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C.C. (63)  
23rd Conclusions

Copy No. 42

CABINET

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*CONCLUSIONS of a Meeting of the Cabinet held at Admiralty House, S.W. 1, on Thursday, 4th April, 1963, at 10.30 a.m.*

Present:

The Right Hon. HAROLD MACMILLAN, M.P., Prime Minister	
The Right Hon. R. A. BUTLER, M.P., First Secretary of State	The Right Hon. VISCOUNT HAILSHAM, Q.C., Lord President of the Council and Minister for Science
The Right Hon. LORD DILHORNE, Lord Chancellor	The Right Hon. REGINALD MAUDLING, M.P., Chancellor of the Exchequer
The Right Hon. HENRY BROOKE, M.P., Secretary of State for the Home Department ( <i>Item 1</i> )	The Right Hon. IAIN MACLEOD, M.P., Chancellor of the Duchy of Lancaster
The Right Hon. PETER THORNEYCROFT, M.P., Minister of Defence	The Right Hon. EDWARD HEATH, M.P., Lord Privy Seal
The Right Hon. ERNEST MARPLES, M.P., Minister of Transport	The Right Hon. CHRISTOPHER SOAMES, M.P., Minister of Agriculture, Fisheries and Food
The Right Hon. FREDERICK ERROLL, M.P., President of the Board of Trade ( <i>Items 1-4</i> )	The Right Hon. JOHN BOYD-CARPENTER, M.P., Chief Secretary to the Treasury and Paymaster General
The Right Hon. MICHAEL NOBLE, M.P., Secretary of State for Scotland	The Right Hon. J. ENOCH POWELL, M.P., Minister of Health
The Right Hon. Sir EDWARD BOYLE, M.P., Minister of Education	The Right Hon. Sir KEITH JOSEPH, M.P., Minister of Housing and Local Govern- ment and Minister for Welsh Affairs
The Right Hon. WILLIAM DEEDES, M.P., Minister without Portfolio	

The following were also present:

The Right Hon. JULIAN AMERY, M.P., Minister of Aviation ( <i>Item 4</i> )	The Right Hon. REGINALD BEVINS, M.P., Postmaster-General ( <i>Item 4</i> )
Sir JOHN HOBSON, Q.C., M.P., Attorney- General ( <i>Item 1</i> )	The Right Hon. MARTIN REDMAYNE, M.P., Parliamentary Secretary, Treasury

*Secretariat:*

Sir BURKE TREND  
Mr. A. L. M. CARY  
Mr. J. H. WADDELL

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Chief  
Anthony  
Enahoro  
(Previous  
Reference:  
C.C. (63) 20th  
Conclusions,  
Minute 3)

1. *The Home Secretary* said that he was required by the provisions of the Fugitive Offenders Act, 1881, to return Chief Anthony Enahoro to Nigeria for trial on charges of treasonable felony if he was satisfied that it was just to do so. He would clearly be bound to refuse to return Chief Enahoro if there were any question that he would be required to stand trial for his life. Two legal arguments had been advanced purporting to show that the second charge against him might carry the death penalty. He was satisfied, however, that there was no substance in either argument. There remained the possibility that fresh charges carrying the death penalty might be preferred against Chief Enahoro after his return. But the whole weight of the available evidence was against such an eventuality, quite apart from the fact that it would involve a serious breach of faith on the part of the Government of Nigeria. He had decided, therefore, that there were no grounds which would justify him in altering his earlier view that it would be just to return Chief Enahoro to Nigeria.

*The Attorney-General* said that it had now been accepted by the members of the Opposition in the House of Commons who had concerned themselves with the legal issues involved that the first argument which had been advanced to suggest that the second charge against Chief Enahoro might involve the death penalty was without substance. As regards the second argument to this effect, it had been advanced in the Nigerian courts during the trial of Chief Awolowo and had been decisively rejected. He was satisfied, therefore, that there were no legal grounds for suggesting that the second charge against Chief Enahoro could involve the death penalty.

In discussion the following points were made :

(a) In the course of the adjourned debate in the House of Commons the Prime Minister had undertaken that Chief Enahoro would not be returned to Nigeria unless the original argument that the second charge against him might carry the death penalty was shown to be groundless or, if it was substantiated, the Government of Nigeria gave an assurance that no charge carrying the death penalty would be preferred against him. If it was now established that the second charge could not carry the death penalty, it could be argued that there was no need for us to seek to insist on its being withdrawn. But so long as no assurance had been given by the Government of Nigeria about the preferment of fresh charges it might be held that the Government were in breach of an undertaking to Parliament if they now returned Chief Enahoro to Nigeria. It was understandable that the Nigerian Government should have refused to give such an assurance on the ground that the suggestion derogated from their standing as a sovereign State. But it would be equally understandable if it then became impossible for the United Kingdom Government to return Chief Enahoro for trial.

(b) On the other hand, the suggestion that the second charge against Chief Enahoro should be withdrawn had been made at a time when it was thought that that charge might involve the death penalty. Now that it had been established that this was not the case the Government had discharged their undertaking to the House of Commons.

(c) The possibility that fresh charges might be brought against Chief Enahoro after his return was no new development; it had been inherent in the case from the outset and applied equally to any other case involving proceedings under the Fugitive Offenders Act. A decision on the question whether, in any given case, it would be just to return a man to stand trial having regard to the possibility that fresh charges might be brought against him on his return must depend on the degree of confidence to be placed in the good faith of the Government concerned. In the present case it would be unjustifiable to entertain the suspicion that the Government of Nigeria might bring

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fresh charges against Chief Enahoro in the light of the acknowledged probity and repute of the Nigerian courts, of their conduct of the trials of other defendants on the same charges and of all the circumstances surrounding Chief Enahoro's particular case.

(d) The delay which had necessarily occurred in reaching a final decision had aroused sympathy for Chief Enahoro and might be pleaded as an additional argument for suggesting that he should now be released. But this consideration should not be allowed to outweigh the arguments in favour of his return. Delays had occurred in other similar cases in the past; and it would be undesirable that delay should be recognised as in itself a relevant factor in the decision on cases of this nature.

The Cabinet—

- (1) Confirmed their support for the Home Secretary in his decision of principle to return Chief Anthony Enahoro to Nigeria.
- (2) Invited the Chancellor of the Duchy of Lancaster, in consultation with the Home Secretary, to consider the most appropriate means of concluding the adjourned debate in the House of Commons on Chief Enahoro's case.

**Federation  
of Rhodesia  
and Nyasaland**  
(Previous  
Reference:  
C.C. (63) 21st  
Conclusions)

2. The Cabinet resumed their discussion of the request by the Prime Minister of Southern Rhodesia, Mr. Winston Field, that Southern Rhodesia should be granted its independence as soon as Northern Rhodesia or Nyasaland had been allowed to secede from the Central African Federation or had obtained its own independence. They had before them the draft of a reply to this request, together with a Note by the First Secretary of State (C. (63) 58) describing the main features of the present constitution of Southern Rhodesia.

*The First Secretary of State* said that the reply to Mr. Field's request could not avoid recognising that, as a result of our decision that none of the constituent Territories of the Federation could be kept in the Federation against its will, Southern Rhodesia, like the other Territories, would henceforward advance by the normal processes to independence. It should also indicate, however, that certain steps must be taken before independence could be granted to the Colony. In particular, the Federation itself must first be dissolved, since Southern Rhodesia could not become a wholly independent country while remaining a member of a Federation which was not itself independent. In addition, before any further changes were made it would be necessary to examine the transitional arrangements which would be required to give effect to the declared desire of the other two Territories to secede from the Federation; and before independence could thereafter be granted to Southern Rhodesia itself we should need to discuss with the Government of the Colony a number of questions which would arise in that connection.

A reply on these lines would serve to emphasise the order in which the successive stages of the advance of Southern Rhodesia to final independence should ideally take place. It would have the additional advantage that, if it was acceptable to the Government of Southern Rhodesia, it should ensure their attendance at the proposed conference to discuss the future economic links between the Colony and Northern Rhodesia which we should still seek to establish before the Federation was dissolved; and it would also enable us, if we wished, to stipulate at the final stage of the process that independence could be granted to Southern Rhodesia only if, as one of the questions which would then arise for consideration, the Government of the Colony were prepared to amend the existing Constitution on more liberal lines. It was doubtful, however, whether the Government of

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Southern Rhodesia would in fact accept the proposed reply as an adequate acknowledgement of their claim. They might be unwilling to contemplate discussions about economic links with Northern Rhodesia as a precondition of their achieving independence, since they would feel that the Union of South Africa would provide them with an alternative source of moral and material support; and they would be likely to resist any implied suggestion that they could not expect to attain independence unless they were prepared to accept a more representative form of government. This reaction would not be wholly unreasonable since, as was clear from the details appended to C. (63) 58, the present Constitution had been accepted by the House of Commons as representing a significant advance in terms of electoral opportunity for the African population of the Colony and would in fact have enabled the Africans, if they had taken full advantage of the rights which it accorded them, to achieve at the last election a position of considerable influence in the Legislature.

In discussion there was considerable support in principle for a reply to the Government of Southern Rhodesia on the lines indicated by the First Secretary of State. There were some grounds for believing that that Government, which was relatively new to office, had not sufficiently distinguished between the concept of secession and the concept of independence or appreciated the action which would have to be taken, if the dissolution of the Federation was to be effected in an orderly manner, before they could achieve independence. There would be considerable advantage, therefore, in making clear to them the successive steps to be taken during this transitional period in the hope that, if they were convinced that they would finally achieve their objective of complete independence, they would be prepared to co-operate in the necessary action in the interim and to refrain from asserting their independence by a unilateral act. On this hypothesis it was not impossible that the African leaders in Northern Rhodesia would be prepared to discuss the possibility of maintaining economic links with Southern Rhodesia without necessarily making their agreement explicitly conditional on an immediate improvement in the political status of Africans in the Colony. Moreover, the Government of Tanganyika had privately indicated their support for an approach to the problem on the gradual and progressive lines which the First Secretary had indicated.

On the other hand, a considerable section of public opinion in the United Kingdom would be likely to resist any suggestion that independence should be granted to Southern Rhodesia without some specific reference to the need for further liberalisation of the Constitution. Moreover, the United Nations Organisation was displaying increasing concern about the situation in the southern part of Africa; and it would be a negation of our past policy in colonial affairs if, by appearing to grant independence to Southern Rhodesia unconditionally, we condemned the Colony to virtual ostracism by the rest of the Commonwealth and by international opinion as a whole.

*The Prime Minister*, summing up the discussion, said that, on balance, the wisest course would be to defer for as long as possible the final decision on the terms on which we would eventually be prepared to grant independence to Southern Rhodesia and, while making our intentions in this respect reasonably clear, to seek to restrain the Government of the Colony from unilaterally asserting their independence forthwith. The reply to Mr. Field's request might therefore concede our agreement in principle that Southern Rhodesia should proceed in due course to ultimate independence; but it should also make it clear that, in accordance with our normal practice in such a situation, we should expect, before that stage was reached, to discuss with the Government of the Colony a variety of matters—financial,

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constitutional, military, &c.—which always arose in relation to the conferment of independence on a colony and would in any event need to be dealt with in the legislation which would have to be passed by the United Kingdom Parliament for that purpose.

## The Cabinet—

Invited the First Secretary of State to be guided, in his further negotiations with the Government of Southern Rhodesia, by the considerations which had emerged during their discussion.

## Parliament

3. The Cabinet were informed of the business to be taken by the House of Commons in the following week.

## Satellite Communications

(Previous Reference: C.C. (63) 20th Conclusions. Minute 1)

4. *The Lord Privy Seal* said that, in accordance with the indications of the Government's policy on satellite communications which had been given during the recent Parliamentary debate on this subject, we had intended to secure the initiative by shortly inviting the Governments concerned to a conference, to be held in London in July. But, before the invitations could be issued, the French Government had suggested that we should join them in promoting a conference in Paris in May. This suggestion, however, might well be motivated, at least in part, by a desire to engage us in a joint Anglo-French initiative and so to detach us politically from our associates in the European Economic Community and the European Free Trade Association. Moreover, it would be wiser on practical grounds to defer a conference until after the further meeting of the European Conference of Postal and Telegraph Administrations had taken place in June and until the interim report on our own design study for a communications satellite was available. On this basis a conference could not usefully be held before July. He proposed, therefore, to inform the French Government that, while we agreed in principle that there would be advantage in arranging an inter-Governmental conference about satellite communications, we thought it best to proceed on the lines indicated in the Parliamentary debate; that the conference could, in our view, most conveniently take place in London in July; and that we would meanwhile welcome the technical mission which the French Government had suggested they might send to this country.

In discussion the following points were made:

(a) Our ability to promote the development of satellite communications would depend to a significant extent on establishing a working understanding with the French, whose approach to the basic problems appeared to be similar to our own. This might be more readily secured at the technical than at the diplomatic level.

(b) While we should avoid creating the impression that we were seeking to involve our European associates in the establishment of a system of satellite communications which would be completely independent of any system sponsored by the United States, it would be premature at this stage wholly to dismiss the possibility of developing a system which would be distinct from, although complementary to, a system to be provided initially by the United States. There was some danger that the United States interests concerned might seek to frustrate the emergence of any system but their own; and we should be prepared to extract the maximum of advantage from the contribution which the European countries could make, in various ways, to the development of this new method of communication.

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The Cabinet—

Approved the lines on which the Lord Privy Seal proposed to reply to the French Government's suggestion that a conference should be convened on satellite communications.

**Foreign  
Affairs**

Laos

(Previous  
Reference:  
C.C. (62) 50th  
Conclusions,  
Minute 5)

5. *The Lord Privy Seal* informed the Cabinet that a confused situation had developed in Laos as a result of the recent assassination of Quinim Pholsena, the Foreign Minister. We could most usefully contribute to the restoration of stability by co-operation with the Soviet Union, with whom we shared the chairmanship of the International Control Commission; and an approach to the Soviet Government for this purpose was under consideration.

The Cabinet—

(1) Took note of the statement by the Lord Privy Seal.

Iraq

(Previous  
Reference:  
C.C. (62) 28th  
Conclusions,  
Minute 7)

*The Lord Privy Seal* informed the Cabinet that the Iraqi Government had asked whether we would undertake to train a number of Iraqi officers in this country and to supply substantial quantities of arms and equipment, including Saracen armoured personnel carriers, Hunter aircraft and ammunition. If these enquiries reflected a disposition on the part of the new Government of Iraq to reduce their dependence on the Soviet Union, we should seek to take advantage of it. The risk that Western equipment might be used in Iraqi aggression against Kuwait would be reduced if we could reach an understanding with the Government of Iraq about the status of Kuwait; and this possibility would be explored. Meanwhile, we should consider urgently how far we might meet the request of the Iraqi Government for military assistance.

The Cabinet—

(2) Invited the Lord Privy Seal, in consultation with the Minister of Defence and the Chief Secretary, Treasury, to arrange, as a matter of urgency, for an examination of the practicability and the implications of meeting the request for military training facilities and equipment which had been made by the Government of Iraq.

Export of  
LargeDiameter  
Steel Pipe

(Previous  
Reference:  
C.C. (63) 18th  
Conclusions,  
Minute 2)

*The Lord Privy Seal* said that, as a result of publicity which had been given to the precise terms of the North Atlantic Treaty Organisation's recommendation to member countries to refrain from exporting large diameter steel pipe to the Soviet bloc, there was now a better understanding in the Federal German Republic of the position adopted by the United Kingdom Government. It seemed unlikely, however, that orders which German steel firms were not permitted to fulfil would be secured by United Kingdom firms; nor was it probable that oil companies in the United States would decide to place significant orders for steel pipe in the United Kingdom. Our prices were said to be substantially higher than prices for comparable supplies elsewhere.

The Cabinet—

(3) Invited the Lord Privy Seal, in consultation with the Chief Secretary, Treasury, and the Minister of Power, to ascertain whether prices for large diameter steel pipe made in this country were substantially higher than prices elsewhere.

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**South Africa  
and the  
United  
Nations**

6. The Cabinet had before them a memorandum by the Lord Privy Seal (C. (63) 59), suggesting that pressure on South Africa in the United Nations would be intensified during the coming year in relation both to apartheid and to the status of South-West Africa. As regards apartheid, there could presumably be no question of our agreeing to the imposition of economic sanctions, as had been recommended at the last General Assembly. To do so would be to damage the economic interests both of ourselves and of the High Commission Territories and possibly to jeopardise our defence facilities in South Africa. In the last resort, therefore, we must be prepared to use our veto in the Security Council in order to prevent the application of economic sanctions. As regards South-West Africa, however, the International Court had not yet delivered judgment in a case in which South Africa was accused of breach of the Mandate originally granted by the League of Nations. If this judgment declared South Africa to be in default, we should be pressed to endorse action to enforce it. The South African Government had been warned that, if they defied an adverse decision by the Court, they could not rely upon us to support them.

The Cabinet—

Took note of C. (63) 59.

*Cabinet Office, S.W. 1,  
4th April, 1963.*