

The British Colonial Office
and the Labour Question in the Dependencies
in the Inter-War Years

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IN THE INTER-WAR YEARS"

by

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Abstract

In 1919 the Covenant of the League of Nations enjoined the colonial powers in their role as trustees to treat native labour fairly and justly. The Colonial Office accepted the general injunction but left it to the judgement of the colonial administrations to decide what that meant in practice. The determination of the permanent officials not to interfere in labour matters extended to leaving the responsibility for the application of the International Labour Organisation conventions to the colonial governments, and to ensuring that the indigenous labour conventions did not seriously check existing practices. When Shiels came into Office in 1929 he overrode the traditional Colonial Office approach in his determination that the Colonial Office give a strong lead to the colonial governments on labour matters. Basic legislation to protect the workforce was to be introduced even in anticipation of the need. His policy failed to gain the support of the Office and when the Labour Government fell in 1931 the permanent officials persuaded Cunliffe-Lister that colonial governments should not be made to enact labour legislation against their better judgement. With the return of prosperity after the worst years of the slump a growing number of serious disturbances among workers in the dependencies aroused concern in Parliament, causing first Malcolm MacDonald and then Ormsby Gore to urge the setting up of specialist organisation to deal with labour matters. The geographical departments in the Office were strongly opposed to such innovations, but the validity of their arguments for leaving labour matters 'to the

man on the spot' was disproved by the Trinidad riots of 1937 and other serious labour disturbances. Because of the public concern in the United Kingdom brought about by these disturbances the ministers were able to press successfully for specialist organisation in the Office and in the dependencies, and for a range of legislation to ensure that the emerging wage earning force would be given adequate protection in law. Their forward policy met with opposition both in the dependencies and in the Office. But once momentum had been engendered the newly instituted Social Services Department pressed ahead, vigorously overcoming most of the objections of the more reluctant colonies. Only those dependencies with politically powerful European elements in certain of the West Indian and East African dependencies continued to refuse to come fully into line with Colonial Office labour policy.

Preface

By 1919 the British Empire had reached its greatest territorial extent. The administration of the non-self-governing section of that Empire was entrusted to the Colonial Office in Whitehall. The responsibilities incurred were multitudinous, ranging from the calculation of pensions for members of the Colonial Service, to the need to advise on the control of disease in native plantations, through to attempting to discourage the practice of female circumcision.

With the records now available for the inter-war period it is possible to examine the working of the Colonial Office and the nature of the relationship between the mother country and its dependencies. During this period political control of the dependencies by the United Kingdom remained virtually unchallenged. It was also a time when the conception of the state's responsibility for the social welfare of its members in the domestic sphere to some extent forced the Colonial Office to adopt a similar concern for the welfare of the subject peoples. This phase of political domination with the exclusive opportunity to develop social services came to an end during the early years of the Second World War.

Because of the extensive responsibilities of the Colonial Office this study deals exclusively with the handling of the labour question in the colonies. From the earliest days of Empire availability of labour had been a problem for the colonial powers. Slavery, indentured labour, migration, and the coercive measures designed to induce indigenous peoples to seek and continue in employ-

ment for wages were part of a common pattern. The labour question, as Earl De La Warr told the Office in 1936, was the most difficult aspect of trusteeship.¹

A number of recent studies have examined labour policies from the viewpoint of a single colony. This study concentrates on the Colonial Office response to the empire-wide problem. While it examines the organisational structure in the Colonial Office and the changes brought about to encompass the responsibilities associated with the problem, attention is also focussed on individuals concerned in the formulation of policy on labour matters. The study is concerned to discover the real seat of power and the reasons behind the decisions that were taken. Although the various ministers held office for relatively brief periods of time the contribution of those most closely associated with labour matters are viewed in relation to the Office's conception of its role in dealing with the labour question and in light of the pressures which were brought to bear over labour issues.

The assumptions of the permanent officials played a leading part in fashioning the response of the Office and helped dictate the nature of the approach to the labour problem as a whole. The quickening pace of economic development during the inter-war years and the need for action on labour issues resulted in an increasing tension within the Office over the extent of its responsibility in labour matters.

1. Minute by De La Warr, 16 October 1936, CO 866/29/36/1166.

Because of the concentration on the administrative function it has not been possible to do justice to every aspect of the labour question or to give equal attention to every territory to which policy applied. Most of the themes considered in this thesis took place during the 1930's since that was the period in which a serious attempt was made to initiate a general policy on labour matters. Ideas and action generated by decisions taken in that period did not all reach fruition or culminate before the outbreak of war in 1939. While some of the themes logically conclude in the early forties no attempt has been made to specifically consider the impact of the Second World War on the Colonial Office and the labour question.

As a consequence of outside pressure, the Colonial Office itself paid greatest attention during the inter-war period to the labour question in Africa. After the Trinidad riots in 1937 increased attention was given to the West Indies. The Far Eastern dependencies, in comparison, were virtually ignored because of the relatively advanced conditions for Indian labour which existed there and which had been brought about by the benign influence exerted by India on behalf of her nationals. The Western Pacific communities were small and never received much attention from the Office. The thesis will reflect these varying preoccupations.

For help in my task I owe many debts of gratitude. I should like to express my appreciation for the financial assistance given me by the Canada Council, the Dafoe Foundation, and the Manitoba Government. My thanks are also due to the archivists, librarians and staff of the Public Record Office, the Institute of Commonwealth

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ABBREVIATIONS

AOA	Accident Offices Association
ASAPS	Anti-Slavery and Aborigine Protection Society
CENL	Committee of Experts on Native Labour
CLC	Colonial Office Labour Committee
Cmd	Government Command Papers
CO	Colonial Office
DUS	Destroyed Under Statute
EL	Employer Liability
FO	Foreign Office
HMG	His Majesty's Government
HO	Home Office * *
ILConference	International Labour Conference
ILO	International Labour Organisation
JEAC	Joint Committee of the East Africa Section of the London Chamber of Commerce and the Joint East African Board
JWAC	Joint West Africa Committee
MoL	Ministry of Labour
MP	Member of Parliament
P.D.	Parliamentary Debates
PMC	Permanent Mandates Commission
SAHC	South African High Commission Territories
SoS	Secretary of State for the Colonies
TUC	Trades Union Congress
UK	United Kingdom
WC	Workmen's Compensation
WNLA	Witwatersrand Native Labour Association

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Chapter 1

Introduction

I

The establishment in 1919 of the League of Nations and the International Labour Organisation (ILO) brought a powerful influence to bear on the conduct of the relationship between the colonial powers and their dependencies. Besides occupying a position of high moral authority, the ILO systematically tackled the task of setting minimum standards to regulate conditions affecting the employment of labour. United Kingdom (UK) membership of the international bodies incurred definite obligations to apply these minimum standards, established in the form of labour conventions, to its dependent territories. In so far that they affected the dependent territories these obligations became the responsibility of the Secretary of State for the Colonies (SoS).

International concern for the dependent peoples in the colonial empires was not a novel development. Before World War 1 there had been concerted international action over such matters as slavery and the liquor and arms trade.¹ In the field of labour legislation, the International Association for Labour Legislation at the International Diplomatic Conference in Berne in 1905 and 1906 had some

1. H. Duncan Hall, Mandates, Dependencies, and Trusteeship, London, 1948, p.223.

success with the adoption of draft conventions dealing with the prohibition of white phosphorous in matches and of night work for women.¹ But, for international action to be effective, it had become obvious that some kind of permanent organisation was necessary to supervise the application of conventions and to sustain the momentum of these early attempts to improve labour conditions.

When the international bodies were set up in 1919, the concern to safeguard the fundamental human rights of the dependent peoples was reflected in the terms of the League of Nations Covenant. The clearest expression of that responsibility was to be found in Article 22 of the League of Nations Covenant dealing with the mandate question. It promised the fourteen territories of the defeated powers, 'inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world', that they would form 'a sacred trust of civilization' and come under the guidance of experienced and advanced nations.² Besides a number of protective injunctions to check certain abuses, the trustees, under terms of the mandate, were to 'undertake to promote to the utmost the material and moral well-being and the social progress of the inhabitants'.³ Article 22 did not refer directly to labour matters, but in the B and C mandate agreements important principles were set forth that

1. G.A. Johnstone, The International Labour Organisation, Europa Publications, 1970, p.9.

2. Article 22 of the League of Nations Covenant, in Hall, p.293.

3. K.E. Robinson, The Dilemma of Trusteeship: Aspects of British Colonial Policy between the Wars, London, 1965, p.21.

The Mandatory ... shall prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration; ... shall protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour. 1

In contrast with the obligations undertaken by the mandatories on behalf of the territories of the defeated powers, the commitment to the peoples in the extensive dependencies of the colonial powers was much less explicit. Thus, under Article 23 of the Covenant, the members of the League of Nations undertook 'to secure just treatment of the native inhabitants' of territories under their control. In the same Article they agreed to 'endeavour to secure fair and humane conditions of labour'.²

Although Article 23 was introduced to correspond with the undertaking given the mandates, the League never set up a complementary organisation to the Permanent Mandates Commission (PMC) to supervise the dependent territories. Fearing the consequences that might arise from 'dabbling' by the non-colonial majority in the League, the colonial powers were opposed to any organisation that might impinge upon their sovereignty in their territories.³ However, once colonial powers were accountable to an international commission for the mandates, it was difficult for them to justify making any distinction between the administration of a mandate and an ordinary territory. If the principles were valid in the mandates

1. Hall, pp.249-250.

2. Ibid., pp.223-224.

3. Ibid., p.227.

they were equally valid in other, and often contiguous, territories.

Although no organisation was set up to supervise 'the just treatment of the native inhabitants' as laid down in Article 23, the accountability to the PMC of the colonial powers for their mandated territories, under Article 22, proved to be extremely important because of the indirect but significant pressure it eventually brought to bear on the colonial powers. The efficient international supervision of the mandatory system and the successful demonstration of the principles of trusteeship in operation 'was to be a yeast to leaven the mass of dependent territories and strengthen in them the principle of trusteeship.'¹

The ILO attended as of right those of the PMC meetings dealing with the labour question. This enabled it to question the representatives of the mandates on the varied aspects of labour conditions as well as to gain useful knowledge of the workings of its own labour conventions. It provided the ILO with an invaluable opportunity to hammer out a policy before a world forum. This experience became directly available to the ILO when in 1926 it accepted the responsibility for formulating a native labour code, and included four members of the PMC on setting up its own Committee of Experts on Native Labour (CENL). The fact that the subjects of forced labour, labour contracts and labour recruiting suggested by the CENL for immediate examination were those enumerated in the individual mandates was an 'invaluable lever' in the thirties in helping the

1. Hall, p.45.

ILO to get the indigenous labour conventions adopted.¹

One of the ILO's most important functions was the preparation of conventions establishing international labour standards. Once the ILO secretariat, after consultation with member governments, had drafted a convention, the annual tripartite (governments - employers - workers) International Labour Conference² of member nations discussed and modified it before adoption. It was then open to each member government to exercise its choice on ratification. Ratification had the binding force of a treaty and a signatory was committed to applying the provisions of the convention where necessary by either legislative or administrative means.

In so far as the dependencies of the colonial powers were concerned it was of great significance that Article 421 of the Peace Treaty had also been included as Article 35 in the ILO constitution and was written into every convention.³ Under its terms the colonial powers made two commitments: first, where applicable, they undertook to apply the conventions to their dependencies, subject

1. Hall, p.48.

2. The International Labour Conference/s will be abbreviated to ILConference/s hereafter.

3. In Article 421 of the Treaty of Versailles it was provided that:-

'The members engage to apply conventions which they have ratified ... to their colonies, protectorates and possessions, which are not fully self-governing:-

1. Except where owing to the local conditions the convention is inapplicable, or

2. Subject to such modifications as may be necessary to adapt the convention to local conditions.

And each of the members shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing'.
Ministry of Labour, Labour and the Peace Treaty, HMSO, 1919, p.27.

to such modifications as were necessary to adapt the conventions to local conditions; second, it committed them, along with all the other members, to notifying the ILO of the action taken in applying each ratified convention.

In the twenties there was considerable argument by the colonial powers over how far they were committed by the terms of Article 421 to apply to the dependencies conventions primarily designed for industrial countries. The concern felt by the ILConference at the manner of application by all the member governments led to the formation in 1927 of a committee of experts - which became known as the 408 Committee - to examine an annual report on each convention. That move by the ILConference had a decisive effect on the attitude of the British Colonial Office (CO) to the application of the conventions to the dependencies.

Any examination of the CO administration of labour matters in the British colonies during the inter-war years has to be seen in relation to its response to the pressure emanating from Geneva through UK membership of the ILO. Although the CO officially concurred with the ILO objectives, there was, in fact, strong opposition in the Office to applying international labour conventions in the dependencies.

The CO believed it had always led the way in the concern for dependent peoples and resented pressure from the international bodies. In 1919, L.S. Amery¹ claimed, with some justice, that the declaration

1. Under Secretary of State for the Colonies (1919-1921) and Secretary of State for the Colonies (1924-1929).

of trusteeship incorporated into the Covenant of the League of Nations did no more than reproduce the policy which was at the basis of the relationship between the UK and its colonies.¹ The idea of trusteeship had been a theme in British thinking on colonial matters since at least the end of the eighteenth century. In 1783, in a speech on India, Edmund Burke stated:

All political power which is set over men ... ought to be some way or other exercised ultimately for their benefit and that every species of political dominion, and every description of commercial privilege ... are all in the strictest sense a trust; and it is of the very essence of every trust to be rendered accountable.²

Despite a chequered history, the humanitarian ideal behind trusteeship persisted throughout the nineteenth century. After being almost totally submerged for a period during the partition of Africa, it re-emerged when the UK Government was faced with the responsibility of administering extensive new territories.

Though Joseph Chamberlain has been remembered for his famous call for the development of the imperial estate, it tends to be forgotten that he balanced it with the assertion that it was to be for the benefit of the native peoples as well as the 'greater population' outside.³ Similarly, Lord Lugard, in his concept of dual mandate emphasised the same theme of mutual benefit to be gained through economic development. He advocated that this development should be encouraged through the efforts of the natives, guided by the Euro-

1. Parliamentary Debates (P.D.), Commons, 30 July 1919, v.118, c.2175.

2. Speech on Fox's India Bill, House of Commons, in Hall, p.98.

3. P.D., Commons, 22 August 1895, v.XXXVI (Series 4), c.642.