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CABINET

BRITISH GUIANA

Memorandum by the Minister of State for Colonial Affairs

In constitutional talks over the past three weeks agreement has been reached on recommendations to the Cabinet which would, subject to two provisos, result in the grant of full internal self-government to the Colony at the end of the normal life of the present Legislature (August, 1961). The provisos are: suitable arrangements to safeguard the rights of public servants, and agreement within the next twelve months by the Colonial Secretary that responsibilities in regard to police and internal security should be transferred to elected Ministers in the new Constitution. There would then be reserved to Her Majesty's Government in the United Kingdom, acting through the Governor, powers only in regard to defence and external affairs (excluding external trade) and the making or amending of the Constitution or its suspension in grave emergency.

2. At the very end of the talks the Minister of Commerce and Industry in British Guiana, Dr. Jagan, demanded that new constitutional instruments should forthwith be made which would provide for the Premier now to preside in Executive Council instead of the Governor. His reasons are that the Premier should gain experience; that Her Majesty's Government should shew trust in the political leaders of British Guiana; and that the territory should at once be given a status equal to Trinidad.

3. Mr. Burnham, leader of the Opposition, who was associated with Dr. Jagan in the misdemeanours of the Government that led to the suspension of the Constitution in 1953, supported Dr. Jagan's demands. He probably did so believing that Dr. Jagan's administration would get in a mess (he is right!) and that he would reap the fruits at the next elections.

4. I undertook to ask the Cabinet whether, despite the original insistence of the Colonial Secretary that the Governor should continue to preside over Executive Council at the constitutional stage following the elections of August, 1961, and his reluctant concession that at that stage the Premier should preside, an amending Order should be submitted to Her Majesty in Council now, providing for the Premier to summon and preside over Executive Council while still reserving to the Governor discretionary right to summon and preside over meetings if he saw fit.

5. The Colonial Secretary had previously undertaken to report the views of the British Guiana delegation that the leader of the Government under the new Constitution should be "Prime Minister" and not "Premier" and the strong protest of the delegation at the Colonial Secretary's decision that it should be "Premier".

6. I had also undertaken to seek the views of Ministers on the request by the British Guiana delegation that a Bill should be passed to amend the British Guiana Act, 1928, by removing the power to legislate by Order in Council. This request was made although the Colonial Secretary had announced his willingness to affirm by Despatch that it would not be his intention, after the introduction of the new Constitution, to advise that the power to legislate for British Guiana by Order in Council under the British Guiana Act, 1928, should be used other than for the purpose of constitution-making or in grave emergency. The claim of the delegation was that the continuance of this general power was derogatory to the status of British Guiana and implied a lack of sincerity on the part of Her Majesty's Government in the expressed intention of leading the territory to independence, and that the Colony should be put in the same position in this respect as a number of other West Indian territories in which, for historical reasons, Her Majesty no longer has a general power to legislate by Order in Council.

Immediate Removal of the Governor from Executive Council

7. The Governor and his official advisers judge that the immediate removal of the Governor from Executive Council, despite his retention until August, 1961, of general reserved powers, would be a grave blow to public opinion in British Guiana and the United States and would shock overseas investors. British Guiana depends almost entirely on overseas investment in sugar and the mining of bauxite and manganese. Dr. Jagan and his colleagues (with the possible exception of his communist wife, who is also a Minister) are inept administrators. The Governor would, upon the most liberal interpretation of his responsibilities, be compelled frequently to intervene to get decisions of Council altered, and this at best would mean much friction. Clearly it is undesirable that "reserved powers" should be used save on the most infrequent and important of occasions. There has been no discussion either in the Legislature or in public in British Guiana of substantial constitutional changes to take place earlier than the end of the normal life of the present Legislature, and not only has Dr. Jagan no public mandate to seek such changes but his majority is shaky.

8. I have offered instead that the title of "Premier" be brought into use at once by convention and that the Governor would liberally construe the present constitutional requirement that he preside in Council "so far as is practicable" and would from time to time absent himself so that the Premier would have experience in presiding. This was unacceptable to the delegation and if we, as I think we should for reasons given above, stand firm it may mean the breakdown of this conference.

Title of "Prime Minister"

9. I have done all that is required in reporting this demand.

Amendment of British Guiana Act, 1928

10. This is a request made in part because the Guianese, having through their own misconduct had one Constitution suspended, are nervous of having any future Constitution suspended and in part for prestige reasons at home. The assurance offered by the Colonial Secretary that he would not advise the exercise of the power save for constitution-making or in grave emergency seems sufficient. This is not a sticking point for the delegation.

11. I have consulted the Colonial Secretary by telegram and he has replied agreeing with my views.

P.

Colonial Office, S. W. 1.

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