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CABINET.

THE QUESTION OF CLOSER UNION IN EAST AFRICA.

MEMORANDUM BY THE SECRETARY OF STATE FOR THE COLONIES.

I HAVE to report to my colleagues the position now developing with regard to the Government's "Conclusions" on Closer Union in East Africa in the Joint Committee to which they were submitted. (This Committee has already held a couple of dozen meetings, and may hold as many more.)

These "Conclusions" (Cmd. 3574) comprised the appointment of a High Commissioner, with a federal Council having authority only over the so-called "economic services"; the High Commissioner being also Chief Native Adviser to the Secretary of State, and Chairman both of the Governors' Conference and of the Kenya Native Lands Trust Board.

It has become evident that the Joint Committee will not report in favour of these "Conclusions"; and may possibly confine itself to recommending "no change" at present (we have only 8 members out of 20).

The circumstances have, in fact, substantially altered during the past year, and even whilst the Joint Committee has been sitting, to such an extent that I think it is no longer possible to press for the adoption of the "Conclusions" provisionally arrived at.

Of the new circumstances which the Joint Committee are taking into account, the most potent is the very severe economic slump into which all three territories, and especially Kenya, have almost suddenly fallen. During the past year the prices obtained for local produce have been diminished in some cases by more than one half; the Government revenues from customs and railways are suffering severely; and many of the settlers are in a state of insolvency. In the past few months East Africa, which has had three successive bad seasons, has been visited by a plague of locusts, which, in Uganda in particular, is already taxing all available strength. The Kenya Government has parted with practically all its accumulated reserves; and all three Governments are having to face serious deficits. In these circumstances, the proposal to appoint a High Commissioner, with staff and expenses costing something like £50,000 a year (perhaps £34,000 net) is now objected to by practically every witness from East Africa.

The objection on the ground of expense is strengthened by the striking unanimity with which the native witnesses now oppose any form of "Closer Union." Those from Uganda and Tanganyika shudder at the idea of coming under the influence of Kenya, whilst all alike distrust the possible interference of a new dignitary, who, as they are convinced, would obstruct their access, through the Governor, to the King's Minister. I believe that the invitation to the native witnesses (in addition to representatives of the Arabs, Indians and Europeans) has had a good effect politically; but their not unnatural apprehensions about any change whatsoever, have had the result of making even advantageous changes more difficult. They have definitely said that they object to any constitutional change whatever, as being in the nature of the "thin end of the wedge" of complete amalgamation.

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A third objection weighing with the Committee (though it will prudently be avoided in their Report) is the possible difficulty that may arise by the necessary inclusion, in any form of "Closer Union," of the Mandated Territory of Tanganyika. The German "Colonial Movement" has publicly and vehemently protested even against the limited amount of common legislation and administration proposed for the "economic services" alone. The German Government has, at all stages, expressly reserved its right to object. What is new is that the validity of Article 10 of the Mandate, referring to such a union, is itself impugned, as being *ultra vires*, because incompatible with Article 22 of the Covenant of the League of Nations. This may apply theoretically to all Mandates, including those to the Dominions. However limited the form of "Closer Union," the Joint Committee foresee difficulty at the Permanent Mandates Commission, on which the German Government has now a representative. The recent entry of Germany into the League of Nations now enables the German Government, whatever the Permanent Mandates Commission and the League Council may say, at its own option, to appeal to The Hague Court on any difference concerning the interpretation of a Mandate. The German Government will, almost certainly, be pressed by its people to make such an appeal and may find it very difficult to resist the pressure; whilst no one can predict on what principles or assumptions the Court would base its decision. In view of the possible far-reaching effect of such a decision on all the Mandates, I think that any reference to The Hague Court should be avoided.

In these circumstances, I feel that it would be useless to press the Joint Committee to endorse the "Conclusions" to which the Government tentatively came a year ago. If the Joint Committee reports against them, it would not be politically practicable for the Government to enforce them on the three territories concerned.

I am now inclined to think that we must be contented, for some time to come, with such reforms as can be introduced gradually and quietly, without constitutional innovation. Now that there has been a change of Governors, the Governors' Conference may have a chance of functioning in securing all necessary common action, especially if it is disconnected from Nairobi by deciding to sit alternately in each of the three territories, to meet more frequently than heretofore, perhaps twice or thrice a year, and to let the Governor of the territory visited preside for that meeting. This ought to serve for securing any desirable uniformity in laws, and even in Customs Duties. With regard to Native Affairs, the new Governor of Kenya may be trusted to do all that is possible to give effect to the White Paper; and the various minor reforms that are being introduced, together with a reorganisation of the department of the Chief Native Commissioner, may be expected to set the administration on new lines. It is hoped that the Indians will now participate in the elections now in progress, and resume their seats on the Legislative Council. For railways and roads, I think we should contemplate the special engagement in the near future of a transport expert, to think out, and advise on (a) the proper extension of railways; (b) the desirable co-ordination of roads and lake steamers; (c) the general system of railway rates. On all this he should report to the Secretary of State after consulting the Governors and the two general managers, as well as others. Any actual amalgamation of the two railway systems should await their physical connection, which cannot long be delayed. It may be that, in the future, a common Railway Board representing all three territories (such as now exists for Kenya and Uganda) will then be essential, but this may wait until the amalgamation takes place.

P.

*Colonial Office, Downing Street,
May 15, 1931.*
