CABINET

PROPOSED FEDERATION OF SOUTHERN RHODESIA, NORTHERN RHODESIA AND NYASALAND

MEMORANDUM BY THE LORD PRESIDENT OF THE COUNCIL, THE SECRETARY OF STATE FOR COMMONWEALTH RELATIONS AND THE SECRETARY OF STATE FOR THE COLONIES

1. In June 1952 the Cabinet considered C. (52) 193 and approved the publication of a Scheme for the Federation of Southern Rhodesia, Northern Rhodesia and Nyasaland (Cmd. 8573) and the text of a statement made in both Houses of Parliament on 18th June (C.C. (52) 60th Conclusions, Minute 9).

2. In August, the Minister of State for Colonial Affairs visited the three Territories to gauge African opinion and convince it of the advantages of the Scheme. In the latter purpose he achieved moderate success, but had not time to undo the harm that had been done by the opponents of the Scheme. He reported that at least 90 per cent. of the Africans knew and cared nothing about Federation. The vocal 10 per cent., however, were largely following the lead of the Congress Party in vehemently opposing the Scheme.

3. In C. (52) 193 the two Secretaries of State undertook to consult the Cabinet further before next conferring with representatives of the other three Governments concerned. We now accordingly seek approval to our proceeding on the lines proposed in the following paragraphs at the Conference which will open in London on 1st January, 1953.

4. We are satisfied that the Scheme set out in Cmd. 8573 is basically sound and would work in the best interests of all the inhabitants of the Territories concerned. Our aim therefore will be to secure the acceptance of a Scheme on these lines. Certain amendments of detail may be necessary to secure acceptance by public opinion (particularly at the Southern Rhodesian referendum) of the Scheme as a whole. The only contentious amendment for which we intend to press is one which will provide stronger safeguards against racial discrimination in the public service.

5. For the rest, there are five points on which we would not agree to any change of substance without further consulting our colleagues. These are:

(a) A true Federation;
(b) No change in relationship between the Territories and Her Majesty's Government;
(c) Adequate safeguards for African interests, including rights in land;
(d) Reservation of constitutional amendments for Her Majesty's pleasure, contentious amendments having also to be laid before Parliament;
(e) The status of the Federal Government to approximate to that of the present Southern Rhodesian Government.

6. Subject to this, we are convinced that the Scheme will bring economic opportunities which are urgently needed, and will establish conditions favourable to the progress of racial harmony in a mixed community, the example of which may spread elsewhere. The crucial issue now to be decided is whether to proceed.
with it in face of the fact that a reasonable measure of African acquiescence is unlikely to be forthcoming. We discuss this further in Appendix I, and conclude that the disadvantages of abandoning the Scheme would far outweigh those of proceeding with it. If we go ahead, there will probably be some immediate unrest, but it will be short-lived. We shall also be widely attacked and misrepresented in this country. But we have no doubt that if we postpone or abandon the Scheme, otherwise than through rejection by Southern Rhodesia, moderate African resistance to extremists will collapse, loss of confidence in the Government will be accelerated, racial tensions will get worse, and unrest will be delayed but not prevented. Southern Rhodesia, soured and isolated, will be drawn more and more into the orbit of the Union. This is a decision which may be vital to the whole future of Africa.

7. On Friday afternoon, 12th December, we received a deputation of the Labour Party introduced by Mr. Attlee. Mr. Attlee left most of the talking to Mr. Griffiths. Mr. Griffiths said that Federation had been discussed by the Labour Party, the Trades Union Congress, and the International Federation of Trade Unions. All would oppose Federation strongly if it was imposed against the expressed wishes of the Africans, by which he clearly meant the vocal section. Mr. Griffiths also said that the Congress of Industrial Organisations in the United States would also declare their opposition at the instigation of their coloured members. We should doubt this. There would also be opposition in the United Nations Organisation, though, as Lord Salisbury pointed out, we had always held that U.N.O. was not entitled to discuss matters of internal policy. Mr. Attlee did not add much to the discussion. In spite of this premature declaration of opposition we are strongly in favour of going forward with the plan; but our colleagues should be aware of what took place.

8. We ask that this decision be taken now. For Her Majesty's Government to go back on the Scheme after it had been accepted at the Southern Rhodesian referendum would heighten all these unhappy consequences. Arrangements for the referendum must be set in train immediately after the Conference (which in any case can hardly break up without a public announcement with regard to the holding of a referendum). The decision to go ahead must be taken before the Conference breaks up. We therefore ask our colleagues to agree that we may give confidential assurances to the other Governments concerned at the Conference in January that Her Majesty's Government will be prepared to proceed with the Scheme, provided it is accepted at the referendum in Southern Rhodesia and by the legislatures of the other two Territories concerned, and that the Scheme to which we agree contains the basic features listed in paragraph (5) above.

9. If the Conference reaches agreement and a satisfactory Scheme emerges, a short enabling Bill would be introduced into Parliament after the Southern Rhodesian referendum to permit us to enact the Constitution by Order in Council, which would be subject to an affirmative resolution of both Houses of Parliament.

10. These matters are discussed in more detail in Appendix I. We seek the approval of our colleagues to proceed on the lines proposed.

S. SWINTON.
O. L.

16th December, 1952.
APPENDIX I

MEMORANDUM ON FUTURE PROCEDURE REGARDING CENTRAL AFRICAN FEDERATION

Introduction

1. In Appendix II to C. (51) 11 of November 1951 an outline was given of the previous history of closer association of the Central Africa territories of Southern Rhodesia, Northern Rhodesia and Nyasaland. Three questions were then discussed—namely, is closer association necessary? what form should it take? how should we proceed?

2. It was then argued that closer association was necessary, first for economic reasons. Not only had the three territories many common economic problems connected with railways, ports, man-power, hydro-electricity, &c, but also speedy economic development of all three would be needed in the next 25 years in order to improve the standard of living of a rapidly growing population. This could be achieved more readily by the three territories combined than if they continued independently to compete for the limited resources of capital and material available. Secondly, from the political point of view, it was urgently necessary to create a strong independent bloc inspired by British ideas and ideas which could resist ideological and other penetration by Afrikaner nationalists from the Union.

3. As regards the form which closer association should take, it was argued that the special responsibilities which Her Majesty's Government had to the inhabitants of the two Northern protectorates ruled out the possibility of amalgamation; but that these responsibilities could be effectively discharged in a form of federation with proper safeguards for the African population. The paper did not discuss a weaker form of association (such as the East Africa High Commission) because this has rightly been rejected in the official report (Cmd. 8233) as being unsuitable for three territories at such different stages of constitutional development as those of Central Africa.

4. On procedure, the Cabinet was advised against immediate imposition of any Scheme at that time, partly because the details of a suitable Scheme had yet to be discussed further with the other Governments concerned, but also because a further attempt had to be made to persuade African opinion in Northern Rhodesia and Nyasaland to accept federation. The Cabinet accordingly decided that Her Majesty's Government should give a strong lead in favour of the principle of federation (which was done in a statement made in both Houses on 21st November) and, secondly, that the matter should then be discussed at a further conference with representatives of the Governments concerned. This took place in April 1952 and drew up the Draft Federal Scheme published as Cmd. 8573 which is attached to this document as Appendix II. (A summary of its provisions is contained in paragraph 12 of its preface.)

The Main Development since the April Conference

5. The main developments which have taken place since the April Conference have been of two kinds. First, three Commissions were set up to investigate further the practical details of the Scheme set out in Cmd. 8573. These Commissions met in Central Africa in August and produced reports covering the judicial aspect (Cmd. 8671), the fiscal aspect (Cmd. 8672) and the civil service aspect (Cmd. 8673). They showed that the Scheme set out in Cmd. 8573 was practicable and could be implemented with little difficulty. It is unnecessary to trouble our colleagues with the details of these reports, since these are of a very technical character and will, in any case, be considered further at the forthcoming Conference.

6. The second main development was the attempt to win over public opinion in Central Africa and elsewhere, and in particular African opinion, in favour of the Scheme. The difficulties of this task were intensified by the fact that the previous Government had adopted an attitude of studied neutrality to the proposals, which had made it impossible for the administration in the Northern territories to impress on the Africans the advantages of Federation. As a result, the field was left clear for the organisation of a vociferous African opposition in the Northern territories under the auspices of the two African Congress bodies which are mainly, though not entirely, composed of the comparatively limited...
African intelligentsia. In Northern Rhodesia, Congress was influenced and assisted by a local European Communist, (since deported). In Nyasaland the campaign was controlled and directed by Dr. Hastings Banda, a Nyasaland doctor of African birth living in London.

7. As a result of these efforts African representatives from the Northern territories refused to attend the Federation Conference in April 1952. After the Conference, however, vigorous steps were taken by the administrations of the two Northern territories to persuade Africans of the advantages of the Scheme. These attempts were reinforced by a visit from the Minister of State in August and September, in the course of which he held a large number of meetings with African organisations. He found that the majority of the African population neither knew nor cared anything about Federation. Of those who were interested, the majority were under the influence of the Congress groups and, without having studied the details of the Scheme with its special features designed to safeguard their interests, they were determined to reject it. Reasons for this rejection were frequently given which had no connection whatever with the Federation proposals, e.g., the existence of an industrial colour bar on the Copper Belt. Furthermore the Minister of State found that Africans who were willing to discuss the details of the Scheme in a constructive spirit were frequently prevented by the various forms of intimidation to which Africans are particularly susceptible.

8. The majority of vocal African opinion in the two territories therefore has undoubtedly expressed itself as being opposed to the proposals. On the other side, a vigorous opposition to the Scheme has grown up among some of the Europeans, particularly in Southern Rhodesia. The grounds on which this opposition is based are that the Scheme is too much concerned with safeguards for Africans at the expense of efficient government. The campaign against Federation amongst Europeans in Southern Rhodesia has been effectively worked up by playing upon these inter-racial fears, by misrepresenting certain features of the Scheme and by appeals to the justifiable pride of the Southern Rhodesian settlers in their achievements, since they obtained a substantial measure of self-government in 1923.

Future Procedure

9. As was explained in paragraph 8 of C. (52) 193, our intention is that if a finally agreed Scheme can be produced at the next Conference, it will then be submitted to a referendum of the Southern Rhodesian electorate and to debates in the Legislatures of Northern Rhodesia and Nyasaland for ratification. At the forthcoming Conference therefore we shall have to give assurances confidentially to the representatives of the other Governments concerned regarding Her Majesty's Government's intentions, assuming that the referendum and the debates are successful. The crucial issue to be decided in this connection is whether we assure the other Governments that we will proceed with the Scheme in face of the fact that we can expect from the Africans little or no open support, a good deal of vocal opposition, and at best a fair measure of tacit acquiescence.

10. This question can only be decided in the light of the answers to four other questions;

(a) Are we still satisfied that closer association is necessary?
(b) Is the form proposed an effective one?
(c) Does it adequately safeguard the rights and interests of all sections of the population and provide for the discharge of Her Majesty's Government's responsibilities for the territories concerned?
(d) What would be the effects of proceeding or not proceeding with the present Scheme?

The Necessity for a Closer Association

11. This was argued in paragraphs 7 to 9 of Appendix II of C. (51) 11 and the arguments are summarised in paragraphs 1 to 4 above. In the twelve months which have elapsed since that paper was produced nothing has occurred which would lead us to modify the view that closer association between these territories is an urgent necessity. Indeed, the rapid growth of an aggressive African nationalism during that period has increased the urgency of achieving a solution to this problem. In our view the answer lies in establishing a sufficiently large and
strong area capable of standing on its own legs, much less vulnerable both politically and economically than are the individual territories, and in which there could be, not domination by one race, but co-operation between races. If this can succeed, and so provide an object lesson of harmony in a mixed community, perhaps similar ideas and practices will spread elsewhere.

Effectiveness of the Form Proposed

12. We are satisfied that the form of Federation which we propose would provide a Central Government with effective powers to deal with the major economic problems of the area and act as a focus of loyalty which will offset the spread of other ideas from outside.

Safeguards

13. We are satisfied that these safeguards provided in the Scheme are the most effective that can be devised for the interests of all sections of the community and, in the course of the negotiations that have yet to come, though we may agree to changes in form, we do not propose to agree to any changes in substance which will weaken the safeguards. In particular we shall insist that:

(a) the Scheme is a true Federation (with the Federal and Territorial Governments each independent of the other in their respective spheres) and that those matters most closely affecting the day to day life of the people (especially native policy) remain the responsibility of the three Territorial Governments;

(b) the relationship of the three existing Territorial Governments to Her Majesty's Government remains unaltered;

(c) there are solid safeguards for African interests; and that, in particular, the Constitution contains provision for a special board or committee with power to ensure that any legislation differing in terms or in application between Europeans and Africans to the disadvantage of the latter, is referred to Her Majesty's Government in the United Kingdom; and, to safeguard African rights in land, all land and land settlement questions are reserved to the Territorial Governments;

(d) amendments to the Federal Constitution will be reserved for Her Majesty's pleasure and there will be some device in the Constitution for giving Parliament here an opportunity to discuss the matter if amendments are objected to either by a Territorial Legislature or by the body responsible for safeguarding African interests;

(e) the status of the Federal Government will be approximately that of the Southern Rhodesian Government at present.

Effects of a decision to proceed

14. We have consulted Her Majesty's representatives in the various African territories on the political and security effect of a decision to proceed and their advice may be briefly summarised as follows:—

West Africa.—Reports from the Governors show that the politically inactive majority of Africans is not interested in the proposals. If the Scheme were imposed, however, the politically active minority would probably denounce Her Majesty's Government for acting in an "imperialistic" fashion and would allege that the Scheme was being imposed on Africans at the dictates of the white settlers. We are further advised that even those Africans more sympathetic to Her Majesty's Government and its policies would be inclined to suspect our true motives and intentions and would probably feel that the Scheme was in some way pandering to "Malanism." It is not considered there would be any effect on the security situation unless the imposition of the Scheme lead to disorders among Africans in Central Africa, in which case there is a possibility of sympathetic rioting.

East Africa.—The bulk of African opinion in East Africa is not interested in what goes on outside its own area. But again the vociferous political minority would react unfavourably to any attempt to impose the Scheme. On the other hand the political effect of a decision to proceed would be to impress upon all sections of opinion the determination of Her Majesty's Government to carry out its stated intentions in cases where it genuinely considers its plans to be in the best interests of the inhabitants and regardless of politically immature opposition. This would have a marked stabilising effect among all sections of the population.
A decision to abandon the Scheme would have the reverse effect and give marked encouragement to African nationalists and other extremists. As far as the security situation is concerned, much would depend upon what happened in Central Africa itself.

**South Africa.**—In South Africa, a decision not to impose would be regarded as an act of deplorable weakness by Her Majesty’s Government. On the other hand the decision to impose in the face of the declared African opposition would lead to renewed clamour that African opinion should similarly be disregarded in the case of the High Commission territories. We have a clear answer to this argument. The two cases are entirely different. Under the Federal Scheme, Her Majesty’s Government retains an effective method of discharging its responsibilities to the Africans which it would not have in the case of a complete hand-over of the High Commission territories.

**Central Africa.**—A copy of the telegram from the Governor of Northern Rhodesia is attached at Appendix III. A copy of the report from the Governor of Nyasaland is at Appendix IV. Briefly their views may be summarised as follows: First, there is a danger of organised resistance in some areas. This may take the form of strikes in the Government and other services, non-co-operation and non-payment of taxes. A good deal will depend on the Scheme adopted being in substantially the present form with the present safeguards for Africans. There is a very good chance, however, that if trouble comes it would be of short duration. Once it became clear that Her Majesty’s Government and the Governments of the two territories concerned did not intend to be intimidated by the Congress Party agitators, respect for and a confidence in the Government would grow and the Africans would be won over. In particular, the tribal chiefs are confidently expected to draw the line at any form of disorder, particularly if the situation is firmly handled from the outset. On the other hand, if the Federation proposals are abandoned in the face of the Congress campaign, repercussions will be serious and may well be disastrous. The Congress Party will gain greatly in prestige; the European population will be much disheartened and race relations will rapidly deteriorate. The eventual conflict which would result would be even greater than if federation were imposed and would create more lasting antagonism.

**Reactions in the United Kingdom**

15. The suggestion that it is not necessary to obtain the consent of the Africans has caused marked opposition from the more emotional elements in public opinion here which concern themselves with African affairs. Their most vocal expression has been through various missionary organisations of the Church of Scotland, the African Bureau and the Fabian Society. These elements are scarcely open to argument and it is suggested that the only way of convincing them is to implement the Scheme and to show that it works successfully and to nobody's detriment.

**Recommendation**

16. We therefore recommend that a clear balance of advantage lies in proceeding with the Scheme, and we ask our colleagues to endorse this proposal.

**Future Procedure in the United Kingdom Parliament**

17. If an agreed scheme emerges from the next Conference and is approved by the referendum in Southern Rhodesia we would propose to introduce an enabling Bill to provide for the setting up of the Federation by Order in Council. In view of the interest which the matter will undoubtedly raise in Parliament, we feel it is only polite to provide that the Order in Council should be laid and be subject to an affirmative resolution of the House. The only other matters of preliminary tactics to be considered are as follows. First, we are anxious to try to avoid a debate between the publication of the final version of the Scheme after the next Conference and the referendum in Southern Rhodesia. Critics of the Scheme can do much to secure its rejection in Southern Rhodesia by making extravagant statements in the debate. Secondly, we may be under great pressure to insert the safeguards in the enabling Bill and not in the Order in Council. This must be firmly resisted. To insert qualifications and safeguards into a Bill which does not contain the substantial provisions would be like trying to build a house from the roof downwards. In any case, the constitution will be a balanced document agreed by all four Governments, and Parliament can no more amend its details one-sidedly than it can those of an international agreement presented to it for ratification.
SOUTHERN RHODESIA
NORTHERN RHODESIA
AND NYASALAND

Draft Federal Scheme

prepared by a Conference held
in London in April and May, 1952

Presented to Parliament by the Secretary of State for Commonwealth Relations
and the Secretary of State for the Colonies
by Command of Her Majesty
June 1952

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Cmd. 8573
Africa: showing the position of Central African Territories
The Central African Territories
## PROPOSED FEDERATION OF SOUTHERN RHODESIA, NORTHERN RHODESIA AND NYASALAND

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PREFACE

1. BACKGROUND

The question of closer political association between Southern Rhodesia, Northern Rhodesia and Nyasaland has been under consideration for many years. A Royal Commission under the chairmanship of Lord Bledisloe, which reported in 1939, concluded that the time was not then ripe for amalgamation or (although they did not consider such a solution in detail) for federation. The main reasons for the Commission's conclusion were the differences in native policy between Southern Rhodesia and the northern Territories, their different stages of political and social development and the financial weakness of the northern Territories. The Commission recommended the establishment of regular consultative machinery. This was set up, in the form of the Central African Council, in 1945, and it has done much useful work within the limits imposed by its constitution and its lack of executive powers.

2. A growing consciousness of the limitations of purely consultative machinery led, however, to the revival of the idea of closer political association and the then Secretary of State for the Colonies, the Rt. Hon. James Griffiths, M.P., stated in the House of Commons on the 8th November, 1950, that His Majesty's Government had decided that there should be a fresh examination of the problem of the closer association of the three Territories. He announced that a conference of officials of the three Central African Governments, His Majesty's Government in the United Kingdom, and the Central African Council would accordingly meet early in 1951 to examine the problem and make recommendations. That conference took place in March, 1951, under the chairmanship of Mr. G. H. Baxter of the Commonwealth Relations Office, and its report was published in June, simultaneously with a geographical, historical and economic survey and a comparative survey of native policy.

3. The officials' report set out the need for closer association. They pointed out the economic interdependence of the three Territories and the consequent importance of the integration of economic policy both internally and in external economic relations. The Territories, for the time being relatively prosperous, were, individually, economically vulnerable and would be much stronger as a single unit with a more broadly based economy. Such a unit would also be stronger from the standpoint of defence. Rail, trunk road and air communications needed to be planned on a broader basis. The unification of certain public services (difficult if not impossible as things stood) would secure greater efficiency. The most efficient use, in the interests of the people as a whole, of the capital resources of the whole region in finance, raw materials, power, labour and technical skill would be promoted. A general quickening expansion of the economy of the area would bring with it advantages to all the inhabitants and in particular the possibility of the more rapid social advancement of the African population. The need for action was urgent.

4. The officials considered the obstacles to closer association noted by the Royal Commission and found that since that time they had been materially reduced. Certain differences in native policy between

* Cmd. 5949. † Cmd. 8233. ‡ Cmd. 8234. § Cmd. 8235.
though important, they were felt to relate largely to method and timing: the ultimate objectives of all three Governments were broadly the same, namely, the economic, social and political advancement of the Africans in partnership with the Europeans. The officials noted that Southern Rhodesia spent more on certain services for Africans than did Northern Rhodesia or Nyasaland. They recognised the existence and importance of African opposition in Northern Rhodesia and Nyasaland, but believed that the judgment of African opinion would in the last resort turn on the form which a scheme of closer association might take. (Such a scheme is set forth in detail for the first time in the present paper.) They considered that with the growth of population, both European and African, since 1938, and with the material and political progress of the Territories, there should now be no difficulty in working effectively a scheme of closer association. Moreover, political advance in Northern Rhodesia and Nyasaland had narrowed the gap between the political institutions of Southern Rhodesia on the one hand and the northern Territories on the other. Finally, the resources of the three Territories should now be fully adequate to support a scheme of closer association.

5. The officials discussed various forms of closer association. They noted the view of those closely concerned with the work of the Central African Council that an advisory body could by itself do nothing further of value to promote collaboration between the individual Governments. They reviewed the idea of amalgamation (which had found favour for many years in Southern Rhodesia and elsewhere), and rejected it because, although it had many intrinsic merits, it stood so little chance of general acceptance that, if only for that reason, it could not be recommended. They also rejected the idea of a “League”, whereby the three Governments would delegate certain functions to a body appointed by themselves, on the grounds that it would be likely to produce friction and deadlock and that it equally stood little chance of general acceptance. They then recommended a scheme, which they discussed at length, for a federation under which the central Government would have certain specified powers, the remainder being left with the territorial Governments. The constitution that they recommended would include special safeguards for African interests.

6. The officials’ report was commended as a basis for discussion by all four Governments to the careful consideration of public opinion, His Majesty’s Government describing it as “a constructive approach to the problem”, and it was announced that no decision would be taken on their proposals until there had been full discussion and time for opinion to crystallise. The then Secretaries of State for Commonwealth Relations and the Colonies (the Rt. Hon. P. C. Gordon-Walker, M.P., and the Rt. Hon. James Griffiths, M.P.) visited Africa in August and September of 1951 to take part in discussions with representatives of all communities. Their tour concluded with a Conference which met at Victoria Falls in September. The nature and conclusions of that Conference are set out in a communiqué issued on the 21st September, and reproduced as Annex II. It was contemplated that, after further discussion within each territory and exchanges of views between the four Governments, there should be a further Conference in 1952.
After the change of Government in the United Kingdom a statement was made in Parliament on the 21st November, 1951, that His Majesty's Government were in full agreement with the Victoria Falls communique, and that they favoured a scheme of federation on the general lines recommended in the officials' report. They believed that such a scheme would be in the best interests of the African as well as the other inhabitants of the Territories. The statement specifically endorsed the assurances set out in the Victoria Falls communique regarding African interests, and undertook to ensure that they should be formally embodied in a federal constitution. His Majesty's Government promised to further the discussions and consultations contemplated in the communique.

As part of these consultations there were informal talks in London in January, 1952, with the Prime Minister of Southern Rhodesia and the Governors of Northern Rhodesia and Nyasaland. His Majesty's Government reaffirmed at this time that they could not agree to the amalgamation of the three Territories. They made a formal statement to the other Governments concerned in the following terms:

"Southern Rhodesia is a self-governing colony. Northern Rhodesia and Nyasaland are protectorates. If the three Territories were to be amalgamated, they would all become merged in the new self-governing state. Northern Rhodesia and Nyasaland would thus lose their separate identity (which they would retain in a Federation); and this would mean that His Majesty's Government would have to disregard obligations which, by virtue of treaty and otherwise, they have assumed towards the two northern Territories. This they cannot do."

After these talks it was announced that the Conference would be reconvened in April, in London, to formulate a draft scheme of federation. It was announced in the House of Commons on the 4th March, 1952, that the detailed scheme to be prepared at the April Conference would be published and that Her Majesty's Government proposed to convene a further Conference, to be held later in 1952, to consider the detailed scheme before the question of ratification or abandonment was finally put to the Governments concerned.

II. THE APRIL CONFERENCE

The reconvened Conference met at Lancaster House on the 23rd April, 1952, under the joint chairmanship of the Most Hon. the Marquess of Salisbury (Secretary of State for Commonwealth Relations) and the Rt. Hon. Oliver Lyttelton, M.P. (Secretary of State for the Colonies). The Southern Rhodesian delegation was led by the Prime Minister, the Rt. Hon. Sir Godfrey Huggins; the Northern Rhodesian delegation by the Governor, Sir Gilbert Rennie; and the Nyasaland delegation by the Governor, Sir Geoffrey Colby. The full membership of the various delegations is given in Annex I.

The Secretary of State for the Colonies had invited the African Representative Council of Northern Rhodesia and the African Protectorate Council of Nyasaland to send representatives to London for informal discussions with him and to take part in the Conference. These representatives duly came to London and had informal talks
at the Colonial Office before the Conference opened. During these discussions they declined the Secretary of State’s invitation to attend the Conference as delegates, although he gave them assurances that by attending they would not be committing themselves in any way. The Nyasaland representatives then asked whether they might attend as observers, but when on the following day the Secretary of State agreed to this suggestion they withdrew it and declined to attend in any capacity. A similar invitation to attend as observers was made to the Northern Rhodesian representatives, who also declined. These African representatives remained in London during the Conference and had discussions with many interested individuals and groups. The day after the Conference closed the Secretary of State for the Colonies explained the findings of the Conference to them. The two African members of the Southern Rhodesian delegation on the other hand attended the Conference and took an active part in the proceedings.

III. THE DRAFT FEDERAL SCHEME

12. The scheme set forth in the present White Paper consists of detailed proposals which could if approved be translated into a constitutional instrument. The following is a summary of its main features:

(i) The Preamble

The Preamble sets forth the main principles underlying the scheme. It draws attention to the desirability of the three Territories associating for common purposes while retaining their separate identities. It reflects undertakings about the interests of Africans to which effect is given elsewhere in the scheme, and emphasises that these three Territories are the rightful home of all their lawful inhabitants, whatever their origin.

(ii) Chapter I. The Federation

This Chapter proposes that the Federation shall be known as “The Federation of Rhodesia and Nyasaland” and leaves it to the Federal Assembly to decide where the capital of the Federation is to be located.

(iii) Chapter II. The Federal Legislature

This Chapter provides for the division of legislative powers between the Federal and the Territorial Legislatures (which within their exclusive spheres are in no way subordinate to one another). It sets out a number of subjects on which only the Federal Legislature may make laws. It also specifies a number of other subjects with which both the Federal Legislature and the Territorial Legislatures may deal, provided that in cases of inconsistency the Federal law will prevail. It also allows the Federal Legislature to delegate power to legislate on Federal subjects to the Territorial Legislatures, and (within certain defined spheres) allows the Territorial Legislatures to delegate power to the Federal Legislature. All subjects not specifically allotted to the Federal Legislature remain the responsibility of the Territories, and care has been taken to ensure that the Territorial Legislatures retain control of those matters which most closely concern the daily life of the African population.
Part 3 of this Chapter provides that the Federal Assembly will consist of 35 members, of whom 17 will be from Southern Rhodesia, 11 from Northern Rhodesia and 7 from Nyasaland. Of these 35 members, 33 will be elected. There will be 9 members representing African interests; and the scheme is designed to secure that at least 6 members of the Federal Assembly (that is to say, 2 from each Territory) shall be Africans. The scheme also provides that the Federal Assembly will elect a Speaker either from among its own members or from outside, but that, if a member of the Assembly is elected as Speaker, he will thereupon vacate his seat as a member of the Assembly.

(iv) Chapter III. Legislation and procedure

This Chapter makes provision for such matters as voting in the Federal Assembly and the assent to Bills. It also prescribes that the life of the Assembly will, unless it is dissolved earlier, be five years.

(v) Chapter IV. The Executive

This Chapter provides that Her Majesty will be represented in the Federation by a Governor-General. It empowers the Governor-General to appoint a Prime Minister and other Ministers and assign appropriate departments to them. It lays down that, except in certain instances where the Governor-General acts in his discretion, he will be required to act in accordance with the advice of his Ministers.

Provision is also made in this Chapter for the Federation to delegate executive authority to the Territories, and (within a defined sphere) for the Territories to delegate similar authority to the Federation.

(vi) Chapter V. The African Affairs Board

The African Affairs Board, apart from the Chairman, will consist of a European and an African nominated by the Governor of each Territory—a total membership of seven. The Chairman and the members of this Board will be independent of the Federal Assembly and Executive, and the Chairman will be appointed by the Governor-General with the approval of Her Majesty's Government. The Board's powers are designed to ensure that any Federal legislation which appears to the Board to differentiate either in terms or in operation between Europeans and Africans, to the disadvantage of the latter, will require to be referred to Her Majesty's Government. In addition, the Board will be entitled to make representations to the Federal Government on any matters affecting African interests.

(vii) Chapter VI. Finance

The question of the finances of the Federation requires further expert examination and is being referred to a Fiscal Commission, whose terms of reference are set out in this Chapter. The Commission will be required to investigate the financial consequences of setting up the Federation and to make recommendations about revenue and expenditure, borrowing powers and the transfer of assets and liabilities from the Territorial Governments to the Federation.

(viii) Chapter VII. The Federal Public Service

This Chapter is divided into two parts. The first part refers to the setting up of a Civil Service Preparatory Commission which is to work out the details of how the Federal Public Service is to be established, including the arrangements for transfer to the Federal Public Service of some of the officers and other employees at present serving in the Territorial Civil Services.
The second part of this Chapter provides for the setting up of a permanent Public Service Commission which will recommend appointments, promotions and transfers in the Federal Public Service once it is established.

(ix) Chapter VIII. The Federal Judicature

This Chapter provides for the establishment of a Federal Supreme Court whose members will include at least three Judges who are not members of the High Courts of the three Territories. It is intended that this Court shall have original jurisdiction and also be the Court of first appeal from the High Courts of the three Territories. A number of other matters connected with the establishment of the Federal Supreme Court will require further examination by a Judicial Commission, whose terms of reference are also given in this Chapter.

(x) Chapter IX. Miscellaneous

This Chapter deals with a number of matters not dealt with in other parts of the scheme. Included among these are the provisions for the amendment of the Constitution. These require that all amendments must be carried by a two-thirds majority of the total membership of the Federal Assembly and be reserved for the signification of Her Majesty’s pleasure. There is also provision that if a Territorial Legislature or the African Affairs Board has objected to any Bill to amend the Constitution Her Majesty’s assent to the Bill can be given only by Order in Council which would be laid in draft before the United Kingdom Parliament. The scheme makes it clear that power to amend the Constitution includes power to institute a second chamber if at any time that is thought desirable.

CONCLUSION

13. The scheme endeavours to safeguard the essential interests of the three Territories and all their inhabitants and to strike a fair balance between the need to create a Federation possessing, both economically and politically, adequate scope and strength for its work and the requirement that the Territories themselves shall continue to exist as vigorous entities, independent of the Federation within the sphere of government assigned to them.

(Sgd.) Salisbury.

Oliver Lyttelton.

G. M. Huggins.

G. M. Rennie.

G. F. T. Colby.
THE DRAFT FEDERAL SCHEME

PREAMBLE

The Preamble to the Constitution will contain recitals to the effect that:—

(a) the Colony of Southern Rhodesia is part of Her Majesty's dominions and Northern Rhodesia and Nyasaland are territories under Her Majesty's protection;

(b) the said territories are the rightful home of all lawful inhabitants thereof, whatever their origin;

(c) the association of the said territories in a Federation under Her Majesty's sovereignty would conduce to the security, advancement and welfare of all their inhabitants;

(d) the Colony of Southern Rhodesia should continue to enjoy self-government as a member of such a Federation;

(e) Northern Rhodesia and Nyasaland should continue, under the special protection of Her Majesty, to enjoy separate Governments responsible among other matters for local and territorial political advancement, so long as their respective peoples so desire; and

(f) it is accordingly desirable that provision should be made for such a Federation under Her Majesty's sovereignty and for the establishment of a Federal Government charged, to the extent of its functions, with promoting the security, advancement and welfare of all lawful inhabitants of the said territories.
CHAPTER I

THE FEDERATION

1. There will be established a Federation comprising the Territories of Southern Rhodesia, Northern Rhodesia and Nyasaland.

2. The Federation will be known as the Federation of Rhodesia and Nyasaland.

3. The seat(1) of the Federal Government will be at such place as may be decided by a majority of the Federal Assembly.

CHAPTER II

THE FEDERAL LEGISLATURE

PART 1. DIVISION OF LEGISLATIVE POWERS

1. The legislative power of the Federation will be vested in a Federal Legislature consisting of a Governor-General(2), representing Her Majesty, and a Federal Assembly.

2. (1) Subject to sub-paragraphs (4) to (6) below, the Federal Legislature alone will be empowered to make laws on the matters set out in the First Part of the Federal Legislative List (which Part is referred to as "the Exclusive List").

(2) Subject to sub-paragraph (4) below, both the Federal Legislature and (subject to any restrictions contained in their respective constitutions) the Legislatures of the Territories will be empowered to make laws on matters set out in the Second Part of the Federal Legislative List (which Part is referred to as "the Concurrent List"), but in the case of inconsistency between any Federal law and any Territorial law on any such subject the provisions of the Federal law will, to the extent of the inconsistency, prevail.

(3) Exclusive power to make laws on matters not set out in either the Exclusive List or the Concurrent List will (subject to any restrictions contained in their respective constitutions) reside in the respective Territorial Legislatures.

(4) The power of the Federal Legislature to make laws on any matter in the Exclusive List or the Concurrent List will include power to make provision for the compulsory acquisition of land for Federal purposes, but—

(a) in the case of Native Trust and Native Reserve Land as defined in the following Orders in Council (which secure the interests of Africans in relation to land) all powers of the Federal Legislature and Government to acquire land or interests therein will be subject to the provisions of those Orders:—

(i) The Northern Rhodesia (Crown Lands and Native Reserves) Orders in Council;

As the authority who is empowered to assent to Bills, the Governor-General is part of the Federal Legislature. He will not preside in, or belong to, the Federal Assembly.

This provision implements the assurances already given to safeguard African rights in land.
(ii) The Northern Rhodesia Crown Lands and Native Reserves (Tanganyika District) Orders in Council;

(iii) The Northern Rhodesia (Native Trust Land) Orders in Council; and

(iv) The Nyasaland Protectorate (African Trust Land) Orders in Council;

or any Orders in Council amending or substituted for those Orders; and

(b) in the case of land in Native Reserves and in the Native Area and Special Native Area as defined in the following Letters Patent and Act of the Legislature of Southern Rhodesia (which secure the interests of Africans in relation to land) all powers of the Federal Legislature and Government to acquire land or interests therein will be subject to the provisions of those Letters and that Act:

(i) The Southern Rhodesia Constitution Letters Patent, 1923; and

(ii) The Land Apportionment Act, 1941;

or any Letters Patent or any Act of the Legislature of Southern Rhodesia amending or substituted for those Letters Patent or that Act.

(5) The Federal Legislature will not by reason only of the inclusion in the Exclusive List of the words “External Affairs”, in so far as such words relate to the implementation of treaties and agreements with other countries, have power to make laws for any Territory with respect to any matter which is not in the Exclusive List or the Concurrent List.

(6) In order to avoid congestion of business in the Federal Legislature at the commencement of the Federation, the Governor-General will be empowered to prescribe the dates on which the Territorial Legislatures will cease to have power to legislate on any particular matter in the Exclusive List; and until such dates are prescribed the subjects in the Exclusive List will be regarded as being in the Concurrent List.

3. (1) The Federal Legislature will have power to delegate by Federal law to the Legislature of a Territory authority (either general or special) to legislate for such Territory with respect to any matter mentioned in the Exclusive List.

(2) (a) In this sub-paragraph “non-Federal matter” means any matter not mentioned in the Exclusive List or the Concurrent List; “Federal matter” means a matter mentioned in the Exclusive List; and “Concurrent matter” means a matter mentioned in the Concurrent List.

(b) The Legislature of a Territory will, subject to the provisions of the constitution of the Territory, have power to delegate to the Federal Legislature authority (either general or special) to legislate for

\[^{(1)}\text{These provisions enable either a Territorial or the Federal Legislature to delegate to the other. They have been inserted to give some flexibility to the working of the Constitution, but, in order to prevent weakening of the essential functions of the Territorial Legislatures, the power of delegation by them has been limited and defined.}\]
such Territory with respect to any non-Federal matter for the following purposes, that is to say—

(i) the creation and regulation of any corporate body or other authority to exercise functions in respect of more than one Territory; or

(ii) the establishment and regulation of schools for special categories of pupils; or

(iii) the regulation of veterinary research, animal health, and tsetse control and research, and the establishment of such services as may be necessary for that purpose.

(c) The Legislature of a Territory will also, subject as aforesaid, have power to delegate to the Federal Legislature authority to legislate for such Territory with respect to any non-Federal matter which, in the opinion of the Territorial Legislature, is ancillary to, or closely related to, any Federal or Concurrent matter and should be provided for in a Federal law which deals with such Federal matter or Concurrent matter: Provided that, when it so delegates authority to legislate with respect to any non-Federal matter, a Territorial Legislature will be required to specify the Federal or Concurrent matter to which, in its opinion, the non-Federal matter relates or is ancillary, and the Federal Legislature will not legislate with respect to such non-Federal matter except by a law which also deals with such Federal or Concurrent matter.

(3) (a) Either Legislature will have power to revoke any legislative authority which it has delegated to the other.

(b) Any law by which legislative authority is delegated by one Legislature to the other will prescribe a period of notice which must be given before such authority is revoked; and, except with the concurrence of the other Legislature, the delegating Legislature will not revoke the delegated authority except after giving the prescribed notice of its intention so to do.

(4) When any legislative authority delegated by the Federal Legislature to a Territorial Legislature is revoked or spent, any law which has been enacted by the Territorial Legislature in pursuance of that authority will remain in force but will be subject to amendment and repeal by the Federal Legislature.

Likewise, when any legislative authority delegated by a Territorial Legislature to the Federal Legislature is revoked or spent, any law which has been enacted by the Federal Legislature in pursuance of that authority will remain in force but will be subject to amendment and repeal by the Territorial Legislature.

(5) When authority to legislate with respect to any matter is delegated by the Federal Legislature to a Territorial Legislature or vice versa, this will not preclude the delegating Legislature from itself continuing to legislate with respect to such matter i.e. the Federation and the Territory will (until the delegated authority is revoked or spent) have concurrent powers of legislation within the delegated field, with Federal law prevailing over Territorial law in case of inconsistency.
2. DEFINITION OF FEDERAL LEGISLATIVE POWERS

1. Federal Legislative List

First Part—The Exclusive List
(Matters on which the Federal Legislature alone will be empowered to make laws.)

1. External Affairs.
2. Extradition, including the surrender of criminals and accused persons to parts of Her Majesty's dominions outside the Federation.
3. Defence.
4. Immigration.
5. Aliens.
7. Import and Export Control, Exchange Control and Promotion of Exports.
8. Control of the distribution and of the wholesale and retail price of such manufactured and unmanufactured commodities as the Governor-General may from time to time specify.
11. Companies and Corporations.
12. Insurance.
14. Copyright, Patents, Trade Marks and Designs.
15. The construction, alteration and maintenance of all roads (insofar as they lie within the Federation) scheduled as inter-territorial in the Final Act of the Johannesburg Transport Conference, 1950, and any other inter-territorial roads which at any future time may be prescribed in that behalf by Federal law.
16. Railways and ancillary services (including ancillary transport services).
17. Aviation, aerodromes and ancillary services (including safety of aircraft, and ancillary transport services).
18. Meteorology.
19. Posts and Telecommunications (including Telephones).
20. Broadcasting (including Television and Rediffusion).
21. Supply of Electricity.
23. Primary and Secondary Education of persons other than Africans.

(3) The precise fora in which certain of these matters would ultimately be written into the Constitution may be affected by the recommendations of the Fiscal Commission. The terms of reference of this Commission are set out in Chapter VI.

(4) See Chapter II, Part 1, paragraph 2 (5) and footnote (28) to Chapter IV, paragraph 2 (1).
24. Higher Education (including Higher Education of Africans), that is to say, institutions offering courses of a university, technological or professional character, and such other matters as the Governor-General in his discretion may, by regulations, define as higher education.

25. Weights and Measures.

26. Archives.

27. The Federal Public Service.


29. Federal Supreme Court (subject to the provisions of the Constitution)

30. Establishment and constitution of any Federal Courts other than the Federal Supreme Court.

31. Legal proceedings between the Federal Government and Territorial Governments or between Territorial Governments.

32. Legal proceedings by and against the Federal Government.

Second Part—The Concurrent List

(Matters on which both the Federal Legislature and the Territorial Legislatures will be empowered to make laws, with Federal law prevailing in case of inconsistency.)

33. Deportation.

34. Movements of persons from one Territory to another.

35. Purchase and Sale of Commodities by Governments.

36. Marketing Boards (subject to item 8 above).

37. Development of Industries.

38. Banks and Banking (subject to further examination by the Fiscal Commission).

39. Bankruptcy and Insolvency.

40. Hire Purchase.

41. Roads, other than those referred to in item 15 above.

42. Road-Rail Crossings.

43. Regulation of Road Traffic.

44. Water, including canals and other inland waters catchment areas, water supply and storage, water power, irrigation, drainage and embankments, control of silt, and riparian rights.

45. Distribution of Electricity.

46. Scientific and Industrial Research, other than veterinary and tsetse research.

47. The service and execution in any Territory of the Civil and Criminal Processes and Judgments (including Decrees, Orders, Convictions, Sentences and Decisions) of the Courts of any other Territory.

(*) It is intended by this item that the Federation should have power to provide courses of training for which the general educational entrance qualification would be at or above the Overseas School Certificate level or its equivalent. It may be in the public interest, however, for such institutions to offer ancillary or additional courses for which this entrance qualification will not necessarily be required.

(8) See Chapter II, Part 3, paragraphs 3 (1) (b), 13 and 14 (5) and Chapter VIII.

(9) See Chapter VI
48. Prisons and other institutions for the treatment of, and methods of treating, offenders against the law.

49. Care and Protection of Minors.

50. European Police Recruitment, European Police Training, Police Force Central Reserve, Criminal Investigation Department and Records.\(^{(10)}\)

51. Health.\(^{(11)}\)

52. Promotion of Tourist Traffic.

53. National Parks.

54. Town Planning.

55. Geological, Trigonometrical, Topographical and Cadastral Surveys.

56. Production and Distribution of Government Films.

57. Census and Statistics.

58. Jurisdiction of Federal Courts (subject to the provisions of the Constitution\(^{(12)}\)).

2. No specific proposals can be made about the respective powers of the Federation and the Territories to legislate with regard to taxes on income or government borrowing until the Fiscal Commission\(^{(13)}\) has reported.

3. The power to make laws relating to trade unions and industrial conciliation will remain Territorial\(^{(14)}\); and the power of the Federal Legislature to legislate on any matter in the Federal Legislative List will not, therefore, include power to legislate on trade unions or industrial conciliation.

4. The Federal Legislature will be empowered to make laws on matters incidental to the execution of any power vested by the Constitution in the Federal Legislature or in the Government of the Federation or in the Federal Judiciary or in any officer or department of the Federation, including the appointment of persons for the execution of such powers.

A Territorial Legislature will similarly be empowered to make laws on matters incidental to the execution of any Territorial power.

\(^{(10)}\) One of the objects of including this item in the Concurrent List is to enable the Federal Government to provide uniform standards of recruitment and training for all European Police Officers throughout the three Territories, while at the same time leaving the Territorial Police Forces responsible to the Territorial Governments in the execution of their duties.

The Federal Government will also be empowered by this provision to provide certain common specialised police services, e.g. the C.I.D. and the Fingerprint Bureau, and to maintain a Police Force Central Reserve, members of which could be made available to the Territorial Governments on loan or secondment on a contractual basis.

In addition, the Federal Government will require to have its own law enforcement officers of all ranks for a number of services which appear in the Federal Legislative List, e.g. Customs and Immigration. If the Federal capital is declared to be "extraterritorial", it will also require police to maintain law and order in the area.

\(^{(11)}\) One of the reasons for placing this item in the Concurrent List is that in the Northern Territories a number of public health regulations are enacted and enforced by the Native Authorities. As a general principle it is considered that regulations made under a Federal law should not apply to Native Authorities and it is therefore intended that such regulations should be made under Territorial legislation.

\(^{(12)}\) See Chapter VI.

\(^{(14)}\) This is necessary as an interim measure in view of the differences which exist at present between the Territories in the laws relating to trade unions and industrial conciliation. So far as Federal Government undertakings are concerned, the Conference considered that an obligation should be placed on the Federal Government to promote the adoption in agreement with the three Territorial Governments of unified machinery for industrial conciliation.
PART 3. THE FEDERAL ASSEMBLY

Composition of the Federal Assembly

1. (1) The Federal Assembly will consist of 35 members, namely—
   (a) 26 Elected Members;
   (b) 7 Elected Members for African Interests; and
   (c) 2 Appointed Members for African Interests.

   (2) (a) The Elected Members will be elected and hold their seats in accordance with the provisions of paragraphs 2 to 5 below.
   (b) The Elected Members for African Interests will be elected and hold their seats in accordance with the provisions of paragraphs 6 to 13 below.
   (c) The Appointed Members for African Interests will be appointed and hold their seats in accordance with the provisions of paragraph 14 below.

   (3) The Federal Assembly will choose its own Speaker and Deputy Speaker. The Speaker may be chosen either from among the 35 members mentioned above or from outside the Assembly. The Deputy Speaker will be chosen from among the 35 members mentioned above. (See paragraphs 15 to 17 below).

Elected Members

2. The 26 seats for Elected Members will be allocated as follows—
   Southern Rhodesia—14 seats.
   Northern Rhodesia—8 seats.
   Nyasaland—4 seats.

3. (1) Except for the first general election (and subject to the special provisions with regard to Nyasaland contained in paragraph 5 below), the Federal Legislature will be empowered, subject to sub-paragraph (3) below, to make provision for the election of Elected Members and in particular for the following matters in relation to such members and their election—
   (a) qualifications and disqualifications for election;
   (b) the circumstances in which such members will vacate their seats;
   (c) qualifications and disqualifications for registration as an elector or for voting at elections;
   (d) the registration of electors;
   (e) the holding of elections, direct or indirect;
   (f) the delimitation of electoral districts for the purpose of returning such members to the Federal Assembly and the allocation to any such district of seats in the Assembly;
   (g) the definition and trial of offences relating to elections and the imposition of penalties therefor; and
   (h) the determination by the Federal Supreme Court of any question which arises as to the right of any person to be or remain such a member.

   (2) In the exercise of the aforesaid powers the Federal Legislature may provide for different methods of election in different Territories and also for different methods of election within the same Territory.
(3) (a) If the Speaker, or the Deputy Speaker on his behalf, certifies that any Bill of the Federal Legislature makes provision for—

(i) qualifications or disqualifications for election; or
(ii) the circumstances in which a member will vacate his seat; or
(iii) qualifications or disqualifications for registration as an elector or for voting at elections;

then the Bill will require to be passed by a vote of two-thirds of all the members of the Assembly and to be reserved for the signification of Her Majesty's pleasure.

(b) The requirements of sub-paragraph (3) (a) above will not apply in respect of any provision which—

(i) disqualifies a person for election or for registration as an elector or for voting at elections, by reason of his being concerned in any offence relating to elections; or
(ii) requires a person to vacate his seat upon conviction of such an offence.

4. (16) (1) For the first general election to the Federal Assembly, and thereafter until the Federal Legislature otherwise provides, the election of Elected Members, including the matters particularly referred to in paragraph 3 (1) above, will be governed—

(a) as regards Southern Rhodesia, by the law which is in force immediately before the commencement of the Federation in respect of elections to the Southern Rhodesia Legislative Assembly; and
(b) as regards Northern Rhodesia, by the law which is in force immediately before the commencement of the Federation in respect of elections to the Northern Rhodesia Legislative Council.

(2) (a) To enable them to be used thus for Federal elections the electoral laws of Southern and Northern Rhodesia will require some adaptation. (In particular it will be necessary to delimit Federal electoral districts, which will be fewer in number than the existing districts). The necessary adaptations will be made by the Governor-General by regulations.

(b) In adapting the electoral laws of Southern and Northern Rhodesia for the purposes of Federal elections, the Governor-General will be required to provide—

(i) that if a member of a Territorial Legislature stands for election to the Federal Assembly and is elected thereto he will not take his seat in the Federal Assembly until he has resigned his membership of the Territorial Legislature; and

(13) This is the politically important part of the electoral law and is made subject to special procedure.

(14) The transitional provisions in paragraphs 4 and 5 are necessary to enable the first Federal elections to be held before there is any Federal law.

(15) The adaptations so made by the Governor-General will, of course, be effective only for the purpose of the Federal elections and will in no way apply in respect of elections to the Legislative Assembly of Southern Rhodesia or the Legislative Council of Northern Rhodesia.

(16) It will be noted that the same person cannot belong to both the Federal Assembly and a Territorial Legislature.
(ii) that if a member of the Federal Assembly becomes a member of a Territorial Legislature he will thereupon vacate his seat in the Federal Assembly.

(c) The Governor-General's power to make regulations under this paragraph will be exercised by him in his discretion. The power will not extend beyond a specified date (say the date of the first sitting of the Federal Assembly) and the regulations will not have effect unless approved by a Secretary of State.

5. (1) The Federal Legislature will not have power to legislate for Nyasaland with respect to the matters referred to in paragraph 3 (1) above until such date as the Legislative Council of Nyasaland may by resolution appoint.

(2) For the first general election to the Federal Assembly and thereafter until such date as may be appointed under sub-paragraph (1) above, the election of Elected Members (including the matters particularly referred to in paragraph 3 (1) above) will, as regards Nyasaland, be governed by such regulations as may be made in that behalf by the Governor-General with the agreement of the Governor of Nyasaland. In the exercise of this power the Governor-General will have authority to provide for such form of election, direct or indirect, as he thinks fit.

(3) Regulations made by the Governor-General under this paragraph will contain provisions similar to those prescribed by paragraph 4 (2) (b) above.

(4) The Governor-General's power to make regulations under this paragraph will be exercised by him in his discretion and the regulations will not have effect unless approved by a Secretary of State.

Elected Members for African Interests

6. The 7 seats for Elected Members for African Interests will be allocated as follows—

<table>
<thead>
<tr>
<th>Allocation of seats.</th>
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<tbody>
<tr>
<td>Southern Rhodesia</td>
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<tr>
<td>Northern Rhodesia</td>
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<tr>
<td>Nyasaland</td>
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7. Subject to the provisions of paragraph 8 below, a person will be qualified to be elected as an Elected Member for African Interests in Southern Rhodesia if he is a citizen of Southern Rhodesia, and in Northern Rhodesia or Nyasaland if he is a British subject or a British protected person; and no other person will be qualified to be so elected.

8. (1) No person will be qualified to be elected as an Elected Member for African Interests who—

(a) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign Power or State; or

See footnote (16) to paragraph 4 (1) above.

See footnote (15) to paragraph 4 (2) (b) above.

Since there is no existing Electoral Law which can be adapted to provide for the election of Elected Members for African Interests it is necessary to set out these qualifications and disqualifications in detail. The corresponding provisions for other Elected Members would be as laid down in paragraphs 4 and 5 of this Part.
(b) holds or is acting in any office of emolument under the Crown; or

c) is an undischarged bankrupt or unrehabilitated insolvent, having been declared bankrupt or insolvent under any law in force in any part of Her Majesty’s dominions; or

d) is under sentence of death, or is serving, or has within the immediately preceding five years completed the serving of, a sentence of imprisonment (by whatever name called) exceeding six months imposed in any part of Her Majesty’s dominions and has not received a free pardon; or

e) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law for the time being in force in the Federation or in any part thereof; or

(f) is disqualified for election to the Federal Assembly by any law for the time being in force relating to offences connected with elections.

(2) If a member of a Territorial Legislature stands for election to the Federal Assembly as an Elected Member for African Interests and is elected thereto, he will not take his seat in the Federal Assembly until he has resigned his seat in the Territorial Legislature.

9. The three members from Southern Rhodesia will be elected in accordance with regulations to be made by the Governor of Southern Rhodesia. The regulations will provide for the election of two African members and one European member.

10. (1) The two members from Northern Rhodesia will be elected by such body as the Governor of Northern Rhodesia may, for the purposes of this paragraph, designate as a body representative of Africans.

(2) The said members will be elected in accordance with regulations made by the Governor of Northern Rhodesia.

11. (1) The two members from Nyasaland will be elected by such body as the Governor of Nyasaland may, for the purposes of this paragraph, designate as a body representative of Africans.

(2) The said members will be elected in accordance with regulations made by the Governor of Nyasaland.

12. The seat of an Elected Member for African Interests will become vacant—

(a) upon dissolution of the Federal Assembly; or

(b) upon his death; or

(c) if he resigns his seat by writing under his hand addressed to the Speaker; or

(d) if he is absent from twenty-one consecutive sittings of the Assembly and at the expiration of one month after the twenty-first sitting the Speaker has not, by writing under his hand, excused such absence; or

[22] See footnote (15) to paragraph 4 (2) (b) above.

[23] It is intended that for the first election the bodies designated for this purpose will be in the case of Northern Rhodesia, the African Representative Council, and in the case of Nyasaland, the African Protectorate Council.

[24] See footnote (21) to paragraphs 7 and 8 above.
(e) if he becomes a member of a Territorial Legislature; or
(f) if, in the case of a member for Southern Rhodesia, he ceases to be a Southern Rhodesian citizen or if, in the case of a member for Northern Rhodesia or Nyasaland, he ceases to be a British subject or ceases to be a British protected person without becoming a British subject; or
(g) if he takes any oath or makes any declaration or acknowledgement of allegiance, obedience, or adherence to any foreign Power or State; or does, concurs in, or adopts any act done with the intention that he shall become a subject or citizen of any foreign Power or State; or
(h) if he is adjudged or otherwise declared bankrupt or insolvent under any law in force in any part of Her Majesty's dominions; or
(i) if he is sentenced by a court in any part of Her Majesty's dominions to death, or to imprisonment (by whatever name called) for a term exceeding six months; or
(j) if he becomes subject to any of the disqualifications prescribed in paragraph 8 (1) (b), (e) and (f) above.

13. Any question as to the right of any person to be or remain an Elected Member for African Interests will be determined by the Federal Supreme Court in accordance with rules of court made in that behalf.

Appointed Members for African Interests

14. (1) Of the 2 seats for Appointed Members for African Interests one will be allocated to Northern Rhodesia and the other to Nyasaland.

(2) The member from Northern Rhodesia will be appointed by the Governor of Northern Rhodesia and the member from Nyasaland will be appointed by the Governor of Nyasaland.

(3) Such a member will be subject to the same qualifications and disqualifications as an Elected Member for African Interests. (See paragraphs 7 and 8 above.)

(4) Such a member will be appointed for the duration of a parliament, i.e. he will (like an Elected Member for African Interests) vacate his seat upon a dissolution of the Federal Assembly; and his seat will also become vacant in such other circumstances as would cause the seat of an Elected Member for African Interests to become vacant (see paragraph 12 above).

(5) Any question which arises as to the right of a person to be or remain an Appointed Member for African Interests will be determined by the Federal Supreme Court in accordance with rules of court made in that behalf.

Speaker and Deputy Speaker

15. (1) The Federal Assembly will be empowered to elect a Speaker either from among the members of the Assembly or from outside the Assembly: Provided that if a person who is a member of the Assembly is elected as Speaker he will thereupon vacate his seat in the Assembly.

(2) The Assembly will be required to elect the Speaker before the despatch of any other business at the first sitting of the Assembly after the commencement of the Federation, and thereafter at the first sitting
after every dissolution and at the first or second sitting after the occurrence of a vacancy in the office of Speaker.

16. (1) The Federal Assembly will be required to elect a Deputy Speaker from among the members of the Assembly.
   (2) The Assembly will be required to elect a Deputy Speaker—
       (a) at the first sitting of the Assembly after the commencement of the Federation; and
       (b) at the first sitting of the Assembly after a dissolution; and
       (c) at the first sitting of the Assembly after the occurrence of a vacancy in the office of Deputy Speaker;
       or as soon as is convenient thereafter.

17. The Speaker or the Deputy Speaker will vacate his office—
       (a) on the dissolution of the Federal Assembly; or
       (b) on his being appointed as a Minister; or
       (c) in the case of the Speaker, on his becoming an Elected Member or an Elected or Appointed Member for African Interests; or
       (d) on resigning his office.

**Miscellaneous**

18. The Speaker if present will preside at sittings of the Federal Assembly and, in his absence, the Deputy Speaker. In the absence of both the Speaker and the Deputy Speaker there will preside such member as the Assembly may elect.

19. No business except that of adjournment will be transacted by the Federal Assembly if objection is taken by any member present that there are less than twelve members present besides the Speaker or other member presiding.

20. Subject to the provisions as to quorum, the validity of the proceedings of the Federal Assembly will not be vitiated by reason of any vacancy among the members, or by reason of the participation in the proceedings of the Assembly of any person not entitled to participate therein.

21. (1) The privileges, immunities and powers of the Federal Assembly and its members will be determined and regulated by Federal law, provided that no such privileges, immunities or powers will exceed those of the House of Commons or the members thereof.
   (2) The initial provision for such privileges, immunities and powers will be made by the Governor-General by regulations; such regulations will be subject to revocation and amendment by Federal law.

The Governor-General's power to make regulations under this subparagraph will be exercised by him in his discretion; and the power will not extend beyond a specified date (say the date of the first sitting of the Federal Assembly).
CHAPTER III

LEGISLATION AND PROCEDURE

1. The usual provision will be made in the Constitution for the taking of an oath of allegiance by the members of the Federal Assembly before they take part in its proceedings.

2. (1) Save as otherwise provided in the Constitution, all questions proposed for decision in the Federal Assembly will be determined by a majority of votes of the members present and voting.

(2) The Speaker, or other person presiding in his absence, will not have an original vote but will have and exercise a casting vote in the case of an equality of votes.

3. (1) The Federal Assembly will be empowered to make Standing Orders for the regulation of its proceedings, despatch of business, etc.

(2) The Governor-General will be empowered in his discretion to make the first Standing Orders which will then be subject to amendment and revocation by the Federal Assembly.

4. Except with the recommendation or consent of the Governor-General the Federal Assembly will not proceed upon any Bill, amendment, motion or petition which, in the opinion of the Speaker or other member presiding, would dispose of or charge any public revenue or public funds of the Federation, or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty.

5. When a Bill has been passed by the Federal Assembly it will be presented to the Governor-General, who, subject to paragraph 6 below, will be empowered in his discretion either himself to assent or to refuse assent thereto on behalf of Her Majesty, or to reserve the Bill for the signification of Her Majesty's pleasure.

6. (1) The Governor-General will be obliged by the Constitution to reserve for the signification of Her Majesty's pleasure—

(a) any Bill by which any provision of the Constitution is revoked or amended or which is in any way repugnant to or inconsistent with the provisions of the Constitution; and

(b) any Bill which is required to be reserved for the signification of Her Majesty's pleasure by Chapter V (African Affairs Board); and

(c) any Bill which is required to be reserved for the signification of Her Majesty's pleasure by Chapter II, Part 3, paragraph 3 (3) (Electoral law).

(2) The Governor-General will be required by Royal Instructions also to reserve for the signification of Her Majesty's pleasure—

(a) any Bill the provisions of which appear inconsistent with the obligations of Her Majesty under any international agreement;

(b) any Bill whereby any grant of land or money or other donation may be made to himself; and

(2A) This will enable the Assembly to have an initial set of Standing Orders when it first meets.

(2B) See Chapter IX, paragraph 5.
181. any Bill containing provisions to which Her Majesty's assent has once been refused or which have been disallowed by Her Majesty.

7. Her Majesty will have power to disallow a Federal law at any time within twelve months after it has been assented to by the Governor-General.

8. The Federal Assembly will be summoned to meet once at least in every year, and twelve months will not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

9. (1) The Governor-General will be empowered at any time to prorogue or dissolve the Federal Assembly.

(2) The Governor-General will be required to dissolve the Federal Assembly at the expiration of five years from the date of the return of the first writ at the last preceding general election unless it has been sooner dissolved.

10. The Constitution will prescribe a period within which the first general election to the Federal Assembly must be held. Thereafter a general election will be held at such time within three months after every dissolution of the Assembly as the Governor-General may by Proclamation appoint.

CHAPTER IV

THE EXECUTIVE

1. There will be a Governor-General(27) of the Federation appointed by Her Majesty.

2. (1) The executive authority of the Federation will extend to all matters with respect to which the Federal Assembly is empowered to make laws(28).

(2) The Governor-General(29) may, with the consent of a Governor of a Territory, entrust to such Governor or to any other officer or

(27) It is provided in paragraph 6 (1) of this Chapter that the Governor-General will act on the advice of his Ministers except in the exercise of those powers which are stated to be exercisable in his discretion. In exercising his discretionary powers the Governor-General, while free to consult his Ministers, is not obliged to do so or to act on their advice; he is responsible to the Secretary of State and, subject to that, uses his own judgment. In all other cases the powers belong to the Governor-General in Council, i.e. he will exercise them on the advice of his Ministers.

The Governor-General's discretionary powers are set out in the following paragraphs of the draft Federal Scheme:

- Transitional:—Chapter II, Part 3, paragraphs 4 (2), 5 (2) and 21 (2); Chapter III, paragraph 3 (2); Chapter IX, paragraph 1.
- African Affairs Board:—Chapter V, paragraph 2, paragraph 6, sub-paragraphs "2", "5 (4)", "6 (2)", and paragraph 7.
- Miscellaneous:—Chapter II, Federal Legislative List, item 24; Chapter III, paragraph 5; Chapter IV, paragraph 2 (2), footnote (29), paragraph 3 (2), footnote (29).

(29) Arrangements similar to those already made with the Government of Southern Rhodesia will require to be made between Her Majesty's Government and the Federal Government to enable the latter to conclude trade, etc., agreements on its own behalf.

(29) The Governor-General will act in his discretion in delegating to the Governor, etc., of a Territory any function which he himself is empowered to exercise in his discretion.

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authority of such Territory functions in relation to any matter which the executive authority of the Federation extends.

(3) A law of the Federal Assembly which applies to any Territory may, notwithstanding that it relates to a matter to which the executive authority of that Territory does not extend, confer powers or impose duties, or authorise the conferring of powers or the imposition of duties, upon the Governor of that Territory or upon any other officer or authority of that Territory; but no such provision of Federal law will have effect in relation to any Territory until the Governor of that Territory has so declared by notice in the official Gazette of the Territory.

3. (1) The executive authority of a Territory will remain as it was at the commencement of the Federation except that—

(a) it will not extend to any matter with respect to which the Federal Assembly has exclusive power to make laws; and

(b) in relation to matters in the Concurrent List, the Federation as well as the Territory will have executive authority (see paragraph 2 (1) above).

(2) The Governor of a Territory may, with the consent of the Governor-General, entrust to the Governor-General or to any other officer or authority of the Federation functions in relation to any matter to which the executive authority of the Territory extends and which, in the opinion of the Governor, is ancillary to, or closely related to, any matter included in the Exclusive List or the Concurrent List.

4. (1) The Governor-General may appoint a Prime Minister and other Ministers and may assign to each Minister such Departments as he thinks fit.

(2) A Minister will hold office during Her Majesty's pleasure.

(3) No Minister will hold office for a longer period than four months unless he is or becomes a member of the Federal Assembly.

5. (1) There will be an Executive Council to advise the Governor-General in the government of the Federation. The Executive Council will consist of:

(a) the Prime Minister

(b) such other persons, being Ministers, as the Governor-General may from time to time appoint.

(2) Members of the Executive Council will hold office during Her Majesty's pleasure, and will cease to be members of the Executive Council if they cease to be Ministers.

(3) Members of the Executive Council and Ministers will be required to take an appropriate oath in respect of their offices.

6. (1) The Governor-General will be required by Royal Instructions to act in accordance with advice of the Executive Council in the exercise of all powers conferred on him by the Constitution except those powers which are stated to be exercisable by him in his discretion. As regards the appointment of a Prime Minister and Ministers the normal constitutional conventions will be followed.

(30) In giving his consent to such delegation by the Governor of a Territory the Governor-General will act in his discretion if satisfied that the functions to be delegated are similar to functions which he himself is empowered to exercise in his discretion.

(31) There will be a system of Cabinet government but in accordance with normal constitutional practice the Cabinet as such will not be mentioned in the Constitution.
(2) It will be provided that the question whether any, and if so what, advice is tendered to the Governor-General by the Executive Council may not be enquired into in the Courts.

7. The prerogative of pardon will, in respect of offences against Federal law, be exercised by the Governor-General. In respect of other offences the prerogative of pardon will, as at present, be exercised by the respective Governors of the Territories.

CHAPTER V

THE AFRICAN AFFAIRS BOARD

Constitution of the Board

1. (1) There will be an African Affairs Board consisting of a Chairman and six ordinary members.

(2) No person will be eligible for appointment as Chairman or as an ordinary member of the Board who—

(a) is a member of the Federal Assembly or of any Territorial Legislature; or

(b) is a public officer.

2. The Chairman of the Board will be such person as the Governor-General in his discretion may, with the approval of a Secretary of State, appoint.

3. The Governor of each Territory will nominate two persons, being respectively an African and a European, for appointment as ordinary members of the Board and the Governor-General will appoint as ordinary members of the Board the persons who are so nominated.

4. A person will cease to hold office as Chairman or as an ordinary member of the Board—

(a) if his appointment is revoked by the Governor-General with the approval of a Secretary of State; or

(b) on the termination of such period as may be specified in the instrument by which he is appointed; or

(c) if he becomes a member of the Federal Assembly or of any Territorial Legislature or becomes a public officer; or

(d) if he resigns his office by writing addressed to the Governor-General; or

(e) if, in the case of an ordinary member, he is appointed as Chairman of the Board.

Functions of the Board

5. (1) It will be the general function of the Board to make to the Prime Minister (or, through the Prime Minister, to the Executive Council) such representations in relation to any matter within the legislative or executive authority of the Federation as the Board may consider to be desirable in the interests of Africans.

(2) If a Territorial Government so requests, the Board will give to such Government assistance in relation to the study of matters affecting Africans, and in particular the Board will provide Territorial Governments, at their request, with facilities for the exchange of information relating to any such matter.
(3) The Board will have the particular functions in relation to legislation which are conferred on it by paragraph 6 below.

6. These functions can be most concisely expressed in the form of the following tentative draft sections for inclusion in the Constitution:

"Interpretation" 1. In the following sections—

"Bill" includes the draft of a Bill which it is proposed to introduce in the Federal Assembly and, in the case of a Bill which has been so introduced, includes such Bill as amended in the Federal Assembly;

"differentiating measure" means a Bill or a subordinate law by which Africans are subjected or made liable to any conditions, restrictions or disabilities disadvantageous to them to which Europeans are not also subjected or made liable, or which might in its practical application have a like effect; and

"subordinate law" means any instrument which has the force of law and is made in the exercise of a power conferred by a law of the Federal Legislature.

2. Before any Bill is introduced in the Federal Assembly a copy of the Bill shall be sent to the Board, unless the Governor-General in his discretion shall have certified in writing that such Bill—

(a) is of such a nature that it is not in the public interest that the Bill should be published before its introduction in the Federal Assembly; or

(b) is too urgent to permit of a copy thereof being sent to the Board before the Bill is introduced in the Federal Assembly.

3. (1) If the Board considers that any Bill or subordinate law is a differentiating measure, the Board may send to the Prime Minister a notice in writing to that effect (hereinafter referred to as a 'notice of objection') and shall in such notice state the reasons why, in the opinion of the Board, the Bill or law is a differentiating measure.

(2) (a) A notice of objection in respect of a Bill shall be sent to the Prime Minister as soon as is practicable and shall in any case be delivered to the Prime Minister before the Bill is presented to the Governor-General for assent.

(b) A notice of objection to a subordinate law may be delivered to the Prime Minister at any time within thirty days after the publication of the subordinate law.

4. The Board may at any time withdraw a notice of objection by a further notice in writing sent to the Prime Minister, and the succeeding sections shall not apply in relation to any notice of objection after it has been withdrawn.

5. When a notice of objection is received by the Prime Minister in respect of a Bill then—

(a) if the Bill is subsequently introduced in the Federal Assembly, the notice of objection shall be laid on the table of the Assembly when the Bill is introduced; and

(b) if the Bill has already been introduced in the Federal Assembly (and whether or not the Bill has already been passed by the Assembly), the notice of objection shall be laid on the table of the Assembly as soon as is practicable after it is received.
(2) If the Federal Assembly passes any Bill in respect of which the Prime Minister has received a notice of objection or if the Prime Minister receives a notice of objection in respect of a Bill which has already been passed by the Assembly, the notice of objection shall be laid before the Governor-General when the Bill is presented to him for assent and thereupon the following provisions of this section shall have effect.

(3) Save as is otherwise provided in subsection (4) of this section the Governor-General shall not assent to the Bill but shall reserve it for the signification of Her Majesty’s pleasure and shall send the notice of objection to a Secretary of State together with the Bill.

(4) The Governor-General in his discretion may assent to the Bill—^{(12)}

(a) if he is satisfied that it is not a differentiating measure;

or

(b) if he is satisfied, upon representations made to him by the Prime Minister, that it is essential in the public interest that the Bill be brought into immediate operation;

but, if he does so assent, the Governor-General shall forthwith send to a Secretary of State the Bill to which he has assented together with the notice of objection and a statement of his reasons for assenting.”

6. (1) When a notice of objection in respect of a subordinate law is received by the Prime Minister, he shall, within thirty days, send the notice of objection and his comments thereon to the Governor-General; and the Governor-General shall send the notice of objection together with the Prime Minister’s comments to a Secretary of State.

(2) (a) A Secretary of State may at any time within twelve months after he has received a notice of objection under this section disapprove of the subordinate law to which the notice of objection relates.

(b) Upon receipt of notification of a Secretary of State’s disapproval of any subordinate law, the Governor-General shall cause notice of such disapproval to be published in the official Gazette of the Federation; and the subordinate law shall be deemed to be revoked as from such date as the Governor-General in his discretion may by such notice appoint, but without prejudice to anything previously done thereunder or to the enactment of a new subordinate law.”

Regulations

7. The Governor-General will be empowered in his discretion to make regulations^{(13)} for giving effect to this Chapter and in particular will be

^{(12)} This power to assent in exceptional circumstances to a Bill which has been objected to by the Board will not apply in the case of any Bill of a kind required to be reserved by some other part of the Constitution—see Chapter III, paragraph 6 (1) (a) and (c).

^{(13)} These regulations will inter alia provide

(a) that the decisions of the Board shall be by majority vote. (The Chairman’s casting vote, when it is necessary, should be given in favour of keeping the subject under discussion);

(b) that where the Board is not unanimous this fact shall be reported to the Governor-General at the time the notice of objection is submitted.
empowered to provide by such regulations for the following matters:—

(a) the terms of service of the Chairman and members of the Board;
(b) the appointment of persons to fill temporary vacancies in the membership of the Board (including any temporary vacancy in the office of Chairman) and the tenure of office and terms of service of persons so appointed;
(c) the organization of the work of the Board and the manner in which the Board will perform its functions, including the number of persons who will constitute a quorum of the Board;
(d) the delegation to the Chairman or any member of the Board of any of the functions of the Board;
(e) consultation by the Board with persons other than members of the Board;
(f) the appointment, tenure of office and terms of service of staff to assist the Board in the performance of its functions.

CHAPTER VI

FINANCE

PART 1. GENERAL

1. A Fiscal Commission is being set up to investigate and report on what financial arrangements should be made for a Federation of the three Territories. The terms of reference to be given to this Commission are as follows:—

“(1) To assess the effect of the creation of a Federation of Southern Rhodesia, Northern Rhodesia and Nyasaland on the public expenditure of the Federal area as a whole, and in particular to estimate, after taking account of the transfer of assets and liabilities involved, the net cost of—

(a) Federal services under the proposed Federation;
(b) the services remaining to be undertaken by the constituent Governments;

bearing in mind the need for the maximum economy in administration compatible with the basic purposes of the proposed Federation.

(2) In the light of (1) above, and in the light of the allocation of sources of revenue set out in Chapter VI of the Draft Federal Scheme, to undertake an enquiry into the means whereby the revenues available, or to be made available, to the three constituent Governments and to the Federal Government under the proposed Federation should best be collected and distributed between the Federal Government and the constituent Governments, having regard on the one hand to the need to preserve to the constituent Territories financial autonomy within the sphere of government assigned to them, and on the other hand to the importance of ensuring that the financial resources of the area comprised by the proposed Federation are applied for the benefit of the area as a whole.
(3) To consider, in particular, what form of taxation on incomes would be best adapted to the needs of such a Federal system, bearing in mind the desirability of ensuring, so far as circumstances permit, a uniform practice throughout the Federal area as regards reliefs and allowances.

(4) To consider, in the light of the fundamental importance of ensuring co-ordination of loan policies, what arrangements could most suitably be made between the Federal Government and the constituent Governments as regards external and internal government borrowing.

(5) To undertake an enquiry into the internal and external problems created by a decision to establish a Customs Union of the three Territories constituting the proposed Federation and to consider the means by which these problems can best be solved in the interests of the Federal area.

(6) To consider the steps which should be taken to bring the Customs Union into full effect as expeditiously as possible and at any rate within a period of not more than two years from the decision to establish such a Union.

(7) To submit recommendations on the above subjects to the Governments of Southern Rhodesia, Northern Rhodesia and Nyasaland, and to Her Majesty's Government in the United Kingdom.

In the matter of income tax the Conference noted from a study of other federal systems that it has in general been found best to arrange for basic income tax to be assessed and collected on a federal basis. It took the view that so far as possible income tax law and administration should be unified. This would apply to all taxes on income.

2. Until the Fiscal Commission has submitted its report it is not possible to set out in detail what the financial arrangements for the Federation would be. They should however be on the following general pattern.

3. As will be seen from the terms of reference the distribution of income tax between the Federation and the Territories will be one of the matters on which the Fiscal Commission will make recommendations. In addition to any taxes on income which may be assigned to the Federation as a result of these recommendations and subject to any overriding considerations to which the Fiscal Commission may draw attention the Federation should have the following revenues:

(a) The produce of Customs and Excise.

(b) Postal, Telephones and Telecommunications revenues.

(c) Fees for services rendered by the Federal Government and such other revenues as may accrue to the Federation in connection with any matter within the jurisdiction of the Federation.

4. All revenues or other moneys raised or received by the Government of the Federation will form one Consolidated Revenue Fund to be appropriated for the purposes of the Federation in the manner prescribed by the Constitution and subject to the charges imposed thereby.
5. (a) The cost of the collection and management of the Consolidated Revenue Fund will form a first charge on the Fund.

(b) The Constitution will also charge upon the Consolidated Revenue Fund the emoluments of the Governor-General, the Chief Justice and other Judges of the Federal Supreme Court and the Chairman and other members of the African Affairs Board.

6. All such costs, charges and expenses will be reviewed and audited in such manner as may be laid down by Federal law.

7. Money will be withdrawn from the Consolidated Revenue Fund on any appropriation made by law but provision will be made on the usual lines whereby, in advance of parliamentary appropriation, money can in certain circumstances be made available to meet unforeseen expenditure and to cover any period, not exceeding four months, between the end of a financial year and the passing of the Appropriation Act for the following year.

PART 2. BORROWING

1. The Fiscal Commission is being directed (cf. terms of reference (4)) to consider, in the light of the fundamental importance of ensuring co-ordination of loan policies, what arrangements could most suitably be made between the Federal Government and the Territorial Governments as regards external and internal government borrowing. It appears that such co-ordination could best be achieved by the establishment of a Loans Council for the Federation on the model of the Loan Council of Australia which has executive powers over certain aspects of governmental borrowing. This Council would be representative of the Federal Government and the three Territorial Governments. It is envisaged that it would deal solely with government borrowing outside the Federal area by the three Territorial Governments and by the Federal Government.

2. No final arrangements can be proposed for external and internal borrowing by the Federal Government and the Territorial Governments until the Fiscal Commission has reported on this matter, particularly as the question of loans is to some extent connected with the question of revenues.

PART 3. TRANSFER OF ASSETS AND LIABILITIES

In the course of its deliberations the Fiscal Commission will consider what assets and liabilities it will be necessary or desirable to transfer from the Territories to the Federation and the terms on which such transfers should take place.
CHAPTER VII

THE FEDERAL PUBLIC SERVICE

PART 1. CIVIL SERVICE PREPARATORY COMMISSION

In order to work out the details of how the Federal Public Service is to be established a Commission of Enquiry, to be known as the Civil Service Preparatory Commission, is being set up with the following terms of reference:

“(1) In the light of the provisions of the Draft Federal Scheme, and in particular of the provisions of Part 2 of Chapter VII, to make recommendations concerning the establishment of a Federal Public Service and in particular for the following matters:

(i) initial arrangements for the transfer to the Federal Public Service of those functions which are to be transferred from Territorial to Federal control;

(ii) organisation and structure of the Federal Public Service;

(iii) terms and conditions of service of officers and other employees appointed to the Federal Public Service;

(iv) arrangements for the transfer to the Federal Public Service of those officers and other employees at present serving in the Territories who will be required to staff Federal services;

(In making recommendations on this subject the Preparatory Commission shall have regard to the need for preservation of existing rights and avenues of advancement of such officers and employees.)

(v) arrangements which should govern the grant of the right to retire on abolition-of-office terms to officers and other employees who are at present staffing such services of the Territorial Governments as are to be transferred to the Federal Government and who elect not to accept appointment in the Federal Public Service.

(2) To consider what steps should be taken to work towards uniformity in terms and conditions of service between the Federal Public Service and the Territorial Public Services in order to encourage interchangeability of staff between these four services.)

PART 2. ESTABLISHMENT AND CONTROL OF THE FEDERAL PUBLIC SERVICE

1. In this Part the expression “Federal Public Officer” does not include a Judge of any Federal Court.

2. The power to appoint (including power to promote or transfer) and the power to dismiss and to exercise other disciplinary control over Federal Public Officers will be vested in the Governor-General.

(34) The Federal Public Service will be separate from the Territorial Public Services which will continue to carry out the functions remaining with the Territorial Governments.
Constitution etc. of the Public Service Commission.

Delegation of Governor-General's powers.

Miscellaneous provisions regarding the Public Service Commission.

Preservation of pension rights, etc.

3. (1) There will be a Public Service Commission to advise the Governor-General in the exercise of the powers conferred on him by paragraph 2 above.

(2) (a) The Public Service Commission will consist of such persons as the Governor-General may appoint, one of whom the Governor-General will nominate as Chairman of the Commission.

(b) No person will be appointed as or will remain a member of the Public Service Commission if he is a member of the Federal Legislature or of any Territorial Legislature.

4. (1) In the exercise of the powers referred to in paragraph 2 above the Governor-General will act after consultation with the Public Service Commission.

(2) The Public Service Commission will have such other functions as may be assigned to it by law or regulations enacted in pursuance of paragraph 6 below.

5. The Governor-General may delegate to any person or authority in the Federation any of the powers conferred on him by paragraph 2 above. The Governor-General may delegate any such power subject to such limitations and conditions as he may think fit, and in particular may require the person or authority to whom the power is delegated to exercise such power with the advice of the Public Service Commission and may prescribe whether or not such person is to act in accordance with the advice of the Public Service Commission.

6. (1) The Federal Legislature will be empowered to make laws for giving effect to the foregoing provisions of this Part and in particular for the following matters:

(a) additional functions of the Public Service Commission;

(b) appointment of temporary members of the Commission (including a temporary Chairman);

(c) tenure of office and other terms of service of members (including temporary members) of the Commission;

(d) organisation of work of the Commission and the manner in which it shall perform its functions;

(e) staff of the Commission and their terms of service;

(f) delegation to any member of the Commission of any of the Commission's functions.

(2) Until the Federal Legislature makes provision for the matters referred to in sub-paragraph (1) above, the Governor-General may make provision for such matters by regulations. Such regulations will be subject to revocation and amendment by Federal law.

7. The conditions of service, including pensions, gratuities and other like benefits, of public officers (and their widows, children, dependants and personal representatives) which might be affected by the establishment of the Federation, will be preserved. This will also apply to former public officers who, although retired or transferred elsewhere, are entitled to such benefits.

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(3) The Public Service Commission would be a continuing body quite distinct from the Preparatory Commission referred to in Part 1 of this Chapter.
CHAPTER VIII

THE FEDERAL JUDICATURE

1. (1) The Federal Supreme Court will consist of a President, and such other judges as the Governor-General may appoint, one of whom may be designated Vice-President.

(2) A judge will not be removed from office except by the Governor-General on an address from the Federal Assembly praying for such removal on the ground of misbehaviour or incapacity or infirmity of mind or body.

(3) The judges will receive such remuneration as may be prescribed by Federal law but the remuneration of a judge will not be diminished during his tenure of office.

2. If, in proceedings in any other court in the Federation, any question arises as to the interpretation of the Constitution, the court will have power to refer such question directly to the Federal Supreme Court.

3. The Federal Supreme Court will have original jurisdiction in proceedings between Territorial Governments or between the Federal Government and any Territorial Government, and in such other matters as may be prescribed.

4. The Federal Supreme Court will have jurisdiction to hear and determine—

(a) appeals from its own original side, in so far as such appeals are provided for by Federal law;

(b) appeals from Territorial Courts in matters arising under Territorial law, in so far as such appeals are provided for by Territorial law; and

(c) appeals from Territorial Courts in matters arising under Federal law, in so far as such appeals are provided for by Territorial or Federal law.

5. Subject to the preceding paragraphs of this Chapter, jurisdiction in civil and criminal proceedings arising under Federal law will, unless it is otherwise provided by Federal law, vest in and be exercised by Territorial Courts as if the Federal law in question were a Territorial law.

6. The establishment of the Federal Judicature is largely a technical matter which will have to be studied and reported on later by a Judicial Commission. The terms of reference of this Commission will be as follows:

"To consider in the light of the proposals in the Draft Federal Scheme, particularly Chapter VIII thereof:

(i) the constitution of the Federal Supreme Court, whose members shall include at least three judges who are not members of the High Courts of the three Territories;"

(19) These other matters should be comparatively few. Whether any of them need to be described in the Constitution itself cannot be decided until the Judicial Commission has reported—see paragraph 6 below.
(ii) the jurisdiction of the Federal Supreme Court, original and appellate;

(iii) appeals from the Federal Supreme Court;

(iv) the legislative authority of the Legislatures of the Federation and the Territories respectively in relation to the jurisdiction of the Federal Supreme Court;

(v) the making of Rules of Court for the Federal Supreme Court including rules regulating the procedure in questions regarding membership of the Federal Assembly which come before the Court under Chapter II, Part 3, of the Draft Federal Scheme;

and to make recommendations.

CHAPTER IX

MISCELLANEOUS

1. At the commencement of the Federation there will be in existence a number of Territorial laws relating to matters which will under the Constitution become Federal matters. The Federal Legislature will have to make provision for such laws to be construed in a manner which conforms to the provisions of the Constitution (e.g. by the substitution of references to Federal authorities for references to Territorial authorities). It may, however, be necessary to make some such provisions before the Constitution comes fully into operation. The Governor-General will, therefore, be empowered in his discretion to make formal adaptations in Territorial laws for this purpose at any time before the first meeting of the Executive Council.

2. To preserve the rights reserved under the Lewanika concessions the Constitution will contain a provision similar to section 41 of the Northern Rhodesia Order in Council, 1924, which reads as follows: —

"41. (1) It shall not be lawful for any purpose whatever, except with the consent of the Chief of the Barotse and with the approval of the Secretary of State, to alienate from the Chief and people of the Barotse the territory reserved from prospecting by virtue of the concessions from Lewanika to the British South Africa Company, dated the 17th day of October, 1900, and the 11th day of August, 1909.

(2) All rights reserved to or for the benefit of natives by the aforesaid concessions as approved by the Secretary of State shall continue to have full force and effect."

3. A person who sits or votes in the Federal Assembly knowing or having reasonable grounds for knowing that he is not entitled so to do will be liable to a penalty not exceeding twenty pounds for every day on which he so sits or votes. The penalty will be recoverable by action in the Federal Supreme Court at the suit of the Attorney-General of the Federation.

4. To reduce the risk of litigation on constitutional questions where the Federal Legislature and all three Territorial Legislatures are agreed, the Constitution will contain a section on the following lines: —
"(1) If the Federal Assembly by resolution directs that any Federal law shall be laid upon the table of each Territorial Legislature, such law shall be so laid as soon as is practicable thereafter:

Provided that no resolution shall be passed in pursuance of this subsection later than one month after the date of enactment of the law to which it relates.

(2) At any time within a period of six months after a Federal law has been laid on the table of a Territorial Legislature in pursuance of subsection (1) of this section (which period is hereinafter referred to as "the prescribed period") such Legislature may by resolution declare that it is not satisfied that the law relates only to Federal matters.

(3) If—

(a) a Federal law has been laid on the table of each Territorial Legislature in pursuance of subsection (1) of this section; and

(b) no Territorial Legislature has, within the prescribed period, made in respect of that law such a declaration as is referred to in subsection (2) of this section,

then (except in any proceedings which have already been commenced) the validity of that law shall not be questioned in any court on the ground that the law relates to matters other than Federal matters.

(4) (a) In this section the expression "Federal matters" used in relation to a Federal law means matters with respect to which the Federal Legislature had authority to legislate at the time when such law was enacted.

(b) For the purposes of this section the date of enactment of a law shall be the date on which such law is assented to."

5. (1) The provisions of the Constitution will be subject to amendment by Federal law: Provided that a Bill for the amendment of the Constitution (hereinafter referred to as a "constitutional Bill")—

(a) will require to be passed by a two-thirds majority of the total membership of the Federal Assembly excluding the Speaker; and

(b) will not be assented to by the Governor-General but will be reserved by him for the signification of Her Majesty's pleasure.

(2) Her Majesty's assent to a constitutional Bill will be required to be signified by Order in Council—

(a) if any Territorial Legislature by resolution objects to the Bill or to any provision thereof within sixty days after the Bill has been passed by the Federal Assembly; or

(b) if, under Chapter V, a notice of objection to the Bill by the African Affairs Board is laid before the Governor-General at the time when the Bill is presented to him for the Royal assent.

(3) No draft of an Order in Council signifying Her Majesty's assent to a constitutional Bill will be presented to Her Majesty unless—

(a) a copy of the draft has been laid before both Houses of Parliament; and
(b) neither House has, within a period of forty days beginning with the day on which the copy of the draft is laid before it, resolved that the draft should not be presented to Her Majesty.

(4) Her Majesty's assent to a constitutional Bill will, when it is not required to be signified by Order in Council, be signified through a Secretary of State, but will not be so signified sooner than sixty-five days after the Bill has been passed by the Federal Assembly unless within that time the Legislatures of all three Territories have passed resolutions to the effect that they do not propose to object to the Bill or to any provision thereof under sub-paragraph (2) (a) above.

(5) The power to amend the Constitution by Federal law will include power to establish and constitute a second chamber of the Federal Legislature and to prescribe its functions and generally to make such amendments of the Constitution as may be considered necessary or expedient in consequence of the establishment of such second chamber.

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This is the normal way of signifying the Royal assent to a Bill which has been reserved.
LIST OF THOSE TAKING PART IN THE CONFERENCE

United Kingdom

The Most Hon. the Marquess of Salisbury, K.G.
The Rt. Hon. Oliver Lyttelton, D.S.O., M.C., M.P.
The Rt. Hon. A. T. Lennox-Boyd, M.P.
Mr. J. G. Foster, Q.C., M.P. ...
Sir Percivale Liesching, G.C.M.G., K.C.B.
Mr. G. H. Baxter, C.M.G., C.I.E.
Mr. W. L. Gorell Barnes, C.M.G.
Mr. J. B. Williams, C.M.G.
Mr. E. Melville, C.M.G.
Mr. J. P. Gibson, C.B.E.
Mr. H. T. Bourdillon ...
Mr. J. E. Marnham, M.C.
Mr. R. S. Hudson, C.M.G.
Mr. R. L. D. Jasper ...

Secretary of State for Commonwealth Relations.
Secretary of State for the Colonies.
Minister of State for Colonial Affairs.
Parliamentary Under-Secretary of State for Commonwealth Relations.
Permanent Under-Secretary of State, Commonwealth Relations Office.
Assistant Under-Secretary of State, Commonwealth Relations Office.
Assistant Under-Secretary of State, Colonial Office.
Assistant Under-Secretary of State, Colonial Office.
Assistant Under-Secretary of State, Colonial Office.
Assistant Secretary, Commonwealth Relations Office.
Assistant Secretary, Colonial Office.
Assistant Secretary, Colonial Office.
Head of African Studies Branch, Colonial Office.
Principal, Commonwealth Relations Office.

Southern Rhodesia

The Hon. E. C. F. Whitehead, C.M.G., O.B.E., M.P.
The Hon. J. M. Greenfield, Q.C., M.P.
The Hon. P. B. Fletcher, M.P.
Mr. R. O. Stockil, M.P.
Mr. W. H. Eastwood, M.P.
Mr. K. M. Goodenough, C.M.G., M.C.
Mr. A. H. Strachan, C.B.E.
Mr. T. G. Gisborne ...
Mr. J. B. Ross ...
Mr. A. D. Evans, M.B.E.
Mr. J. N. N. Nkomo ...
Mr. J. Z. Savanhu ...

Prime Minister.
Minister of Finance.
Minister of Internal Affairs and Justice.
Minister of Native Affairs.
Leader of the Opposition.
Rhodesia Labour Party Representative.
High Commissioner in London.
Secretary to the Treasury.
Secretary to the Cabinet.
Deputy High Commissioner in London.
Assistant Secretary for Internal Affairs.
African Delegate.
African Delegate.
Northern Rhodesia

Sir Gilbert Rennie, K.C.M.G., M.C. ... Governor.
Mr. E. I. G. Unsworth, Q.C. ... Attorney General.
Mr. R. P. Bush, O.B.E. ... Secretary for Native Affairs.
Mr. R. A. Nicholson ... Economic Secretary.
Mr. R. Welensky, C.M.G., M.L.C. ... Chairman of the Unofficial Members Association.
Mr. G. B. Beckett, C.M.G., M.L.C. ... Member for Agriculture and Natural Resources.
Lt.-Col. E. M. Wilson, M.B.E., M.L.C. ... Member for Health and Local Government.
Mr. J. S. Moffat, O.B.E., M.L.C. ... Nominated Unofficial Member of the Legislative Council representing African Interests.

Nyasaland

Sir Geoffrey Colby, K.C.M.G. ... Governor.
Mr. V. Fox-Strangways ... Secretary for African Affairs.
Mr. M. P. Barrow, C.B.E. ... Senior Unofficial Member of Legislative Council.
Mr. G. G. S. J. Hadlow, O.B.E. ... Unofficial Member of Legislative Council.
Mr. J. Marshall, O.B.E., M.C. ... Unofficial Member of the Economic Development Committee.
Mr. K. Ommaney Shelford ... President of the Convention of Associations.

Central African Council

Mr. H. N. Parry ... Chief Secretary.

Legal Advisers

Sir Kenneth Roberts-Wray, K.C.M.G.
Mr. J. C. McPetrie.
Mr. T. H. Perrott.

Conference Adviser

Professor K. C. Wheare ... Gladstone Professor of Government and Public Administration, University of Oxford.

Secretaries

Mr. A. Savage ... Cabinet Office.
Mr. D. Williams ... Colonial Office.
Mr. N. Aspin ... Commonwealth Relations Office.
FINAL COMMUNIQUE OF THE VICTORIA FALLS CONFERENCE ON THE CLOSER ASSOCIATION OF THE CENTRAL AFRICAN TERRITORIES

The Victoria Falls Conference issued the following communiqué after its final meeting on Friday, September 21st, 1951:

1. The present Conference was convened by the Governments of the United Kingdom, Southern Rhodesia, Northern Rhodesia and Nyasaland for the purpose of discussing the question of Closer Association of the British territories in Central Africa.

2. The Conference opened at Victoria Falls on Tuesday, 18th September, and was of a representative character. In the case of Southern Rhodesia the representatives included the Prime Minister and other Ministers and leaders of the Opposition parties in Parliament. In the case of Northern Rhodesia the delegation consisted of the Governor and official and unofficial members of the Legislative Council, including Africans. Nyasaland was represented by the Governor, senior officials and leading unofficial persons, European and African. The United Kingdom delegation consisted of the Secretaries of State for the Colonies and for Commonwealth Relations, accompanied by some of their chief advisers.

3. The Conference had before it the Report prepared last March by a number of senior official advisers of the four Governments concerned. The authors of that Report had been requested “to examine the problem in all its aspects and consider whether it is possible in the light of this examination for them to formulate proposals for a further advance to be made in the closer association of the three Central African territories which they could recommend to the Governments of these territories and to His Majesty's Government in the United Kingdom”. Their work was purely exploratory and did not commit any of the participating Governments to the adoption of any proposals that they might formulate.

4. The Report of the London Conference of officials was unanimous on all points. Its main recommendation was that closer association between the three territories ought to be brought about and that the need for this is urgent. It recommended further that this should be done not by amalgamation of the territories, but on a federal basis; and put forward in some detail a scheme framed to take particular account of the special features of the Central African situation, including the self-governing status of Southern Rhodesia, and designed to provide substantial safeguards for the interests of Africans. Moreover, those matters most closely affecting the life of Africans would under the proposals in the Report come within the territorial and not within the federal sphere; and within the territorial sphere the Northern Rhodesia and Nyasaland Governments would remain responsible as at present to His Majesty’s Government in the United Kingdom.

5. In announcing the present Conference it has from the outset been made clear that there was no intention of reaching decisions at it binding on any Government. It was realised that such a conference might disclose points of difference with regard to the principle of federation as well as to the proposals made in the Report to bring it into being. This has proved to be the case. It has become evident that further discussion within each territory and exchanges of views between the four Governments will be necessary, and the Conference has therefore adjourned. It is hoped that the position can be sufficiently clarified to enable the Conference to reassemble in London about the middle of next year.

6. On the main question of federation, as so far presented and examined, the Conference, with the exception of the African representatives, showed itself favourable to the principle of federation. The representatives of African interests in Northern Rhodesia explained that Africans would be willing to consider the question of federation on the basis of the Report of the London Conference of officials after the policy of partnership in Northern Rhodesia had been defined and, as so defined, put into progressive operation.
7. There was general agreement in the Conference that economic and political partnership between Europeans and Africans is the only policy under which federation could be brought about in the conditions of Central Africa, and it was recognised that any scheme of closer association would have to give full effect to that principle.

8. The Conference was gravely concerned at the dangers which would flow from any weakening or dilution of the British connection and British traditions and principles in the three territories and agreed that they should so be strengthened as to ensure that they should continue to prevail.

9. The Conference recognised the advantages which—if an acceptable scheme with adequate safeguards for all could be agreed upon—would arise from the common handling of problems that transcend territorial boundaries, such as communications, research, defence, higher education, and the planning of economic development.

10. It has however been made clear at the Conference that one of the main obstacles to the general acceptance of federation rests in the apprehensions felt by Africans in the two northern territories that federation might impair their position and prospects in the respective territories.

11. The Conference agreed that in any further consideration of proposals for federation:

(i) The protectorate status of the two northern territories would be accepted and preserved. This therefore excludes any consideration now or in the future of amalgamation of the three territories unless a majority of the inhabitants of all three territories desired it.

(ii) Land and land-settlement questions in Northern Rhodesia and Nyasaland must remain, as at present (subject to the ultimate authority of His Majesty's Government in the United Kingdom), the responsibility of the territorial Government and Legislature in each territory and not of any federal authority. The land rights of the African people in Northern Rhodesia and Nyasaland must remain secured in accordance with the existing Orders in Council on the subject.

(iii) The political advancement of the peoples of Northern Rhodesia and Nyasaland, both in local and territorial government, must remain as at present (subject to the ultimate authority of His Majesty's Government in the United Kingdom) the responsibility of the Government and Legislature of each territory, and not of any federal authority.

12. It was further agreed that if any form of closer association is eventually decided on all these rights should be enshrined as an integral part of the constitution.

13. The Conference did not reach the stage of discussing the constitution and powers of the Federal Parliament, but the Southern Rhodesian delegation intimated that there were certain points in the Report as written with which they do not agree and which should be discussed with all concerned before the resumed conference is held. These points would not weaken the powers of the territorial legislatures referred to in paragraph 11 above.

14. The Conference understood that other delegations might also have reservations on points in the Report as written.
APPENDIX III

NORTHERN RHODESIA

Sir G. Rennie to the Secretary of State for the Colonies. (Received 9th December, 1952; repeated to Governor of Nyasaland No. 301)

Immediate

(Personal No. 84. Secret) 9th December, 1952.

Your telegram personal No. 85. Federation.

Following for Gorell Barnes:

It is exceedingly difficult to predict the effect on the political and security situation. Reactions throughout the greater part of the rural areas are unlikely to be serious but, in some areas, Congress leaders may well persuade the majority of Africans to take part in non-co-operation and withdrawal of labour from Government and other employment. No disturbances expected in Barotseland where no strong feelings on Federation exist, but if there are important changes (disadvantageous to Africans) in the scheme, reaction of Barotse Native Authority will almost certainly be adverse. There may well be trouble in parts of the Serenje District and in the Northern Province, where much will depend on the attitude of Chitimukulu, who is in alliance with the Congress in strong opposition to Federation, but has hitherto not favoured violence. There is danger of some organised resistance by Congress branches, with the probability of incidents, and the possibility of disturbances, in Winamwanga Reserve and Chinsali Area, Northern Province. The same applies to the thickly populated Luapula Valley. Along the line of rail, much will depend in Livingstone on the attitude of the Paramount Chief of Barotseland, who despises Congress and is known to dislike violence, though his influence is probably less than it was, and his dislike of criticism would make it unlikely that he would take a firm line. In the European farming areas along the line of rail, not much trouble beyond a possible general strike may be expected, though in the Mazabuka District, which is a stronghold of the Congress, there might well be some tearing down of fences and other damage to property. There may be ugly demonstrations in the line of rail towns. On the Copperbelt, there is every chance of a passive resistance campaign developing, with the possibility of isolated incidents of violence. Should the present safeguards in the scheme be weakened, we may look to disquiet, more bitter opposition by Africans, and accusations of breach of faith. There are rumours of Congress secret plans, and one report has it that Congress plans as follows:

(i) strikes on the Copperbelt and the line of rail;
(ii) propaganda to all chiefs to spread the news and prevent labour going to the mines;
(iii) Congress may adopt Mau Mau tactics wherever they have a local branch; and
(iv) there is another plan which is secret and only known by the parent body in Lusaka, and the Committee Members in Lusaka and the Copperbelt.

Undue importance should not be attached to the last two points, but they serve to indicate the difficulty of predicting the course of events if the decision is taken to proceed. Provided that there are no important changes in the scheme, and that the safeguards are really effective my present view is that there should be no lasting bitterness or long drawn out strife or violence on the part of agitators. But the future will depend upon whether the scheme implemented in good faith, and whether Africans reap any benefits or the reverse. Firm action by the Government might discredit Congress leaders. If Federation is not imposed, Congress will consider that they have won a great victory and demands by European politicians for a greater measure of self-government will increase racial tension and strengthen the influence of Congress, with the possibility of an eventual conflict as great as if Federation had been imposed, and more difficult to deal with.
APPENDIX IV

NYASALAND

APPRECIATION OF THE EFFECT ON THE POLITICAL AND SECURITY SITUATION IN THE PROTECTORATE OF A DECISION TO PROCEED WITH CENTRAL AFRICAN FEDERATION

Assumptions

(a) that the federal scheme is on the general lines of the draft scheme in Command 8573, but possibly with important changes of detail;
(b) that the majority at any rate of vocal African opinion in Central Africa is against the scheme; but
(c) that Her Majesty's Government in the United Kingdom genuinely considers the scheme to be in the best interests of Central Africa including Africans.

The Political Situation: December, 1952

1. The political situation has deteriorated during the past six weeks and has now reached a stage at which it has definite security implications. This deterioration is likely to continue as the federation issue works up to a climax. The cause of this deterioration is the campaign of racial jealousy and distrust now being undertaken by the Nyasaland African Congress.

2. So long as the Government gave no positive lead in the federation issue, Congress had the field to itself and was able to impose its views on Africans by fomenting fear and distrust of Southern Rhodesia and its European inhabitants. Those few Africans who spoke in favour of federation or who wished to learn more about it were quickly and effectively silenced by Congress members, often by threats and intimidation.

3. As soon as the Government began to give a positive lead with regard to federation, and took steps to explain its advantages to the mass of Africans, and especially after the Minister of State's tour, there were signs of a swing to more moderate views. Congress, noticing these, immediately and vigorously extended its campaign to include the direct promotion of racial jealousy and distrust of local Europeans, both official and unofficial, and to undermine confidence in the Provincial Administration and the Nyasaland Government.

4. Africans who speak in favour of federation or wish to discuss it, and even more so those who enter into discussions on the subject with Europeans, are now branded as traitors, in the pay of either the Government or the Capricorn Africa Society, who are prepared to sell their country and their people to the Europeans. These accusations are made regardless of the status of the person concerned and Chiefs would not be immune from them. In addition, Congress has now increased its representation in the villages to a point where the vocal elements are sometimes unruly and are always in a position to smother and overcome any individuals inclined to more moderate views. It may be assumed that Congress has now representatives in all the main villages and particularly in those around Native Authority Headquarters, and that these representatives are carrying on constant propaganda to cause jealousy and distrust and to undermine confidence in the European. (It is significant that one District reports that Africans, in talk among themselves, now allude not to "Government officers" but to "whites"). The African Civil Servants' Association, of course, faithfully rides the Congress line.

Position of the Native Authorities

5. The effect of all this, coupled with events in Kenya, has been thoroughly to frighten the Chiefs, most of whom are consequently subordinating themselves to Congress dictation. One or two are still standing aloof; but most are adopting the rôle of figureheads voicing the opinion of the vocal elements, and some have come out openly as Congress supporters; this last faction is growing. It will be recalled that in the early stages many Chiefs ventured the opinion that it was a mistake to invite African opinion, and that if Her Majesty's Government thought federation would be a good thing it should be imposed without discussion. While a large number probably still adhere to this view and would probably accept federation
if it came (if only because the decision would bring relief from the doubts and uncertainties of their present position), most are afraid to say so, or in fact to say anything which might antagonise Congress. Their position can easily be undermined by the Congress organisation in their villages, and they fear they would get no support from other Chiefs.

6. A significant feature of the present situation is the ease and speed with which Chiefs and others who oppose Congress can now be brought to book. It would seem that fear of federation cannot be divorced from fear of Congress. As a result of the Congress campaign a growing disrespect towards Europeans and Government officials has become noticeable, even among the Chiefs, and this shows signs of spreading.

External influences

7. Events in Kenya are being closely watched by Africans and there have been an increasing number of expressions of sympathy towards Mau Mau, and of talk of something similar to Mau Mau being started in Nyasaland if federation is imposed. There has also been talk of replacing J. R. N. Chinyama, the President-General of Congress, as he is not militant enough in his leadership. Hastings Banda is maintaining his spate of exhortation and incitement towards the goal of African self-government and is responsible more than any single other person for the present situation.

8. The Nyasaland African Congress has been offered three seats on the East and Central African Anti-Federation League, the headquarters of which are in Nairobi. It is not yet known whether this offer has been accepted but it is clear that external influences are affecting the political situation in Nyasaland to a greater degree than ever before.

Short-term prospects

9. It would seem that the situation is likely to boil up at about the time of the London Conference, and thereafter to work up to a climax coinciding with the final decision on federation.

If federation comes about

10. It is improbable that Congress, having worked up political feeling to a high pitch and having assured Africans that they have only to say "No" in order to avert federation, will accept the imposition of federation without some sort of demonstration. This might take the form of strikes in Government or other services; walk-outs; and possibly non-co-operation by the Chiefs (Native Authorities). This last, if it amounted to widespread passive resistance, non-payment of Native Tax, etc., would be very embarrassing, for the Chiefs would be upheld in the eyes of their people by local Congressmen and in the rural areas at least administration would be made very difficult.

11. There is a good deal of loose talk among Africans about the Mau Mau activities, and the possibility of a movement on these lines in Nyasaland cannot be excluded.

12. If federation comes about, trouble is likely to be precipitated, but there is a good chance that it might be of short duration. Once it becomes apparent that Her Majesty's Government and the Nyasaland Government do not intend to be intimidated by Congress, they are likely to regain and command respect and confidence from the wayfarers, and the Chiefs may well draw the line at militant disorders, particularly if the situation is firmly handled from the start. (It must be remembered that the Chiefs' salaries would be jeopardised by an open break with Government.)

If Federation does not Come About

13. On the other hand, the situation is not likely to be greatly improved by a rejection of federation. The Congress campaign of distrust of Europeans and of the Government is likely to continue with a view to launching the Congress alternative to federation, which is self-government under African domination within 5 years. Latest Police reports indicate that Congress meetings are now going underground, which may portend mischief.
14. It is likely that Congress now feel almost strong enough to launch their campaign for self-government. A rejection of federation will be claimed and accepted as a demonstration of their power and the support which they can command from external sources, and this is likely to win them many new adherents. Though the Chiefs have stated that they intend to free themselves from Congress domination when the federation issue has been disposed of, there is little chance that they will have the will or the power to do so, except perhaps in the case of rejection of federation by Southern Rhodesia.

15. In the case of rejection—other than by Southern Rhodesia—any resistance to Congress is likely to collapse, and while there would probably be some breathing space while Congress win the Chiefs over to the idea of self-government under African domination, trouble would be delayed rather than averted. Loss of confidence in the Nyasaland Government and its officials would be accelerated, and the general political situation would deteriorate instead of improving.

Conclusions

16. African opposition to federation is largely of artificial creation, and it is extremely difficult to distinguish between fear of federation and fear of the Nyasaland African Congress. To the average African who thinks about these things, the alternatives seem to be (a) the acceptance of federation with all that he has been made to fear from it, or (b) self-government by Nyasaland Africans in 5 years.

17. Ruling out the possibility of the latter alternative, trouble is likely to occur in any case within the foreseeable future and the sooner it comes the less time there will be for outside influence to direct it. Moreover, if it came on the federation issue, and federation proved in the end to be to Africans' visible benefit, Congress would lose considerable face.

18. Any estimate of the nature and extent of possible trouble must at this stage be largely conjectural. See paragraph 10 above. If trouble occurred, and if an "incident" occurred at the outset of such a nature that it could be firmly dealt with, the chances are that opposition would crumble. See paragraph 12 above.

19. The more quickly the federation issue can be disposed of, one way or another, the better; for Congress is finding the cloak of opposition to the federation proposals, fear of Southern Rhodesia, and distrust of the Government, a most useful one under which to foment inter-racial distrust and hatred and to attain African unity to support an all-out campaign for African self-government.