰Ibid., Jan. 12, 1963, 8e.

⁴¹Ibid., Jan. 26, 1963, 8d.

PART II

THE SOUTHERN RHODESIAN CONSTITUTION

Southern Rhodesia presented a very different problem in the Federation than did either of the Protectorates, Northern Rhodesia and Nyasaland. By 1960, it had been a self-governing colony for thirty-seven years - a considerable length of time which had given the white minority ample opportunity to establish a tradition of authority over the black majority. Racial discrimination practiced by the whites of Southern Rhodesia, throughout these years, was the one element which to some extent united the different parties of the British House of Commons in opposition to it. The major issue in the affairs of Southern Rhodesia, judging from the debates that took place in the House, was whether Britain's reserve powers were of any practical value, and whether or not it would be wise to give them up, considering the existing racial situation in the Colony.

Sir Edgar Whitehead, the Prime Minister of Southern Rhodesia, told a press conference on January 29, 1960, that he was for Federation, but he had certain demands that had to be met: (1) That Britain should remove all its remaining reservations from the Southern Rhodesian Constitution. (2) That the Federal Government should remain in civilized

hands (this implied that it should remain in the hands of the whites). (3) He did not believe that if the Governments of both Northern Territories were operated on a nationalist basis and by African nationalists, the Southern Rhodesian electorate would consider remaining federated, and lastly (4) he expressed his opposition, for economic reasons, to the break-up of Federation.¹

Whitehead showed a certain amount of understanding of the complexities of amending the Constitution. He noted that "there are some 60 clauses in the Constitution and really each one of them has to be examined in turn."² He added that he had been given the impression that the United Kingdom Government would be prepared in principle to give up its reserve powers in the Southern Rhodesian Constitution provided that some suitable alternative safeguards could be devised. He believed^e that if Southern Rhodesia had not joined the Federation, it would long ago have had dominion status. This was doubtful, as the Commonwealth countries were already fervently opposed to the policy of South Africa and feared that Southern Rhodesia would come to practice apartheid as well. Nevertheless, Whitehead was sincere in his belief. He felt that if membership in the Federation was to continue to restrain Southern Rhodesia's "progress," then this would be a barrier to the Colony's continued membership.³

¹The Times (London), Jan. 30, 1960, 7b.

²Ibid., April 30, 1960, 6c.

³Ibid.

Connected with this was the argument that the British Government was giving most of its attention to the Northern Rhodesian and Nyasaland Constitutions, and not to the "third partner."⁴ Southern Rhodesia, it was true had been independent since 1923, but since then its Constitution had not been modified. If the British Government believed that Northern Rhodesia and Nyasaland had to have a bigger say in their affairs pending any radical revision of the Federal Constitution, so also Southern Rhodesia ought to "partake in the progress."⁵ The weakness of this argument was pointed out by John Dunghale⁶ and that was that the "progress" that Sir Edgar Whitehead was asking for might not have meant, as in Nyasaland and Northern Rhodesia, progress towards majority rule, but progress in consolidating the power of the European minority over the African majority.

The Southern Rhodesian Constitutional Conference finally took place in December, 1960 and was described by Lord Alport as "relatively successful" in spite of the absence from most of it of the National Democratic Party led by Mr. Joshua Nkomo. Mr. Nkomo's absence from the conference, according to Lord Alport, was not much more than a public show which he felt obliged to put up, and it did not interfere with the deeper personal feelings which existed between him and Sir Edgar Whitehead. Moreover, it was generally possible

⁴"The Third Partner", Ibid., May 11, 1960, 15b.

⁵Ibid.

⁶Letter to The Times (London), May 17, 1960, 15b.

in the conference for personal relations to be established quickly between the European and African members of the delegations.⁷ Thus, a wide measure of agreement was reached between European and African political leaders, even on the vexed question of the franchise - the Dominion Party alone dissenting under the leadership of Mr. William Harper. The extremism of the Dominion Party on one side, however, and the extremism of some African nationalists on the other resulted in weaning away of the African members from their agreement. They thus came to the position of completely condemning the new Constitution.

The new Constitution was published in two White Papers in June, 1961 and embodied in an Order of Council on the 6th of December 1961. It was debated in the House of Commons and finally received Royal assent on December 22, 1961. The new Constitution increased the members in the Legislature from fifty to sixty-five. Voters would be divided into "A" Roll and "B" Roll. Election would be carried out in such a way as to allow fifteen African members in the Legislature. Until then no African whatever had sat in the Legislature and the British Prime Minister proudly pointed out that "this would have been unthinkable three years ago."⁸ Granted that this was a step forward from what had been before, its inadequacy, nevertheless, must not be overlooked. The fact remained that fifteen out of sixty-five members were hardly

⁷Lord Alport, The Sudden Assignment (London: Hodder & Stoughton, 1965), 25.

⁸Commonwealth Affairs (Aug/Sept, 1962), No. 105, 12.

one-fourth of the members of the Council and therefore, their suggestions could easily be overruled by the white majority.

The British Government stated that it was willing to surrender the few remaining powers it possessed for safeguards to be built into the Constitution. Those were (1) a Declaration of Rights to protect the life and personal liberty of each individual against discrimination, inhuman treatment and deprivation of property, (2) A Constitutional Council, advisory to the Legislative Assembly whose aim was to make sure that its bills were in conformity with the Declaration of Rights. Membership of this Council would include at least two Europeans, two Africans, one Asian, one person of the Colored community and two people with legal qualifications and experience. There would be eleven members, under a Chairman of high standing in the legal profession appointed by the Governor. (3) The establishment of the need of a two-thirds majority of the Legislature together with the approval of the United Kingdom or of the four principal racial groups voting separately in a referendum, before the Constitution could be amended.⁹ However, as mentioned earlier, the two-thirds majority in the Legislature did not at all necessitate the inclusion of a single African vote.

The Southern Rhodesian Constitution, despite its concessions, was so conservative in nature as to even please Sir Roy Welensky. Sir Roy paid tribute to Mr. Sandys and

⁹"Southern Rhodesia White Paper," Venture, XIII (July, 1961), No. 7, 10.

Sir Edgar Whitehead for "this remarkable Achievement,"¹⁰ and said that it would consolidate the stability of Southern Rhodesia on a basis which he believed in - namely a non-racial approach. He went on to describe it as generous in its provisions, because it gave opportunity for the "backward people"¹¹ of the colony to play their part in public life and an increasing one as their competence grew. At the same time it made no concession to extremism and was firm in preserving "the achievements of the people of Southern Rhodesia and the standard they established in the colony."¹² He added that, to him, it represented "the first fruits of our endeavour to put an end to the belief that standards in Africa must necessarily go and that extremism must inevitably be given its head." Sir Roy cannot be blamed for having and expressing such convictions, but it was certainly unfortunate that even when expressing satisfaction in a Constitution he claimed was based on a non-racial policy, he insisted on using expressions such as the "backward people" as opposed to "the people of Southern Rhodesia" meaning the whites, when in fact the Africans had as much if not more, right to call themselves "the people of Southern Rhodesia." The use of the adjective "backward" was typical of his unfeeling and impolite public utterance.

¹⁰The Times (London), Feb. 9, 1961, 12g.

¹¹Ibid.

¹²Ibid.

The Southern Rhodesian Constitution could indeed be considered a "great achievement" if it was seen as no more than a transitory stage in the constitutional development of Southern Rhodesia. However, it was not evaluated this way by some Africans, which led Mr. Stonehouse to seek assurance from Mr. Sandys in the House of Commons that Africans as well as whites in Southern Rhodesia were to join in the referendum on the Constitution. Mr. Sandys assured him that Africans in general were very satisfied, except on the question of the franchise where they naturally asked for more. Only the National Democratic Party, he said had expressed dissatisfaction, "while showing at the same time much happiness in the result."¹³ Surprisingly, no comment was made in the House on the incompatibility of the two observations.

The National Democratic Party put three conditions for participating in a referendum on the new Constitution of Southern Rhodesia: (1) detainees should be released. (2) there should be much more information provided than there was in the White Papers about membership of the proposed Constitutional Council. Moreover, its exact duties should be clarified; for example, the Constitutional Council was to declare whether bills were "unfairly discriminatory"; it was wondered about the use of the two words together; wasn't a discriminatory bill considered unfair automatically? Was there such a thing as a fair discriminatory bill? Moreover, was the Council's

¹³Great Britain, Hansard's Parliamentary Debates, DCXXXV (Feb. 22, 1961), 764-5.

job restricted to discriminatory bills, and did it have no power to preside over other bills? (3) It had to have some guarantee about the line of policies to be pursued in the future, and under the new Constitution - for example, it was expected that the Land Apportionment Act would be repealed, because it was clearly discriminatory.¹⁴

The demands of the National Democratic Party showed clearly that the White Paper for the Southern Rhodesia Constitution had been arrived at too quickly and did not include enough required details. It was described by Mr. Marquand as "one of the most laconic documents of its kind ever to be presented to Parliament after the conclusion of a Constitutional Conference."¹⁵ He pointed out that the contents of the White Paper had been agreed upon or at least written down, within the space of eight days only. He went on to say that what had happened since, referring to the demands of the National Democratic Party, showed that the document had been too brief and incomplete, thus leading to a great deal of misunderstanding. As an example, he referred to the statement in the Times that Britain was ready to give up its powers. In fact, the White Paper had said in paragraph 32: "The Secretary of State for Commonwealth Relations accordingly informed the Conference that he would be prepared to recommend the elimination of the powers retained by the United Kingdom

¹⁴Ibid., DCXXXVII (March 23, 1961), 705-711.

¹⁵Ibid., 719-726.

Government,"¹⁶ and Mr. Marquand commented that to recommend such a thing he had to recommend it through Parliament.

Another example of the equivocation of the White Paper was in paragraph 34 which read: "The Southern Rhodesia Government asked that the United Kingdom should initiate legislation to provide that, in future, Parliament at Westminster would not legislate for Southern Rhodesia, except at the request of the Government of Southern Rhodesia, in regard to any matter within the competence of the Legislative Assembly,"¹⁷ yet the paragraph went on to state that "the Secretary of State for Commonwealth Relations took note of this request without committment."¹⁸ In spite of the obvious validity of this criticism, Mr. Sandys refused to recognize any equivocation and said that the Africans in the Conference had understood everything very clearly. Such a claim was out of place when the National Democratic Party itself was asking for clarification of several issues.

So far, the reserve powers of the British Government in Southern Rhodesia have been referred to, and it seems necessary at this point, in order to avoid repeating the mistake of the White Paper, to give a clarification of what those powers had been until 1961. The reserve powers under discussion were four: (1) No subsidiary legislation should discriminate against Africans, strangely enough without prior

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

consent of the Secretary of State, unless it was governed by specific authority in a principal Act. (2) There were laws to repeal or amend those parts of the Constitution which were repealable or amendable by the Southern Rhodesian legislation. (3) There was a provision to set up a Legislative Council, i.e. a Second Chamber. (4) After the Land Apportionment Act was passed in 1930, it was provided that any law amending it would require the Secretary of State's approval.¹⁹ However, the most important point about those reserve powers was that they had never been employed in all those years, and this fact was repeatedly used by Conservatives in defense of the new safeguards in place of the old.

Mr. Bennet, a Conservative who had lived in Southern Rhodesia for a long time, and had personal attachments there, said that in his opinion, the new safeguards (i.e. the Bill of Rights and Constitutional Council) did not mean any reduction in the security of the African population. He was convinced that they were indeed stronger than those which had existed until then, for a variety of reasons, the most important of which was that the old ones had never been employed.²⁰

Mr. Turton, in full support of the Constitution, explained that the criteria with which to judge the White Paper proposals were firstly, whether they were likely to make federation a success, and secondly, whether they were

¹⁹Ibid., DCXLIII (June 22, 1961), 1696-7.

²⁰Ibid., 1740-2.

likely to attract responsible people to share in government. To both criteria, he answered positively and pointed out that the limited franchise was in accordance with the Robert Tredgold Franchise Report, and the Constitutional Council and Bill of Rights were in accordance with the Monckton Report.²¹ In theory, Turton was right. However, put into practice, many points were found too elastic. For example, granted there was to be a limited franchise, how limited should it be? As for the Constitutional Council and Bill of Rights; unless their principles, membership and jobs were more clearly defined there was no point in judging the Constitution at all.

Labour reaction, as expressed by Mr. Dunghale was very violent and aggressive. He said: "I believe," and claimed to be weighing his words carefully, "that this Constitution is not only bad but that it is positively a fraud."²² It had only one aim, "to remove the reserve powers now exercised by Her Majesty's Government."²³ Mr. Dunghale's accusations were, indeed, harsh and sweeping and disregarded the fact that Britain had not practically exercised its reserve powers, and if the new safeguards were to be exercised properly and fully, they should be much more useful for the protection of African rights. Thus, the Labour Party would have been much more constructive had they tried to press

²¹ Ibid., 1724-32.

²² Ibid., 1733.

²³ Ibid.

the Government into clarifying and fulfilling the requirements of the new safeguards, instead of denouncing them as hastily as they did.

As for the question of franchise, Mr. Dunghale did have a constructive proposal which was that every African with a primary education should qualify for the vote. He pointed out that the Constitution represented the typical Conservative way of thinking and that was that African qualification for the vote depended on education and property, the more of the one, the less of the other. However, he said that an African could not have property because land was mostly communal and an African could not buy land.²⁴ Thus Mr. Dunghale's proposition, in essence, agreed with that of the National Democratic Party, that is a demand for the repeal of the Land Apportionment Act.

In spite of the criticism and demands of the Labour Party in Britain and the National Democratic Party in Central Africa, the Constitution as published in the White Paper was submitted to a referendum of the white population in Southern Rhodesia on July 25, 1961. The result was 65.8 percent in favor of the new Constitution and 34.2 percent against it. It was interpreted by Conservatives including moderates such as Lord Alport to show the good sense and levelheadedness of the mass of the European population. Although much of the support stemmed from the Afrikaner farmers whose attitude as summed up by one of them was: "I don't like having fifteen

²⁴Ibid., 1735.

munts (blackmen) in Parliament, but I'll not object if it helps us to get rid finally of the bloody British,"²⁵ yet the Constitution included some liberal concessions, which when accepted by the mass of European people, showed their compromising attitude and good sense. What was more important was the sincerity of Whitehead himself in his multi-racial attitude. Whitehead's tragedy was that there was much pressure on him from Welensky's United Federal Party, which caused him often to be mistakenly identified with it. The new Constitution was officially promulgated on December 6, 1961.

Since the referendum had been exclusively for the European population, and Africans had not shared in voicing their opinion through it, the natural outcome was the voicing of opinions through violence and disorder. The Conservatives and Whitehead himself made their usual mistake of declaring that only a handful of people knew what the rioting was all about, and then Whitehead proceeded to outlaw the National Democratic Party on December 10. However, the National Democratic Party was not ready to die out, instead it became the Zimbabwe African People's Union, and remained under the leadership of Mr. Joshua Nkomo. It was possible, in view of the ignorance of most Africans, that many were not deeply aware of all the reasons behind Mr. Nkomo's, or their own, dissatisfaction, however, the emotion was there, and it was widespread.

²⁵Lord Alport, The Sudden Assignment (London: Hodder and Stoughton, 1965), 76.

While the United Federal Party was going about trying to register people for the vote, the new Zimbabwe African People's Union under Mr. Nkomo was organizing a boycott. The reasons were explained as follows:

Though the proposed new Constitution is a theoretical improvement on the last - in that Africans have some seats instead of no seats in the Assembly - it shares with its predecessor one fatal flaw: it provides no guarantee of future progress towards universal suffrage, which will depend on a predominantly white electorate. Upper roll voters (largely white) have enough representation to prevent change if they so wish. And it should never be forgotten that even the present degree of advance was achieved only under strong British pressure, in the teeth of the United Federal Party. Under the new constitution Britain will have virtually no more influence over constitutional progress.

It is noticeable that the stress laid by Mr. Nkomo was laid on the obstinacy of Sir Roy Welensky's Party and not Sir Edgar Whitehead, which illustrates Nkomo's belief in Whitehead's sincerity.

Along with Britain's changing relations with Southern Rhodesia, the appropriate step of combining ministerial responsibility for Central Africa in the person of Mr. Butler, instead of both Mr. Sandys and Mr. Maudling, was taken. Both had, perhaps inevitably, done one thing or another to alienate some party or responsible person in Central Africa, so that the continued presence of Mr. Sandys was likely to antagonize Mr. Kaunda, and Mr. Maudling was likely to antagonize Sir Roy.²⁶ In spite of Mr. Butler's assurance that the policy of Britain was to continue consistently in Central Africa, it nevertheless meant a fresh change and a new personality on

²⁶"The Third Man," Economist, CCII, (Mr. 24, 1962), 1096.

the scene, inspiring new hope. The following is the speech made by the Prime Minister in the House of Commons on March 15, announcing and explaining the new position of Mr. Butler:

When the Federal Review Conference was adjourned in December, 1960, it was generally agreed that consideration of the future of the Federation should be deferred until further progress had been made with constitutional advance in the Rhodesias and Nyasaland. New constitutions have now been established for the three territories and the time has come to take up again the problem of the future of the Federation and its relations with its constituent territories. The stage has thus been reached when our relations with the Federation and Southern Rhodesia and our responsibilities for the two Northern Territories can appropriately be concentrated in the hands of a single Minister.

While responsibility was divided between the Commonwealth Secretary and the Colonial Secretary, the two Ministers were apt to be regarded in some quarters as identified with conflicting sectional interests in the Federation; and for this reason it would not be practicable to secure the desired unification of ministerial responsibility by transferring the function of either to the other. Therefore, with full agreement of the two Secretaries of State concerned, to whose skill and patience in dealing with the respective parts of this problem I would like to pay tribute, I have invited the Home Secretary to undertake this responsibility.

Accordingly, from 19th March, all the existing responsibilities of the Commonwealth Secretary for the Federation and for Southern Rhodesia, and those of the Colonial Secretary for Northern Rhodesia and Nyasaland, will be exercised by the Home Secretary. The staffs directly concerned with these matters in the Commonwealth Relations Office and the Colonial Office will be brought together in a single unit which will be wholly responsible to the Home Secretary. As part of his general responsibility at present exercised by the Colonial Secretary for members of Her Majesty's Overseas Civil Service serving in the Protectorates, the undertakings given to these officers by Her Majesty's Government will continue unchanged.

I am confident that this adjustment of ministerial functions will improve our organization for dealing with the problems confronting us now and in the period ahead, and will serve the best interests of all the inhabitants of the territories concerned.

In conclusion, I wish to emphasize that the new organization does not imply any change in our policy towards the Federation or any of its constituents.

territories. In particular, it does not affect in any way the constitutional status of the Federal Government or of the Government of Southern Rhodesia, Northern Rhodesia and Nyasaland; nor does it affect in any way the Government's pledge to the peoples in the Northern Territories as set forth in the Preamble to the Federal Constitution which provides that

Northern Rhodesia and Nyasaland should continue under the special protection of Her Majesty's Government, to enjoy separate governments for so long as their respective peoples so desire. This was and remains a pledge binding on the Government as a whole.²⁷

Federal election took place in Central Africa on April 27, 1962. Of the fifty-three elective seats only fifteen were contested and in these only half the electorate voted. The boycott exercised by the Zimbabwe African Union's Party along with the European opposition gave the United Federal Party the chance of an easy victory. However, what did such a victory mean when it had been over a contestant who had not even entered the competition? This parody of an election was the last of a series of events which made the United Nations Organization decide to act. Three requests were directed to Britain, ironically asking her to exercise powers it no longer had. The demands of the United Nations were almost exactly the same as those of the National Democratic Party before it had been banned.

However, they had come almost a year too late. The Resolution requested Britain: (1) to undertake urgently the convening of a constitutional conference in which there should be full participation of representatives of all political parties, for the purpose of formulating a constitution for

²⁷ Commonwealth Affairs, April, 1962, No. 101, 8-9.

Southern Rhodesia, in place of the Constitution of December 6, 1961, which would ensure the rights of the majority of the people on the basis of one man, one vote in conformity with the principles of the Charter of the United Nations and the declaration on the granting to colonial territories and peoples; (2) to take immediate steps to restore all the rights of the non-European population and remove all restraints and restrictions in law and in practice on the exercise of the freedom of political activity including all laws, ordinances and regulations which directly or indirectly sanctioned any policy or practice based on racial discrimination; and (3) to grant amnesty and to ensure the immediate release of all political prisoners.²⁸ It was natural for Sir Patrick Dean to reject those demands in the United Nations on behalf of the British Government.

Between December, 1961 and December, 1962, the "good sense" of the European population in Southern Rhodesia which had led them to give overwhelming support to the new Constitution had faded, and fear of loss of personal rights and possessions had taken its place. In the election that took place in Southern Rhodesia in December, 1962, Sir Edgar Whitehead lost in favor of an overwhelming majority for Sir Winston Field, leader of the Rhodesian Front. The new Prime Minister claimed at a press conference that his victory was due to the fact that the Southern Rhodesian electorate believed in evolution rather than revolution. The revolution

²⁸The Times (London), June, 29, 1962, 10a.

he referred to was Whitehead's pledge to remove all racial discrimination and repeal the Land Apportionment Act.²⁹ The wind of change in British and French Africa had awakened the whites of Southern Rhodesia to the fact that Southern Rhodesia would inevitably have to accept African rule, if it stayed under the realistic leadership of Sir Edgar Whitehead.

The victory of Mr. Winston Field was the actual death-blow to Federation. In his first speech as Prime Minister, he stated his Government's preference for a "clean break now" and brushed aside all economic arguments previously used by Sir Edgar Whitehead or even Sir Roy Welensky for at least keeping Northern and Southern Rhodesia together. He saw two alternatives, either the two Rhodesias would "stagger on with a deteriorating political association"³⁰ until the final breakup and all possibility of friendly relations were lost, or to make a clean break and "open up the way to negotiation on an equal footing - as fully independent states - and to attempt to reach agreement for the operation of various common services and with trade and economic agreements, too."³¹

Mr. Field's reasoning for demanding Southern Rhodesia's independence were that (1) after forty years of "successful self-government," they were entitled to it. (2) they must have charge of their external affairs. (3) Only by being

²⁹Ibid., Dec. 17, 1962, 8f.

³⁰The Times (London), Feb. 14, 1963, 11e.

³¹Ibid.

independent would they end uncertainty and so be able to proceed with their proper development and provide a secure field for investment. (4) "We must stop our affairs being debated in the House of Commons and being intruded into by British Party Politics." (5) Once they had their independence, there would be no more appeals to the British Government to interfere in their domestic affairs.³²

Mr. Field's reasoning was clearly one-sided and gave no consideration whatever to the rights of the majority. The British Government, although not convinced of the arguments presented to it, was in a very precarious position. It had accepted the principle of secession of any of the Northern Territories, what argument did it have for rejecting the same principle for Southern Rhodesia? It was true that the Government in Southern Rhodesia was not representative of the people, however, it had been the same for the forty years during which Britain could exercise its reserved rights. What rights did it have now to exercise them after they had been withdrawn? Moreover, even if Southern Rhodesia was denied the principle of secession, what assurance was there that it would not be seceded from?

Britain's precarious position was clearly reflected in the split of the Conservative Party in the House of Commons, and the presentation of two rival motions, both by Conservatives. One motion by Major Patrick Wall, vice-chairman of the Back-benchers' Commonwealth Affairs Committee and it read as follows:

³²Ibid., June 19, 1963, 12a.

That this House, in view of the new situation in Central Africa caused by the break-up of the Federation and of the fact that Southern Rhodesia has been internally self-governing for 40 years, believes that the request of the P.M. of Southern Rhodesia for the right to full independence should now be granted.³³

The other motion was drafted by Mr. Humphrey Berkeley (Lancaster), who was leading moderate Conservative opinion. It read as follows:

That this House welcomes the Government's decision to accord the right to each of the territories of the Central African Federation to secede in the hope of building up a more fruitful association between the territories in the future and urges the Government not to grant independence to Northern or Southern Rhodesia until more representative Constitutions have been negotiated for both territories.³⁴

A notable feature of this motion was that most of the signatories represented the younger members of the party. It was also noteworthy that Mr. Brian Harrison, joint Secretary of the Backbenchers' Commonwealth Affairs Committee supported this motion while his colleague, the joint Secretary, Mr. Godman Irvine, supported the motion tabled by Major Patrick. Ninety-two members signed the first and twenty-two signed the second,³⁵ however the fact that such dissention existed, emphasized the delicate and most difficult position of Britain at this time. Needless to say, the Labour Party's leanings were with the latter motion rather than with the former. The solution, according to the Labour Party was "a radical change for the better in Southern

³³Ibid., April 2, 1963, 12f.

³⁴Ibid.

³⁵Ibid., April 8, 1963, 12f.

Rhodesia" caused by "determined pressure from Britain (not excluding economic pressure) combined with more effective organization on the part of the ZAPU, whether or not it remains banned. One assumes also that pressure will build up from the two Northern Territories as they move to independence."³⁶

Mr. Butler, in his negotiations, had to take into account that the intervention of troops was not possible without permission from Salisbury, in addition to the fact that the merits of such intervention was dubious. All Mr. Butler could do was attempt three possible arguments. First, he could say that Afro-Asia and the United Nations would be upset if Mr. Field did not give in to them, but that would not have weighed much in Salisbury. Secondly, the opinions of Australia, New Zealand and Canada did weigh a little and all three had said privately that they could not welcome an independent Rhodesia into the Commonwealth under its present Constitution. The third, and probably the most effective of all was that Southern Rhodesia needed Britain's financial help and the Northern Rhodesia and Nyasaland markets for its industry.³⁷

Those were the possible arguments in the hands of Mr. Butler and the general impression they gave, with the

³⁶Margaret Roberts, "In Place of Federation," Venture (March, 1963), No. 35, 6.

³⁷"Responsibility without Power," Economist, CCVII (June 22, 1963), 1228.

exception of the economic argument, was that of inadequacy. Moreover, the question of Southern Rhodesia was closely interrelated with that of Northern Rhodesia in the first place and Nyasaland in the second, and its solution was thus not independent from the solution of the other two territories.

CHAPTER V

THE DISSOLUTION OF THE FEDERATION

The investigations initiated by Mr. Butler and carried out by the advisers he appointed led inevitably on to the dissolution of the Federation. The task embarked upon was very difficult for there were very few statistics or other data readily available. There was none, for example, for inter-territorial trade, for the distribution of foreign investment, or for the final distribution of imports. All of those would have been relevant and the last particularly illuminating, especially since Northern Rhodesia accounted for fifty-five percent of federal exports, and Northern Rhodesians complained that in many cases, imported goods would have been cheaper than those obtained from Southern Rhodesia.¹

In spite of the difficulties, Mr. Butler was able to come to a conclusion on each of the territories concerned. He devoted the most attention to Nyasaland, the immediate problem in that it was already demanding secession. He accepted that Nyasaland's Constitution was working out well and its African Ministers were devoted and reasonably competent. However, he expressed much concern regarding the economic

¹The Times (London), June 4, 1962, 9a.

aspect of its secession from Federation. He pointed out that in ten years' time, Government spending had increased from four and a half million pounds to ten and a half million, of which only half was covered locally. Moreover, thousands of men from Nyasaland were dependent for employment on Southern Rhodesia.² The question of secession was thus a very serious one, and its advantages and disadvantages had to be studied thoroughly before any such step was taken.

Mr. Butler's comments on the Northern Rhodesian Constitution gave expression to his satisfaction with it despite the difficulties faced in its preparation. He said that throughout the negotiations, the British Government had held fast to the objective set out by the Colonial Secretary in December, 1960 - to find a solution which would "on the one hand meet the natural aspirations of the peoples of the territory and on the other provide for the maintenance of stable government and an efficient and developing administration."³ The electoral arrangements of the new Constitution, in his opinion, gave every opportunity to a party which could make a genuine appeal to voters of both races. This opinion lacked realism, for it neglected to consider the history of the two races in Northern Rhodesia which showed that no party could win the support of both races at once. Enmity between them was too far advanced to allow the workability of the new Constitution on that basis. Any constitution for

²Commonwealth Affairs (June, 1962), No. 103, 2-3.

³Ibid.

Northern Rhodesia had to give the dominant role to either one or the other, and thus far the Africans had every reason to be dissatisfied.

Mr. Butler's evaluation of the Southern Rhodesian Constitution was also far from realistic. In a speech in the House of Commons, he reminded the House that the principle of power being assumed by Africans in Southern Rhodesia was conceded in the new Constitution, and that it represented "a revolution of European thinking in the Colony."⁴ Although it was true that it represented some advancement, it was certainly an exaggeration to call it a "revolution." It also disregarded the fact that African representation in the Legislative amounted to practically nothing, as it could be overruled on every issue by the white majority.

As to Federation itself, Mr. Butler said that "the European has seen unprecedented economic progress, made possible by his own skill and initiative. He fears that if political advance of the African is too rapid this development will be halted. The African ... feels that he has too little to say in the development of the country and that on the political side progress is too slow."⁵ His conclusion was that "any association that is to last must be acceptable to the territories concerned and must be based on the goodwill of their peoples."⁶ Mr. Butler's

⁴ Great Britain, Hansard's Parliamentary Debates, DCLIX (May 8, 1962), 23.

⁵ Commonwealth Affairs (June, 1962), No. 103, 3.

⁶ Ibid.

summary of the situation was clear and realistic, but his solution did not seem to rest on the same firm foundations. The summary was clearly an admission that the experiment in partnership had failed, and his description of the positions of the African and the white^fman clearly indicated that there was no such thing as "good will", and the issue involved was that of genuine dissatisfaction and distress.

The solution for Central Africa did not lie in the hands of the Federal Government any more, and the goodwill of Africans could not be expected to exist when the Federal Government under the leadership of Sir Roy Welensky had hardly set the example. It was too late for the problem to be solved by the people on the spot, and a solution from Britain was the only way. Federation had become an anachronism, and Mr. Butler's postponement of decision did not help to make it less so. His advisers' report was never made public, and it is impossible to know how far their research assisted him in arriving at his conclusions on the three constitutions.

It was generally believed by the Labour Party and its supporters in Britain, as early as 1962, that British intervention, if firm, would not be resisted by the European population. The principle of African majority in a short time was widely accepted by the white settlers, and this change had "not come about by a change of heart, but been borne in by the pressure of outside events and the severe economic slump at home caused by continued political instability."⁷

⁷T.R.M. Creighton, "Too late to Hedge," Spectator, CCIX (Sept. 7, 1962), 325.

There was no reason why pressure from Britain now would not have had the same effect, especially that the European public was tired of the Federal struggle and of the Federation which had brought to the countries few of the benefits it had promised, and many troubles, both expected and unanticipated.⁸

To a great extent, Labour opinion was right. However the painful position of Britain must not be disregarded, and its consideration may contribute to the understanding of its policy. It was as though the British Government had "its foot caught in the central African trap. It cannot move without being torn by the sharp teeth of either Sir Roy Welensky or Messrs. Banda, Kaunda and Nkomo; it cannot stand still without suffering the tightening wrath of the anti-colonial world."⁹ Britain's position, although painful, ought not to have prevented it from taking full responsibility as soon as all else failed. As long as there was hope of a solution by people on the spot, it was natural and good for Britain to keep out. However, frustration had even overtaken Lord Alport, who had gone to the Federation with high hopes and ideals, and with the belief that it was up to the people on the spot to solve the problems. His frustration was as early as 1961, and as early as that, it became clear to him that the solution lay with the mother country and not its individual representatives in the Federation. He said that "it was perhaps only an illusion that such an effort could

⁸ Ibid.

⁹ "A Message for Sir Roy," Economist, CCII (Jan. 13, 1962), 103.

succeed referring to his own efforts in the Federation
 It was probable that anyone who attempted to create
 a new relationship between the four governments of Central
 Africa and to induce the British Government in London to
 pursue a coordinated policy in relation to all of them would
 in the end fall between five stools.... Maybe if someone had
 to achieve all this right at the beginning, possessing the
 full authority and support of a British Government, he might
 have succeeded. By 1961, it was almost certainly too late."¹⁰

The British Government was constantly held back by
 the Tories' false belief that Sir Roy Welensky was the only
 man for the job and that only he had enough stature to lead
 the white Rhodesian to a more liberal approach. Sir Roy
 had been in his position long enough to make it clear that
 he had failed to come to terms with African nationalists,
 and there was no hope of his doing so in the future. Until
 the very end, Sir Roy attempted to appeal to the Conservatives,
 and tie the British Government to pledges he claimed they
 had made. When the Government decided to accept the principle
 of secession for Nyasa^{land}, Sir Roy accused it of breaking
 pledges made in 1953. This accusation occupied British
 Ministers through the month of February, 1963. A debate on
 the subject took place in the House of Lords where the Earl
 of Swinton, the Commonwealth Relations Secretary in 1953, said:

I do not think there was ever anywhere any mention
 of a pledge or a claim of a pledge, either here or in

¹⁰ Lord Alport, The Sudden Assignment (London: Hodder &
 Stoughton, 1965), 82.

Rhodesia, until 1962. If any such pledge had been given or intended, it would surely have been inserted in the federal constitution. Was such a claim, in fact, given? ... So far as I am concerned I certainly gave no such pledge.¹¹

To make matters clearer, a paper was published containing the relevant Minute of the Conference of 1953. The conclusions drawn from it were clearly that (1) there was no pledge made by British Ministers to the effect that no change in the Federation would be made by the United Kingdom without the consent of the four Governments. (2) Such a pledge by Her Majesty's Government would have meant that the Federal Government and each of the Territorial Govern^ments would have been given a permanent veto whereby any one of them could insist on the indefinite perpetuation of the Federation established in 1953, whatever might be the view of the others. (3) There was no trace of such a pledge in any public document, in any contemporaneous announcement or in the Constitution itself.¹²

It was true that the Federation had been established on a permanent and not a temporary basis, but the absence of a provision for secession did not mean that in "no circumstances could secession be contemplated or that an undertaking or guarantee as to the permanence of Federation existed."¹³ Moreover, when Lord Swinton, in 1953, suggested that no provision for secession should be included, he explained that

¹¹Commonwealth Affairs (March, 1963), No. 111, 5.

¹²White Paper, Cmnd. 1948.

¹³Ibid.

that was for economic reasons. His statement on the subject had been published by Sir Roy Welensky, but it was felt necessary that it should be re-published by the British Government, as Welensky's version had left out certain significant statements. The statement in full was as follows:

I know no Federal Constitution within the Commonwealth, or indeed I think outside it, in which a secession clause is to be found, and there must be very good reasons for that, particularly when one remembers that there have been both within the Commonwealth and outside it, great jealousies of State and provincial rights when federation took place, yet great as those sectional, and provincial interests were territorially, never was such a clause inserted in the Constitution measures, except, which is delightful, Mr. Hopkinson reminds me, within the Soviet Union. It would be right to describe a claim to secede as a precursor of liquidation. After all, it would be, would it not, rather an odd way of starting to make a success of federation to insert in the document of Constitution of federation, in the foreground of it an invitation to secede. It is rather like a marriage service in which the Minister after uniting the parties, immediately drew their very active attention to the facilities for divorce which were available to them. Divorce figures very prominently in the newspapers, but I think most of us do not believe married life is founded on the prospect of divorce, and I think that is as true of political partnerships as it is of other social ones. At a time when we all want everyone to concentrate on making federation a success and bringing the union into the most real partnership, it would be odd to invite people to look to secession, but there is one absolutely over-riding economic objection to this which rules it out from the very start. The Federation had got to raise loans and to raise them on federal assets and federal securities. Make no mistake about it - if you doubt my words ask anybody in the City of London - federation could never raise a penny of money by loan if it was not known whether federation was to continue, and therefore whatever views you take about what I may call the moral side of the thing, there is an economic argument to which there can be no possible answer.¹⁴

¹⁴Ibid. (The underlined statements had been left out by Sir Roy).

At the end of March, political leaders from Northern and Southern Rhodesia, and from the Federation went to London for talks arranged by Mr. Butler. By this time, the right of Nyasaland's secession had been granted and Sir Roy's claims discredited. It was, therefore, natural that Mr. Kaunda would immediately claim the same right for Northern Rhodesia. The position of the British Government gave it no choice but to declare that "none of the territories can be kept in the Federation against its will, and they therefore accepted that any territory which so wishes must be allowed to secede."¹⁵ This decision caused Sir Roy Welensky to cancel an invitation to lunch with Mr. Macmillan, and take the first plane back to Rhodesia.

The next step was, of course, for Southern Rhodesia to claim the same right of secession. However, Southern Rhodesia formed a special case, as its constitution did not provide for enough African representation so that it should be taken as representative of the country. On the 1st of April, Mr. Butler announced in the House of Commons that he had received "a letter from the Prime Minister of Southern Rhodesia asking for certain assurances about the future granting of independence to Southern Rhodesia." He added that "this will require close consideration by Her Majesty's Government and I cannot at present take the matter further."¹⁶

The opposition view was put forward by Mr. Strachey

¹⁵ Commonwealth Affairs (April, 1962), No. 112, 4-5.

¹⁶ Ibid.

(Labour M.P. for Dundee, W.) who said that the Opposition welcomed the acceptance of the principle of secession from Federation. However, that was an entirely different question from that of independence for any of the territories. He went on:

While we are all anxious to see these territories become independent members of the Commonwealth we consider that none of them should become independent until they are well on the way to a democratic system with a franchise which gives effective representation to all races. No one, by any stretch of imagination, could describe the present Southern Rhodesian constitution as fulfilling that condition - and neither for that matter does the Northern Rhodesian constitution. Therefore, the next step for both territories should be the preparation by this House of new constitutions containing a broader franchise and better representation.¹⁷

On the 11th of April, correspondence was published in a White Paper, (Cmnd. 2000), between Mr. Field and Mr. Butler. Mr. Field's part of the correspondence was an application for independence, and Mr. Butler's reply reflected opinions expressed previously in the House of Commons. His letter read:

Her Majesty's Government have carefully considered your Government's application and the argument which you have adduced in support of it. Following upon their decision that none of the territories can be kept in the Federation against its will Her Majesty's Government accept in principle that Southern Rhodesia, like the other territories, will proceed through the normal processes to independence. I would like to state as briefly as possible what we consider should be done before independence can be granted to Southern Rhodesia.

At the present time Southern Rhodesia is a member of the Federation. Our legal advice is that it would not in any event be possible to make Southern Rhodesia an independent country in the full sense of the word while remaining a member of the non-independent Federation. So long as she remains a member of the

¹⁷ Ibid.

Federation, so long will the United Kingdom Parliament have power to legislate with regard to Southern Rhodesia.

As you know Her Majesty's Government accepted the principle that any one of the territories which so wishes must be allowed to secede from the Federation. Her Majesty's Government have also made clear their view that before any further changes are made there should be discussions not only about the broad lines of a future relationship between the territories but also the transitional arrangements that will be required. In the view of Her Majesty's Government it is only when these discussions have taken place that the future course of events can be clarified and that Southern Rhodesia, having regard to her membership of the Federation, may expect to be in the constitutional position to move to independence. In any case Her Majesty's Government, in accordance with normal precedent, would expect to convene a Conference to discuss financial, defence, constitutional and other matters, which always have to be settled before self-governing dependencies are granted independence.

You stated in your letter that the grant of independence should be concurrent with the secession of either Northern Rhodesia or Nyasaland whichever is the first. Later in your letter you asked that independence should be granted on the first date on which either territory is allowed to secede or obtain its independence. The secession of one member of the Federation would not in itself end your membership of the Federation. Although not specifically mentioned in your letter there has also been discussion between us about a limited form of independence from the United Kingdom while the Federation remains in existence. I would remind you of the terms of the White Paper, Cmnd. 1399, published in June, 1961, and in particular of the following Paragraph:

"The Constitution of 1923 conferred responsible Government on Southern Rhodesia. Since then it has become an established convention for Parliament at Westminster, not to legislate for Southern Rhodesia on matters within the competence of the Legislative Assembly of Southern Rhodesia **except** with the agreement of the Southern Rhodesia Government."

We reaffirm this position and we do not see how it can be improved from your point of view pending the granting of full independence. We shall however be glad to discuss this matter with you further if you so wish.

Her Majesty's Government recognize the desire of the Southern Rhodesia Government that full independence should be reached as soon as practicable. They therefore invite from your Government the closest co-operation in carrying on the processes referred to in this letter. ¹⁸

By June, 1963, it was clear that Federation could not be maintained any longer. On June 18, Mr. Butler announced in the House of Commons that the Government of the Federation of Rhodesia and Nyasaland and the Governments of Southern and Northern Rhodesia had agreed to attend a Conference "on the orderly dissolution of the Federation and the consequential problems involved."¹⁹ The Nyasaland Government had agreed to send observers. The Conference took place at the Victoria Falls Hotel, Southern Rhodesia, and its work was completed in five days (June 28 - July 3, 1963). The Victoria Falls Conference marked the end of the Federal experiment in Central Africa. It might seem ironical that a Federation which had existed for ten years should in the end be practically dissolved in five days, but it is not surprising when one takes into consideration that divisive tendencies existed within the Federation from the day of its establishment against the will of the Africans of the two Northern Territories.

The Conference agreed that it was its task to set up the necessary machinery for a detailed study of the problems arising from dissolution and to set a schedule for the processes of dissolution. Two sub-committees were set up for the study of details. In some more important matters such as the civil service, finance and defence, the Conference attempted to indicate the lines to be followed.

The First problem faced by the Conference concerned the future of the several thousands of federal civil servants.

¹⁹White Paper, Cmnd. 2093, Par. 1.

It was agreed that as many of them as possible should be absorbed in the territorial public services, and the territorial Governments should make an early statement of the opportunities of employment and terms of service they could offer.²⁰

After a long discussion on the financial assets and liabilities of dissolution, it was agreed by the Conference that the whole matter should be referred to a committee. In the Conference, both Rhodesias expressed willingness to take their fair share of Federal liabilities, but it was the view of the Southern Rhodesian delegation that the three territories as separate units could not carry the same burden of debt as the Federation. Assessments of the amounts of debt each territory could carry should relate to its revenue earning capacity. They believed that the United Kingdom should carry the rest of the burden in order to fill the gap. The opinion of the United Kingdom was that the taking of liabilities also meant the taking of corresponding assets. This would apply to the territorial Governments. If Great Britain was to take up the rest of Federal liabilities it was only fair that it should take the corresponding assets as well, "and thus introduce a second government into another government's territory."²¹ Moreover, the United Kingdom reserved its position that its attitude had to be considered

²⁰Ibid., Chapter III, Pars. 14-20.

²¹Ibid., Chapter IV, Par. 26.

in the light of its general policies on overseas aid.²²

The re-allocation of federal defences, and the future of the Forces were settled more easily than was expected, considering the nature and complexity of the problem. The Conference agreed that after dissolution, the position should revert to that existing before 1953, although the Federal forces had to be partitioned between the three territories.²³

As to citizenship, it was agreed that federal citizens who were, of course British subjects, would not lose their status. A separate citizenship for each of the territories would eventually be created and it should be made possible for a federal citizen to become a citizen of the territory to which he belonged, or in certain cases, the territory whose citizenship he preferred.²⁴

The Conference noted that the Federal Supreme Court would come to an end with the dissolution of Federation. It was also agreed that the question of a new Court of Appeal was a matter that should be settled between territorial governments.²⁵

The timetable, set by the Conference was based on the principle of striking "a proper balance between the need for speed and the orderly transfer of Federal functions to territorial responsibility."²⁶ A target date (December 31,

²³Ibid., Chapter VII, Pars. 43-6.

²⁴Ibid., Chapter VIII, Pars. 47-50.

²⁵Ibid., Chapter IX, Par. 51.

²⁶Ibid., Chapter X, Pars. 52-6.

1963) was thus set for the dissolution of the Federation. To keep within this date the various committees were to complete their work by about mid-September. At that time the Governments concerned would be called upon to reach final decisions on all questions arising out of dissolution, including decisions in principle on the areas of future collaboration. This and the final agreement on financial assets and liabilities would have to be completed by mid-October. By October, the Governments concerned would consult together about any transitional arrangements which might have to be introduced on December 31, 1963. "Assuming that the decisions mentioned above were taken at the times stated, the United Kingdom Government should be in a position to complete and enact before the end of December, 1963, the legal instruments necessary to give effect to the decisions agreed upon by the governments who would be given an adequate opportunity of commenting on their proposed provisions."²⁷

On November 5, 1963, and before the Federation of Rhodesia and Nyasaland came officially to an end, a new Constitution for Northern Rhodesia was announced. It followed directly upon discussions between the Governor of Northern Rhodesia and the main political parties, namely the United National Independence Party, the African National Congress and Mr. Roberts, the leader of the Europeans who formerly belonged to the Federal party. According to the new Constitution, the Governor would retain responsibility

²⁷ Ibid., Chapter X, Par. 27.

for defense and external affairs and would be assisted in his task by a Deputy Governor. The post of Chief Secretary would disappear. The executive Council was to be replaced by a Cabinet, consisting of a Prime Minister and not more than thirteen other ministers, to whom portfolios would be assigned by the Governor on the advice of the Prime Minister.

The Attorney General would continue to be the official legal adviser to the Government but would not be a minister or member of Cabinet. The Legislative Council would consist of seventy-five members, sixty-five of which would be elected in main roll constituencies and ten in reserved roll constituencies. The electorate of the former would be African and the latter European. Members of any race might stand as candidates in all constituencies provided they were qualified.

The Constitution also contained a Bill of Rights to set out the fundamental rights of the individual and provided protection from racial discrimination. For further justice, a High Court and Court of Appeal were provided for the Constitution.²⁸

On December 31, 1963, the flag of the Federation of Rhodesia and Nyasaland was lowered for the last time. The tight schedule had led to some dissension over the detailed arrangements for the resettlement of the Federal debt contained in the Order of Council for the dissolution of Federation. But, in general, most issues had finally been settled.

²⁸Commonwealth Affairs (Dec., 1963), No. 119, 6-7.

Provision was made for the general debt of £118m. to be split up between the three territories in proportion to their share of the assets. Mr. Sandys had pointed out that Britain had no legal or moral obligation to guarantee the debt. However, he gave assurance that when the question of financial aid to the territories was to be considered, the burden of the debt which they had incurred would be taken into account.²⁹

The problem of the civil servants was also settled successfully and within the agreements of the Victoria Falls Conference. Only two thousand out of the thirty thousand civil servants did not obtain positions in Northern and Southern Rhodesia, most of the two thousand having chosen to leave the country.³⁰

There was general optimism as to the future of the three territories, and it was expressed on December 10th in the speech of the acting Governor-General, Sir Humphrey Gibbs, proroguing the Assembly for the last time. He said:

The well-being of Central Africa in economic matters will be enhanced by the continued close co-operation of the three territories, and I pray that those who are called upon to discharge the future responsibilities of government in the territories of Central Africa will direct their thoughts and energies to the strengthening of those common links which can operate only to the material advantage of their inhabitants I know members will join me in wishing Godspeed to the territories and all their peoples.³¹

²⁹ Ibid., (Jan./Feb., 1964), No. 120, 8.

³⁰ Ibid.

³¹ Ibid., 8-9.

CHAPTER VI

CONCLUSION

The political experiment in Rhodesia was part of a larger British experiment in federations. Although the Rhodesian problem represented some of the more general problems of federation and British colonial policy, it is not typical enough to provide a basis towards generalizations. The study of the Rhodesian problem cannot be classified as a study in federations nor in British colonial policy.

British faith in federations generally proved disappointing for their experiments failed in the West Indies, East Africa and Malaya. The failure of the Federation of Rhodesia and Nyasaland cannot be attributed to general factors common to all the federations. It was rather due to the fact that it was a bargain between units determined geographically, when the real political units in that area were racial.

After the establishment of the federation, Britain lost several chances of saving the situation. In 1960 the Monckton Commission's terms of reference could have included immediate secession. This would have provided for the dismantling of the Federation with the preservation of good will and the set up of a looser kind of confederation with

economy as its basic bond.

Another chance was lost when the Constitution of December 6, 1961, for Southern Rhodesia was recognized by the British Government with the knowledge that it provided for only 15 African members out of a total of 65 in the Legislative Assembly.

In December, 1962, Sir Edgar Whitehead lost in favour of Sir Winston Field which made it less possible for Britain to settle the problem in favour of the Africans. Economic boycott at this time, however, would have been more effective than it is today.

Placed in a more general perspective, Rhodesia may be considered demonstrative of the momentum of decolonization in the Twentieth Century which proved to be too much for a government not notable for its vigor, particularly during Macmillan's cabinet. Moreover, Rhodesia was unfortunate in having to negotiate with the country which after the Second World War, had suddenly declined into a second rank power and had naturally become hypersensitive on "colonial stewardship" and United Nation criticism.

Despite the dissolution of the Federation, hope of future success for the three territories within the Commonwealth persisted, but depended heavily upon the principle of co-operation - co-operation between the races as well as between the leaders of the territories and Britain. The lack of application of this very principle had been the basic cause of the downfall of the Federation, and yet it was the

foundation of hope. Cynics, or even realists, at the time, must have seen the futility of this persistent hope. At the present, even the one-time optimist, while witnessing present developments, tends to waver in his faith.

Many events[†] have taken place since December 31, 1963 which have changed the course of Rhodesia's history, and have fulfilled the predictions of the pessimist. On April 13, 1964, Mr. Winston Field, the Prime Minister of Southern Rhodesia resigned, and his resignation was rightly interpreted by the press as preliminary to a further leap to the right. The Governor thus called on Mr. Ian Smith, the former Deputy Minister and Minister of Treasury to form a Cabinet. Mr. Smith's policy was clear even before his appointment as Prime Minister. He explained at a press conference on April 13, 1964, that Southern Rhodesia's main problem was the restoration of confidence in order to get the economy moving. However, that was only the first step, for on the question of independence, he said:

We have laid down our policy on independence and this has been accepted by the party. It is not likely to change. Of course we are desirous of having a negotiated independence and we shall continue to strive for it, but we have made it clear we can visualise circumstances which could drive us to do something else.¹

On April 16, Mr. Smith said that his Parliament had no intention of allowing majority rule in the near future, certainly not in his own lifetime. It was, and still is, fervently believed by the majority of Europeans in Southern

¹Commonwealth Affairs, No. 122 (April 1964, p.4).

Rhodesia that if they hand over government to African nationalists, it would mean the end of the European and the civilization he brought to Southern Rhodesia.

Mr. Smith did not attempt a negotiated independence in the full sense of the word. When preparations for a Commonwealth Prime Ministers' Conference were being made, it was debated whether Southern Rhodesia would be invited to join, as it was not a fully independent country. Mr. Smith declared, before decision had been made, that debate was irrelevant for Rhodesia had the full right to participate in the conference. Mr. Smith's declaration was of course voted down by the Commonwealth countries, for its support would have been a clear recognition of Rhodesia's independence. In this way, Mr. Smith lost his chance of being invited, and gracefully accepting, to attend the conference for the purpose of negotiating independence.

Mr. Smith then attempted a different course - that of persuasion. He put the question of independence to a referendum in Rhodesia on November 5, 1964. The result was superficially an overwhelming majority of votes in favor of independence on the basis of the existing constitution: 58,091 voted in favor of it and only 6,906 voted against it. However, there were 944 spoiled papers and only 61 per cent of the registered electorate had voted which made the actual voting support of the electorate for independence only 56 per cent of the total.² This was clearly insufficient, and

²Ibid., No. 127 (Oct./Nov. 1964, p.11).

fell short of the demands of either the United Nations, Britain or the Commonwealth countries.

In the course of the year, Northern Rhodesia and Nyasaland achieved independence and became Zambia and Malawi. Zambia obtained a Republican Constitution on October 24, 1964 with Mr. Kaunda as its president. Malawi's Constitution, put into effect on July 6, 1964, leaned more towards a one-party dictatorship under the leadership of one man, Dr. Hastings Banda. Malawi's history had been uniquely different from that of Zambia and Southern Rhodesia, and is now therefore more detached than Zambia in its attitude and policy.

Zambia, by virtue of its geographical position, is still economically dependent on the copper industry. However, it has throughout received all the thermal power for the smelting and refining of copper from the Wankie coal mine in Rhodesia. Moreover, the Kariba dam is situated on the common border of Zambia and Rhodesia. This presents a double problem for Zambia and relatively weakens its position. If Rhodesia is allowed independence under minority rule, Zambia fears that its copperbelt would be menaced. If Zambia is to fight Rhodesia by joining the economic boycott, it must suffer the economic consequences.

Britain's policy towards Rhodesia has remained essentially the same despite the change from Conservative to Labor Government. Throughout, there has always been more unity between the two parties on the question of Southern Rhodesia than there has been on Northern Rhodesia

or Nyasaland. The attitude has essentially been that Southern Rhodesia cannot be granted independence until it obtains a more representative government.

Mr. Ian Smith has defied the British Government, and has declared independence. Britain has used all possible weapons to fight for the right of the African short of physical force. The application of economic boycott, if persisted upon, should in the long run make Rhodesia's leaders reconsider their position. Zambia has been granted British protection for its southern border. Its further request for Britain to take up arms against Rhodesia, if necessary, however, has only served to weaken the positions of both Zambia and Britain. Its persistence has forced Britain to declare openly that it would not go that far for the sake of the African.

The future of Rhodesia and Zambia is unknown and very hard to predict. One point, however, is clear; that the solution must be found in a pattern based on the principle of co-operation. The question yet remains whether such co-operation is possible at this stage. The factors which account for the dissolution of the Central African Federation continue to threaten the peace and security of the Federation's former members.

APPENDIX

IMPORTANT PERSONALITIES

In the British Cabinet:

1. Mr. R. A. Butler - Home Secretary until March 1962 when he became head of the Central African Office.
2. Mr. Grimond - Liberal M.P.
3. Mr. Oliver Lyttleton - Secretary of State in the Cabinet of Prime Minister Sir Winston Churchill. (now Lord Chandos).
4. Mr. Ian Macleod - Colonial Secretary until October 1961.
5. Mr. Maudling - Colonial Secretary, October 1961 - March 1962.
6. The Rt. Hon. Mr. Duncan Sandys - Commonwealth Secretary.
7. Labour M.P.'s:
 - Mr. Callaghan
 - Miss Barbara Castle
 - Mr. John Dunghale
 - Mr. Dingle Foot
 - Mr. Marquand
8. Conservative M.P.'s:
 - Mr. Turton
 - Major Patrick Wall

Europeans in Central Africa:

1. Lord Alport - Minister of State for Commonwealth Relations, became High Commissioner in Central African Federation.
2. Sir Robert Armitage - Governor of Nyasaland.
3. Sir Winston Field - Southern Rhodesia Prime Minister, December 1962 - April 1964.
4. Mr. William Harper - leader of the Dominion party which in March 1962 merged with other right wing groups and became the Rhodesian Front under the leadership of Winston Field.
5. Mr. Godfrey Huggins (later Lord Malvern), Federal Prime Minister - resigned in favor of Sir Roy Welensky.
6. Sir John Moffat - Liberal Party leader in C.A.F.
7. Mr. Ian Smith - Present Southern Rhodesia Prime Minister.
8. Sir Robert Tredgold - Former Chief Justice of the Federation, 1953 - November 1960 when he resigned in protest against the Bill of Law and Order.
9. Mr. Garfield Todd - Prime Minister of Southern Rhodesia until 1958.
10. Sir Roy Welensky - Federal Prime Minister.
11. Sir Edgar Whitehead - Southern Rhodesia Prime Minister 1958 - 1962.

Leading Africans:

1. Dr. Hastings Banda - Leader of the Malawi party until independence of Nyasaland. Now, ruler of Malawi.

2. Mr. Orton Chirwa - Legal adviser to the Malawi Congress Party.
3. Kenneth Kaunda - Leader of the United National Independence Party until the independence of Northern Rhodesia. Now, President of Zambia.
4. Joshua Nkomo - Leader of the Zimbabwe African Peoples Union.

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