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CABINET.

THE REPORT OF THE HILTON YOUNG COMMISSION.

MEMORANDUM BY THE SECRETARY OF STATE FOR THE COLONIES.

IT may be convenient to my colleagues if I add a few points in elucidation of my previous memorandum (C.P. 47 (29)).

There are really three separate issues arising out of the Report of the Hilton Young Commission which Sir S. Wilson will have to deal with in East Africa. The first of these concerns the closer union of the three territories immediately concerned, Kenya, Uganda, Tanganyika, in respect of such common services, mainly economic, as customs, railways, ports, aviation, posts and telegraphs, defence, &c. These are matters which may be difficult to negotiate, and may arouse keen local controversy. But they are in no sense controversial here, or calculated to raise any issues of political principle. As far as they are concerned any agreement which Sir S. Wilson may be able to secure is likely to be acceptable in Parliament, whether it follows precisely the lines indicated by the Hilton Young Commission or not.

The second concerns the general supervisory power of the future High Commissioner or Governor-General over the native policy of all three territories, as apart from special powers to be assigned to him over Kenya to balance any extension of the non-official vote in the Kenya Legislature. In respect of this, both my advisers at the Colonial Office and the Governors whom I have consulted consider the powers proposed by the Commission to go farther than is desirable, and that a general co-ordinating influence secured by the High Commissioner's chairmanship of the Governor's Conference will be sufficient. A modification in this sense will certainly not rouse any opposition in East Africa. Nor will it evoke any serious criticism here, where no one is worried about native policy in either Uganda or Kenya, the only territories really affected by this aspect of the question.

The third, and only contentious, issue, so far as either Parliament or India are concerned, is the question of the increase of the non-official element in the Kenya Legislature. As regards this we are clearly committed to some advance both by the White Paper of 1927 (Cmd. 2904), which ended with a declaration of the desire of the Imperial Government to associate the settler and resident community more closely in the task of trusteeship for the native population, and by the recommendations of the Commission. These are, as a matter of fact, of a very modest character. They do not involve the creation of an elective majority, but only of an unofficial majority by the substitution for certain officials of a number of nominated unofficials selected from missionaries and others specially qualified to protect native interests and to express the native point of view. This represents a distinct advance both in the representation of the native and in the association of an unofficial element in the trusteeship for the native, and is calculated to secure a fuller regard being given to native interests. At the same time, in order to safeguard the Imperial authority against any possible lapse on the part of these nominated members from their duty as champions and protectors of the natives, it is proposed that the High Commissioner should have special powers both of veto and of enacting legislation over the head of the Legislative Council.

These special powers would also enable him to give equally effective protection to the interests of the Indian community if these were prejudicially affected by any

possible combination of the non-Indian members of the Legislative Council. In this connexion the Secretary of State for India has drawn attention to the difference between the proposal of the majority of the Commission and that of the Chairman. The former propose the substitution of four officials by five nominated representatives of native interests. The latter proposes the withdrawal of ten officials and the appointment of eight nominated unofficials, of whom five are to represent native interests, and three (one of them an Indian) to represent general interests. The Chairman's proposal increases the proportion of Indians in the Council: six out of 35 as against five out of 38 in the majority proposal. On the other hand, it is open to the objection that a conceivable combination of all the unofficial Europeans (18) might outvote the combined Indians and officials (16). In view of the composition of the nominated European element such a combination is very unlikely, and I should have thought that the powers of the High Commissioner would have been ample safeguard against such a contingency. Moreover, Sir Hilton Young advances some very cogent arguments (see pp. 245-247 of the Report) against a scheme that might be thought to imply the possibility of a bargain between the Government and a particular racial group to secure control of the Legislature. But I am quite willing, in order to meet Lord Peel's views, to tell Sir S. Wilson, in his confidential instructions, to do his best to secure either the majority scheme or such a variant of Sir Hilton Young's scheme as would not give the unofficial Europeans a clear majority of the Council, and to make it clear that any proposal which went farther than this might run the risk of rejection at home.

In any case Sir S. Wilson's rôle would not be that of a plenipotentiary empowered to conclude an agreement on the spot, but only that of a responsible agent conducting negotiations on my behalf with a view to seeing how far, and on what lines, agreement is possible, and conducting them with the knowledge, on both sides, that terms agreed to locally will be subject to reconsideration here. Given the fact that no scheme of closer union can be carried through without local agreement, this seems to be the only practical line of procedure.

I gathered the impression at the last Cabinet that some of my colleagues thought that this matter was being rushed. Let me remind them that it is seven years since the present Chancellor of the Exchequer, as Colonial Secretary, eloquently setting forth the advantages of closer union in a public speech, declared that he had "delayed action for one reason, and one reason only, that we are going through bad times (*i.e.*, in East Africa), and that we cannot afford to discard the existing order at the present moment. We have just to hold on until times get better." It is nearly two years since the breakdown of the experiment of Governors' Conferences without a co-ordinating superior authority, recommended by the Ormsby-Gore Committee, led up to the appointment of the Hilton Young Commission, after study by a Cabinet Committee, which definitely recommended that the terms of reference to the Commission should clearly indicate that His Majesty's Government looked for a solution of the problem on the lines of federation or some other form of closer union, a recommendation clearly embodied and justified in the White Paper of 1927. It is nearly a year since the Commission left East Africa. Public opinion both here and in East Africa expects some action in a matter which has been so long under close consideration, and for us to say that we still needed time to make up our minds would create an impression which would be peculiarly undesirable at the present moment. Moreover, a number of urgent questions, more particularly the whole treatment of the native reserves in Kenya, have perforce been hung up waiting for a decision on the major issue, and grave and justifiable resentment would be created if we hung them up indefinitely. No final decision can obviously be taken until a new Parliament has met. But the action I propose would, without prejudging any decision, secure at the earliest possible moment in the life of the new Parliament and Government the data which are essential to a decision.

I propose to circulate to-morrow a draft of a question and answer in Parliament which I hope to be able to agree with Mr. Thomas, and which would also form the basis of Sir S. Wilson's published instructions.

L. S. A.

*Colonial Office, Downing Street, S.W. 1,
March 4, 1929.*
