

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

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"THE BRITISH COLONIAL OFFICE
AND THE LABOUR QUESTION IN THE DEPENDENCIES
IN THE INTER-WAR YEARS"

by

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the University of Manitoba in partial fulfillment of the requirements
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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.

peans under a system of indirect rule.

While Lugard's formula of indirect rule was designed to protect the native by giving him the opportunity to adjust within his own tradition to contact with the industrial world, British policy tended to emphasize economic development. Later references to only half of Chamberlain's call, that of economic development, were a sign of that priority. The leading men at the CO after World War 1, Viscount Milner, Amery and W.G.A. Ormsby Gore, were, as Robinson points out, all profoundly convinced 'that the great task ahead was the positive one of economic and social, especially educational, development'.¹ There was a great deal of argument over the way in which economic development could best be brought about. But it was accepted as axiomatic that economic development in itself would be of benefit to the indigenous peoples.

The assumption was that the coming of foreign traders and entrepreneurs, and of foreign merchandise, was a good in itself.²

The positive contribution made by government to promote economic expansion, evidenced by the Colonial Development Act of 1929,³ and by encouragement of private enterprise, was not matched by a similar effort to deal with the social consequences of such a policy. The CO was slow to recognise the labour problems arising from economic development. It was content to see the removal of the obvious abuse of slavery without giving a lead over the employment of unpaid labour,

1. Robinson, p.22.

2. Hall, pp.248-249.

3. I.M. Drummond, British Economic Policy and the Empire 1919-1939, London, 1972, p.51.

labour discipline, wages, hours, compensation, living conditions, or the less tangible, but nonetheless devastating, social and moral effects wrought upon pre-industrial societies by wage labour employment.

Brett suggests there was a deliberate attempt to leave social welfare in the hands of traditional authority:

Every effort was made also to devolve responsibility for social organisation away from the hands of government in the fields of social and economic services. Despite the significant role played by the State in the economic sphere, primary responsibility for production and distribution remained in the hands of private entrepreneurs, while education was left largely to the missions, and social welfare services were provided through the traditional authorities or not at all.¹

However, in the twenties, responsible opinion even at international level did not fully appreciate the problems arising from economic growth. The ILO's concentration on aspects of forced and contract labour by no means covered the range of problems arising from labour employment, even in Africa. The indigenous labour conventions of the thirties were concerned with practices which even then were being equalled, if not surpassed, by a new range of problems linked to a settled labour force divorced from its traditional society.² Certainly, a few individuals in the CO were aware of the changes

1. E.A. Brett, Colonialism and Underdevelopment in East Africa, London, 1972, p.55: Although recognised as important the Colonial Development Advisory Committee ruled that education, because it was not economically productive, should be financed out of local budgets, and that funds would not be made available under the Colonial Development Act. Drummond, p.51.

2. G.E. and C.W. Newbury, 'Labour Charters and Labour Markets: The ILO and Africa in the Inter-War Period', Journal of African Studies (forthcoming).

✓ taking place, but the bulk of Office opinion did not recognise the extent to which government needed to balance economic development with deliberate measures to protect the welfare of the labour force.

Amery had claimed that trusteeship was at the basis of the UK policy towards its colonies. But what this meant in practical terms in 1919 was by no means established. In so far as native labour was concerned, the CO believed that it had no more than a watching brief. It believed the responsibility for the 'fair and humane conditions of labour' mentioned in the Covenant was a matter which properly belonged in the hands of the individual colonial governments.

II

Although the UK Government was firmly committed to the objectives of the ILO, the CO itself was slow to respond to the obligations incurred on behalf of the dependent territories. There were several reasons why that was so. The first concerned the lack of public interest in the colonial Empire and the consequent effect that had on government. Secondly, the nature of its relationship with the dependencies had an important bearing on the way in which the CO dealt with a subject such as the employment of labour. Finally, in a period when there was little public interest, the organisation within the Office and the attitudes of the permanent officials were the decisive factors in shaping the CO response to the labour question.

The almost total absence of interest in the UK in the colonial Empire extended to the British Government itself. Final responsibility for the formulation of policy lay with the Cabinet in Whitehall. But the colonial Empire took up little of the Cabinet's time. Milner's description of the CO as the Cinderella when it came to the annual allocation of Treasury funds¹ aptly described a situation which changed little before 1940.

Due to the widespread lack of interest, the actual responsibility for formulating and implementing policy rested, therefore, more exclusively with the SoS and his Office than was normally the case in most ministerial departments. In the discharge of his responsibility the SoS was of course, in the final instance, answerable to Parliament. But Parliament as a whole reflected the lack of public interest, and its involvement did not advance much beyond the questions of individual MPs. Debate seldom arose over colonial matters and when it did, it was normally associated with financial expenditure. The only regular debate occurred during the annual presentation of the CO Estimates in June each year and lasted for one poorly-attended afternoon session. This did not permit sufficient time to do justice to any particular problem and was of little assistance in providing direction to the CO. *redundant*

1. Viscount Milner, Questions of the Hour, London, p.152: Sir G. Creasy on 16 January 1970, recalled 'the difficulties under which the CO laboured in way of finance' in the inter-war years. Interview conducted by A.H.M. Kirk-Greene (Senior Research Fellow, St. Antony's College, Oxford), MSS Brt. Emp. s.380, Rhodes House, Oxford.

While Parliament paid little attention to the CO, or the dependent Empire, it was often not realised that the SoS did not directly administer the territories for which he was responsible. Normally the Office did not wish, nor see the need, to concern itself with the details of administration in the dependencies. The CO rarely imposed its will upon local administrations. Indeed, in certain territories it would have been impossible for it to do so.¹ In dependencies such as the Bahamas, Bermuda and Barbados elected legislatures were in a position to refuse to pass legislation presented by the governor and his executive council. If a governor wished to push a bill through and had reached an impasse with his legislative council, the only resort was to a UK Act of Parliament and that was unthinkable in the case of a piece of labour legislation. In other territories, such as Kenya, the governor also found it was not practical politics to try to force through legislative measures that were unpopular with settler opinion. Thus, on a sensitive subject like labour, the CO was always circumspect about the amount of pressure it considered politically expedient to exert on colonial administrations.

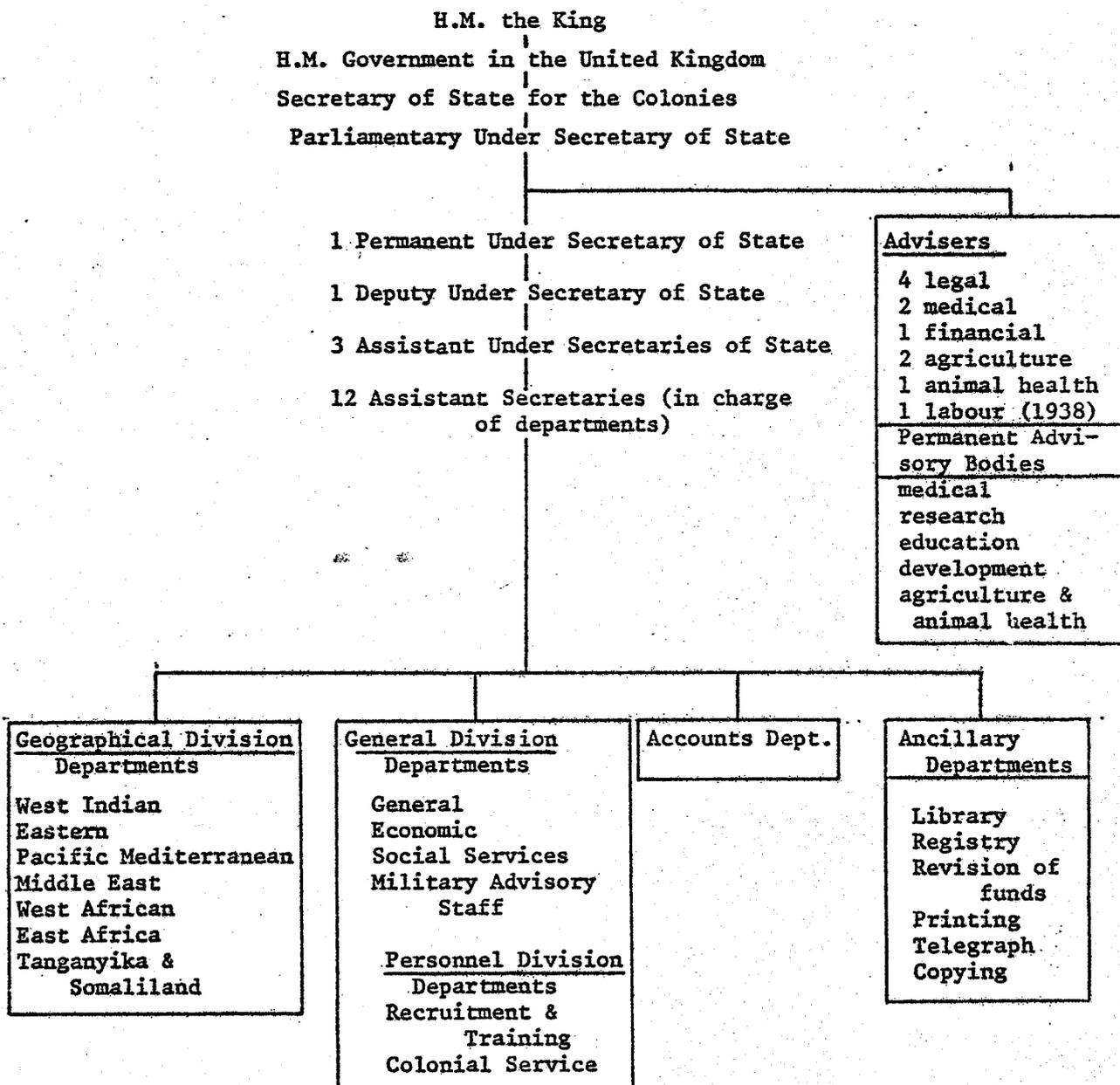
Nonetheless, whatever the degree of independence, the CO kept in close touch with the activities of each colonial government. Despatches from the governors conveying the business of their administrations were 'duly noted, or the approval sought granted'.²

1. See CLAC.3, 'Note regarding the extent to which Colonial Legislatures are in a position to reject labour legislation sponsored by the local government', 6 July 1942, No.3 on CO 888/2.

2. H.F. Morris and James S. Read, Indirect Rule and the Search for Justice, O.U.P., 1972, p.5.

The enactment of local legislation was seldom denied. The SoS himself saw only a tiny proportion of the many thousands of items of correspondence that passed through the Office every year. The permanent members of his staff attended to all but the most important matters. A subject came to the attention of a SoS only if he declared a special interest, if the matter were particularly important or urgent, or if a matter of policy required his decision. During the inter-war years, for one or more of these reasons, labour issues frequently claimed the attention of the SoS. Once the ILO became fully established the numerous facets of the labour question which it opened up demanded fairly constant attention from higher authority in the Office and frequently involved the SoS himself.

In addition to the limitations imposed by the growing independence of certain colonial legislatures, the organisation within the Office and the way in which opinions were brought to bear on an issue played a significant part in the CO response to the labour question in the inter-war years. The accompanying diagram(1) outlines the broad organisation. Normally, approval for action stopped with the assistant secretary who headed the department in which the matter arose. If he did not feel competent to act on the matter it was passed on to the particular assistant under secretary of state, who had oversight of a group of departments. He, in turn, decided whether it should pass on to the permanent under secretary who, if he did not authorize action, passed the matter to the political heads of the Office. Thus, at each level the official responsible filtered out those matters he judged himself competent to handle so that only a tiny proportion of items passed to the parliamentary

Diagram 1: Colonial Office Organisation 1939*

* from Dominions Office and Colonial Office List for 1939 and for 1940

under secretary or the SoS.

The fact that all matters passed up through the Office hierarchy caused the more junior members to be circumspect in pressing an opinion with which the upper hierarchy were known to disagree. As J.F.N. Green (retired assistant secretary, CO) pointed out to A. Creech Jones, the incoming Parliamentary Under Secretary in 1945, for a member to successfully press his views against the 'bigwigs' was likely to be 'disastrous' to his career prospects unless the 'political chiefs' happened to 'keep a kindly eye on him'.¹ Since promotion remained almost exclusively in the hands of the upper hierarchy the attitudes of the older and more senior members tended to dominate the Office viewpoint.

In the twenties the CO evinced little concern over labour conditions in the colonies and most matters were treated separately and in routine fashion by the geographical departments. The compartmentalization of the labour question was breached only to the extent that the General Department became responsible for sending out the circular despatches dealing with the ILO conventions and for the preparation of the annual reports to the ILO showing the application of those conventions to the dependencies. That division of responsibility began to change as the ILO pressed the CO to adopt a more positive attitude to the labour conventions. Ministerial response to that pressure, in particular the determination of Dr. T.D. Shiels (Parliamentary Under Secretary 1929-1931), led a reluc-

1. Green to Creech Jones, 7 August 1945, Papers of Arthur Creech Jones, 16/3, MSS Brit. Emp. s.332, Rhodes House.

tant CO into taking a more active role in the labour question. As a result, the duties of the General Department became much more extensive after 1930.

During the inter-war years a network of specialist advisers and advisory councils was established in the CO. Diagram 1 indicates the extent to which the SoS by 1939 could call on expert advice.

The advisers had access to the SoS, but they did not exercise executive powers. Their advice was available to all levels of the Office hierarchy. Members of the Office attended the meetings of the advisory councils and one of them usually acted as secretary. The minutes of the discussions contained the views of a variety of outside experts for consideration in the Office.

The SoS was not, of course, restricted to the advice of his permanent officials or official advisory sources. Certain unofficial groups were invited to confer from time to time with the CO while others seeking an audience were granted interviews.¹ Even more informal arrangements existed. Malcolm MacDonald (SoS for the Colonies in 1935 and again from 1938 to 1940) has stated that he regularly and informally consulted on the labour question with a group composed of outside experts and his own officials.² Because the Office was opposed to setting up an advisory committee on labour³, MacDonald resorted to this unofficial arrangement in order

1. Brett, pp.63-65.

2. Interview conducted with the Rt. Hon. Malcolm MacDonald at the Royal Commonwealth Society, London, 8 October 1974, by C. Nordman, p.8. Transcript held in Rhodes House.

3. CO 323/1536/38/1751.

to gain access to a wider range of opinion and experience than that available among his own officials.

× In so far as the labour question was concerned, the introduction of specialist services did not come about until the end of the thirties. Table 1 indicates that the Office in the twenties was orientated toward providing expertise associated with economic rather than social welfare matters. While it could be argued that the establishment of the Advisory Committee on Education showed concern for the social welfare of the indigenous peoples, it can be seen that there were advantages in expanding educational services in order to produce the skills necessary for manning the lower ranks of the colonial administrations and for promoting more efficient operatives in agriculture and industry. There were no specialist services connected with labour until the appointment of a labour adviser in 1938, a social services department in 1939, and a labour advisory council in 1942. Thus it was only at the end of the inter-war period, as Lord Hailey pointed out, that the extent of the responsibility of the UK for the welfare of the dependent peoples began to be mapped out.¹

The absence of public interest left the permanent officials relatively free to get on with the job of running the colonial Empire 'quietly and uncontroversially'.² The task of administration

1. P.D., Lords, 6 May 1942, v. 122, c.919: Lord Hailey had made a notable contribution to the idea of colonial development and welfare through his African Survey published in 1938.

2. C.J. Jeffries, Whitehall and the Colonial Service, London, 1972, p.16.

Table 1: Advisers and permanent Advisory Committees appointed to, and departments established in, the Colonial Office in the inter-war years.

<u>Year</u>	<u>Advisers</u>	<u>Permanent Advisory Committees: Departments:</u>
Pre 1919	legal (1866)	Colonial Summary and Geophysical Committee (1905) Colonial Advisory Medical Council (1909)
1919	assistant legal	
1920	personal (unpaid) adviser on business matters (1921-23)	Colonial Research Committee
1921		
1922		
1923		Advisory Committee on Education in Tropical Africa Discovery Committee
1924		African Liquor Traffic Control Committee
1925		
1926	medical	
1927	economic and financial (1927-28)	
1928	fisheries (1926-1937)	

Table 1 Cont.

<u>Year</u>	<u>Advisers</u>	<u>Permanent Advisory Committee: Departments.</u>
1929	agriculture	Advisory Committee on Education in the Colonies Colonial Development Advisory Committee.
1930	animal health financial	Colonial Advisory Council of Agriculture and Animal Health.
1931	second assistant legal	Personal Division (Recruitment and Training Department: Colonial Service Department)
1932		
1933	assistant medical	
1934		
1935	third assistant legal	Economic Department
1936	assistant agriculture	
1937		Colonial Penal Administration Committee
1938	labour	
1939		Social Services Department

* From Dominions Office and Colonial Office List (for the individual years 1919 to 1939), and R.V. Vernon and N. Mansergh, Advisory Bodies, Allen and Unwin, 1941.

was also greatly assisted by the remarkable degree of homogeneity of outlook within the ranks of the Home Civil Service and the Colonial Service. Although they were not as completely homogeneous as has sometimes been suggested, the fact that a large number of the members were socialized by birth into upper middle class homes and by passage through the public schools and the ancient universities ensured a commonly held set of assumptions about the colonial Empire.¹ It facilitated that very considerable devolution of power to the colonial administrator - 'to the man on the spot' - as he could be trusted to carry out the task of administration within the bounds of their unwritten but strongly held set of beliefs.

This common approach, which amounted almost to a shared ideology, prompted the majority of the CO members to defer to the judgement of the colonial administrator over matters relating to the labour question in each territory. They firmly believed that labour was a local matter because of the great diversity of conditions and the widely ranging rates of economic development. Labour questions could be decided only 'on the spot'. It was accepted that the indigenous people, especially in Africa and the Western Pacific, were insufficiently advanced economically or socially to need, or to benefit from, sophisticated labour legislation developed in the industrial European countries. The problems of indentured and migratory labour, which came to be a matter of international concern and regulation, were seen as specifically 'colonial' and it was accepted that the local administrators were capable of looking after

1. Brett, p.38.

the interests of the dependent peoples involved. It was assumed that the African, in particular, would be cushioned from the full impact of economic development by continued membership of his traditional society. The inferiority or, at best, the immaturity of the African would lead to his remaining under British tutelage for the foreseeable future.¹ For many in the CO the labour question lacked any sense of urgency. As late as 1936 members of the geographical departments could argue that the labour problems were not of a kind to require specialists or specialist organisations in the Office to manage them.²

III

Although domestic pressure on the CO during the inter-war years was generally weak certain individuals and groups did express concern and attempt to persuade the CO to adopt a more prominent role. As heir to the humanitarian tradition³ the labour movement might have been expected to make a serious contribution to ideas concerning the native labour question. Such views were indeed forthcoming. The Labour Party Imperial Advisory Committee⁴, composed of a wide and

1. Brett, p.39.

2. CO 866/29/36/1166.

3. Robinson, p.56

4. The Labour Party Advisory Committee on International Questions founded by L. Woolf in 1918 was the parent body and it initially dealt with imperial questions until 1926.

varying range of influential and experienced members, including numerous MPs, generated many of the Labour Party ideas on Empire issues.¹ The information in the constant stream of memoranda they produced found its way via the Labour Party National Executive Committee into policy statements and provided information for Parliamentary questions, debates on colonial questions in the House of Commons, and the guidance of deputations to the CO.

In so far as the native labour question was concerned definite views were expressed on a number of important issues. From 1920 it was stated policy to prohibit forced labour² except for exceptional and clearly defined situations.³ By 1920 it was also Labour Party policy that 'no labour contracts should be enforceable under the sanctions of criminal law'.⁴ A 1928 memorandum advocated 'that native trade unions and kindred bodies designed to organise native labour on sound and constitutional lines should be encouraged.'⁵

1. The Labour Party Imperial Advisory Committee was chaired from 1926 to 1930 by C.Roden Buxton MP, who, as his daughter, E.R. Buxton, has explained, 'set out to educate the Labour Party' on colonial as well as foreign affairs. 'Indeed "political education" may be said to have been his main work in life'. An informal note by E.R. Buxton, 1972, Papers of Roden Buxton, 5/3, MSS Brit. Emp. s.405, Rhodes House.

2. The Labour Party, The Empire in Africa: Labour's Policy, 1920, p.8, Labour Party Bibliography, 21/5.

3. 'The Labour Party and the problem of forced labour', memorandum by H. Snell MP, October 1927, LP/Imp. AC/2/46, Labour Party Archives.

4. The Labour Party, The Empire in Africa: Labour's Policy, 1920, p.8.

5. 'Points which should be made clear, in speeches by PM [Prime Minister] or otherwise, on behalf of the Labour Party in the event of it becoming the Government', June 1928, LP/Imp. AC/2/62A, Labour Party Archives.

The Labour Government in 1929-31 attempted to introduce an enlightened policy on native labour in the Empire which was in line with these views, and which leaned strongly towards the 'welfare of indigenous races' as being 'the primary objective of colonial administration' and one 'to which all other interests must be rigorously subordinated!'.¹

However, though the views on native labour generated by the labour movement were given recognition during the brief period (1929 to 1931) while the Labour Party was in power, their impact was not sustained. Within the ranks of the Labour Party itself the question of native labour was not regarded as a subject of foremost importance. Robinson has pointed out that the 'most vocal' Labour and Liberal Parliamentary spokesmen on native questions numbered only about fifteen² and while they were closely connected with the Anti-Slavery and Aborigines Protection Society (ASAPS), and undoubtedly received the benefit of research by the Imperial Advisory Council, these MPs did not represent an influential group within the Party. In fact, it was not from their ranks that the ministers for the CO were drawn in 1924 and 1929, nor was their outlook represented in a 1930 Trades Union Congress report which recommended 'as full a development as possible of the economic relations between the constituent parts of the British Commonwealth'.³ The lack of impact made by the 'native question' within the ranks of the Labour Party lends

1. The Labour Party, Labour and the Nation, London, 1928, p.44.

2. Robinson, pp.58-59.

3. Ibid., p.59.

weight to the observations of E.R. Buxton that the Party was largely uninformed and uninterested in Empire matters.

Broadly speaking, there was not the slightest interest among Labour Party members in foreign or colonial affairs
... what a strenuous fight it was, to get the idea of "native rights", let alone "paramountcy of native rights", accepted as something significant at all. 1

The widespread lack of interest in the native question within the labour movement accentuated the significant part played by individuals in the important change of attitude in the CO in 1929-1931 to labour in the dependencies.

Individual MPs maintained a consistent interest in the Empire, and the CO had to take notice of Parliamentary questions in order to protect the SoS from criticism. But the labour question in the colonies failed to arouse sustained interest in Parliament or in the country. As a Labour MP commented, 'the question of the Colonies, important as it is, has not much electoral value in the constituencies'.²

The ASAPS and the League of Nations Union, the leading humanitarian groups and rated by the CO as very influential, might have been able to rouse public interest, but preferred to direct their efforts to the international bodies at Geneva. They argued that an individual nation would not take unilateral action to advance the labour conditions of the indigenous peoples, especially if such a move threatened to undermine economic competitiveness. They be-

1. An informal note by E.R. Buxton, pp.1-2.

2. P.D., Commons, 12 July 1934, v.292, c.581, in Brett, p.59.

lieved that by helping to build up international standards, together with adequate international machinery to supervise those standards, greater pressure could be brought to bear on individual nations to conform.¹ The nations might act in concert but would be suspicious if the UK itself pressed to establish standards in labour conditions.

The Trades Union Congress (TUC) might have been expected to have shown an interest in working conditions in the colonies, if not for altruistic reasons at least because of the potential threat posed by the competition of cheap colonial labour. But the TUC showed only spasmodic interest in the problems of colonial labour and made no attempt to influence the CO in the twenties or early thirties. It had some contact with colonial representatives from British Guiana, Trinidad and Ceylon at the British Commonwealth Labour Conferences of 1925, 1928 and 1930, jointly convened with the Labour Party Imperial Advisory Committee. F.O. Roberts MP represented both the TUC and the Labour Party at the first West Indian Labour Conference in 1926.² The General Council of the TUC had direct contact with the ILO through the appointment of the British worker delegate to the ILO Governing Body and the ILO Conferences. The General Council also formed an ad hoc body, composed mainly of members from the Labour Party Imperial Advisory Committee

1. G.E. and C.W. Newbury, 'Labour Charters and Labour Markets', Journal of African Studies (forthcoming).

2. M. Nicholson, 'Government-Trade Union Cooperation in Colonial Development, 1925-1945', Paper for discussion, Institute of Commonwealth Studies, London University, April 1975, p.2.

to prepare a brief on forced labour for the worker delegate at the 1929 and 1930 ILConferences.

But the trade unions, occupied with their own problems of the general strike and its aftermath and the difficulties of the deepening depression, did not raise their sights to the wider horizon of the Empire. Any attention to colonial labour problems had been in response to external pressure and had not come from internal motivation. The TUC became actively involved only after Bevin's presidential speech at the 1937 TUC annual meeting.¹ The General Council accepted his challenge and under W.M. Citrine's vigorous chairmanship a TUC Colonial Advisory Committee was quickly formed.² Most of the non-TUC members of this Committee had been long-standing members of the Labour Party Imperial Advisory Committee.³ Unlike the Labour Party Committee which had directed its efforts to educating its own members, the TUC Committee immediately in June 1938 made direct approaches to the CO.⁴ Although the CO was wary of the political implications of becoming involved the contact proved to be a fruitful one. If for no other reason, CO suspicion must have

1. Bevin said, 'This Congress could do a great work by initiating an investigation into Colonial labour conditions and publish the results so that the public could be informed'. Trades Union Congress, Report of the Proceedings of the Sixty-Ninth Annual Trades Union Congress, London, 1937, p.74.

2. The first meeting was held on 22 December 1937.

3. These included: C. Roden Buxton, J.F.N. Green, A. Creech Jones, Professor W.N. Macmillan, H.S.L. Polak, T. Reid, W. McGregor Ross, and Dr. T. Drummond Shiels. Only R. Macgregor and Sir Arthur Pugh were not members of the Labour Party Imperial Advisory Committee. Trades Union Congress, Report of the Proceedings of the Seventieth Annual Trades Union Congress, London, 1938, p.205.

4. CO 323/1536/38/1751. A delegation met Malcolm MacDonald (SoS) on 23 June 1938.

been allayed to some extent by the presence of J.F.N. Green (ex-assistant secretary, CO) and Shiels (ex-Parliamentary Under Secretary, CO) on the Committee. By the time the TUC made this move, the CO was committed to a forward move in labour policy and cooperation was facilitated by a similarity of objectives.

The strongest domestic pressure on the CO in the twenties and early thirties came from the representations of a wide range of women's groups, though they were more interested in the broader issue of the status of women in the colonies than labour conditions per se. At the request of these groups the Office in 1926 communicated with the governors on the question of compulsory labour for women.¹ The Office eventually concluded that women were not seriously exploited. The women's groups also lobbied at Geneva and their memoranda were included along with the joint memorandum of the ASAPS and the League of Nations Union in the 1929 ILO Grey Report dealing with forced labour.² The pressure they exerted also raised the question in 1929 of the appointment of a woman adviser to the SoS.³ In reply to Shiels' request for comments on such an appointment, members of the Office expressed outright hostility. A.C.C. Parkinson (Head of the East Africa Department) left no doubt of his

1. 'Employment of Women in Compulsory Labour in the Colonies, Protectorates, and Mandated Territories. Correspondence 1926-1928', Confidential Print, Miscellaneous No.394, June 1929, CO 885/31.

2. 'Memorandum of the International Council of Women'; 'Letter and Memorandum of the British Section of the Women's International League for Peace and Freedom'; 'Memorandum on Forced Labour by a Council of British Women's Organisations'. International Labour Conference, Forced Labour, Report and Draft Questionnaire, Geneva, 1929. Appendix II, pp.308-317.

3. Resolution from the Council for the Representation of Women in the League of Nations to the Prime Minister, 17 February 1930, No.3 on CO 323/1071/29/70084/2.

feelings:

The idea of a 'Women Adviser' i.e. to advise on Women's concerns at the CO strikes me as quite absurd; I can see no logical basis for such an appointment. I hope that Mr. Vernon will persuade his friend, Miss Rathbone, if she pursues the idea, that it is an absurdity!¹

In December 1929, after meeting a deputation consisting of the Duchess of Atholl, W.G.A. Ormsby Gore (previous Parliamentary Under Secretary of State for the Colonies), and Colonel Wedgewood MP², the Secretary of State, Lord Passfield, decided not to set up a select committee of inquiry on the subject of the betterment of 'women's rights and status' in the colonies. Instead he sent a circular despatch asking for information. Public interest had been aroused on the question and Shiels asked members of the CO General Department to attend meetings in February and March 1930 to learn at first hand the points at issue and to assess the extent of public feeling.³ Nothing seemed to have been done as a result of the despatch or of the public interest. Only the question of mui tsai (child adoption in Hong Kong and Malaya) continued to be pursued with persistence both inside and outside Parliament for a number of years. On that topic Sir George Maxwell, in 1935, aroused the interest of the League of Nations Slavery Commission, much to the annoyance of the CO since the practice of mui tsai had proved difficult to regulate.⁴ However pressure from the women's organisations

1. Minute by Parkinson, 25 February 1930, CO 323/1071/29/70084/2.

2. The deputation met the SoS, 3 December 1929, CO 323/1034/29/60248.

3. Minute by Shiels, 8 February 1930, CO 323/1071/29/70084/2.

4. CO 323/1320/35/1901.

faded once the CO took a stronger line on the application in the colonies of the ILO conventions dealing with women's working conditions.

With aims in direct opposition to the humanitarian interests, commercial interests also brought pressure to bear on the CO over labour matters. They hoped either to prevent or delay the introduction of desirable measures such as workmen's compensation and the legalisation of colonial trade unions.¹ On the whole the CO had little sympathy with pleas of financial burden which the commercial interests put forward as reasons for their opposition. However, because these interests often represented important political forces in the colonies, the CO had to take their protests seriously and accept that on occasion they could effectively block the introduction of legislation.

Informed public opinion on colonial matters did not emerge until after the mid-thirties. C.J. Jeffries (a permanent official in the CO throughout the inter-war period) spoke of the 'general indifference' and Shiels commented forcibly on the public apathy toward colonial matters.² Jeffries summed up the situation:

Generally speaking, Parliamentary and public interest in the colonies was only intermittently aroused, usually when some riot, famine, epidemic, or other disaster brought one of the territories into the headlines.³

1. Circular despatches were issued on each of these subjects on 17 September 1930.

2. Dr. T.D. Shiels, 'The Task of Colonial Administration', Health and Empire, Vol. 7, No.4, December, 1932, p.319: 'The Colonial Empire', United Empire, Vol.28, No.9, September, 1937, p.527.

3. Jeffries, p.16.

The lack of sustained interest seriously detracted from the CO's ability to implement a forward labour policy especially when it required Treasury assistance.

IV

Once economic development gathered pace in the inter-war years a basic conflict became apparent in the CO approach to the labour question. On the one hand the CO encouraged economic expansion and went some way to developing the organisation and expertise to help bring that about. On the other hand, it failed to anticipate the rapid growth of a detribalised workforce dependent on a wage economy, or the consequences of the lack of any system of labour supervision.¹ The wage labour force might have been only a tiny proportion of the indigenous population but it was a dynamic and potentially explosive section which could not be safely ignored. The more far-sighted in the Office recognised what the future trend would be and sought to introduce the legislation needed to regulate proper conditions of work in order to prevent the abuses and unrest which otherwise almost invariably followed.

1. The basic conflict in the CO approach caused a dilemma in those dependencies where the administrations were attempting to limit social change in the interest of the old order while accepting economic growth and the need for a reliable and disciplined workforce. E.L. Berger, Labour, Race and Colonial Rule, O.U.P., 1974, pp.73-81, has shown in the case of Northern Rhodesia how the administrators wavered between setting up the necessary institutions to help bring about the transition between the old tribal authority and a stabilised mining work force, and doing nothing.

Chapter 2

The Colonial Office and the InternationalLabour Conventions 1920 - 1932

Apart from a brief period in 1924 the Conservative Party formed the Government in the twenties. Both Viscount Milner (1919-1921) and L.C.M.S. Amery (1924-1929), the most influential Secretaries of State in the CO during the period, were convinced of the economic potential of the Empire. Milner stressed that in his book Questions of the Hour;¹ and Amery, by heading the chapter in his memoirs on his five years as SoS 'Colonial Development and Research',² left no doubt as to what he considered was his main purpose in Office. But although Amery actively encouraged economic development from within the CO by establishing specialist advisers and committees, he accepted the Office practice of leaving the associated labour problems to the local administrations.

There was never any question of labour, or the effects of the employment of native labour on tribal communities, being treated by the Office as a special subject. Each geographical department in the CO routinely acknowledged the handling of labour matters by the individual dependencies for which it was responsible. Few issues arose that required general consideration and the permanent officials were opposed to exercising any initiative themselves in regard to labour

1. Viscount Milner, Questions of the Hour, Hodder and Stoughton, 1923.

2. L.C.M.S. Amery, My Political Life, Vol. II, War and Peace, 1914-1929, Hutchinson, 1952, Chapter XI.

policy. This did not mean that the permanent officials always agreed with the actions taken by the colonial governments¹ but generally X they were quite willing to rely 'on the man on the spot' and to support the actions he took. In a 1930 memo on the ILO conventions J.J. Paskin, who headed the labour section in the General Department from 1929 to 1935, went so far as to say that it had been the practice to accept the colonial government views on them without question.²

Although labour matters were left in the hands of the colonies, the ILO conventions were one aspect of the labour question to which the Office had to give general consideration. Each year it was required to send an annual report to the ILO on the application of the ratified labour conventions to the dependencies.

The General Department in the CO had been given the responsibility of dealing with the ILO conventions. But as R.V. Vernon (appointed General Department 1929, Head of General Department 1930-1937) minuted, the responsibility had largely gone by default.³ The CO had been quite willing to be persuaded by the colonial governments that the ILO conventions designed for industrial communities held no relevance for the dependencies which were mainly agricultural.

1. See A. Clayton and D.C. Savage, Government and Labour in Kenya 1895-1963, London, 1974, Chapter II.

2. Memo by Paskin, 25 February 1930, No. 4 on CO 323/1069/30/70032/1: In a minute in the following year, he said it had invariably been the practice to accept the colonial governments' views on the applicability of the international labour conventions, 16 January 1931, CO 323/1080/30/70318.

3. Minute by Vernon, 21 January 1931, *ibid.*



Consequently, the conventions were given a minimum of attention and no systematic attempt was made to apply them. Their neglect became a matter of regret in 1930 and 1931 when the Office finally had to face up to giving a more positive lead in meeting international obligations. The attitude of the Office to the conventions and the steps taken to deal with them form the subject of this chapter.

The CO attitude to the ILO conventions and the League of Nations
Anti-Slavery Convention

Altogether five conventions¹ were adopted by the first two ILO conferences at Genoa (1919) and Washington (1920). Article 421 of the Peace Treaty obligating the colonial powers to apply the conventions to their dependencies wherever possible was written into each convention.² The CO members showed some anxiety and definite caution in face of these obligations. Rather than give a lead, A.C. C. Parkinson and W.C. Bottomley of the East African Department suggested the colonial governments themselves be asked whether they considered the conventions applicable to their respective territories.³ The senior members in the Office were convinced that no real commitment existed under Article 421. C. Strachey (Head of the Nigerian Department) stated:

1. The conventions were concerned with, first, hours of work (industry); second, unemployment; third, childbirth (maternity protection); fourth, night work (women), and fifth, minimum age (industry).

2. For details of Article 421 see Chapter 1, p. 15, footnote 3.

3. Minutes by Parkinson, 6 May 1920, and Bottomley, 7 May, 1920, CO 323/839/20/CO19210.

I remember discussing that Article in Paris and it seemed to me that the permissive form adopted for non-self-governing Cols. and Protectorates gave us all the safeguards we wanted.¹

He was satisfied that there was no urgency or need for anxiety, particularly as it was not necessary to forward reasons to the ILO for the non-application of the conventions to the possessions.²

When the five conventions were ratified by HMG in the following year, 1921, Strachey showed just how far the CO was prepared to keep to the strict letter of the law by advocating that Tanganyika need not even be notified because of the lack of any undertaking in Article 421 to include the mandates.³ J.E.W. Flood (General Department) labelled Grenada 'foolish' for proposing to apply the five conventions as he saw no reason for 'window dressing' when local conditions were so different from the metropolitan countries.⁴ In view of the generally negative response from the colonies the Office agreed that

1. Minute by Strachey, 11 May 1920, CO 323/839/20/CO19210.

2. All official communication between the CO and the ILO was routed through the Ministry of Labour (MoL) as a result of a Cabinet decision (December 1920) that the MoL should have the general responsibility for all British Government business connected with the ILO. The MoL was also charged with setting up a standing committee, which the CO attended, to deal with all questions relating to the ILO. CO 323/876/21/MO146.

3. Strachey minuted, 27 July 1921, 'I think it is unnecessary to send the Conventions to Tanganyika - Mandated territories are not referred to either in Article 421 of the Treaty of Versailles, nor in the articles of the Conventions which reproduce that Article, nor is there any reference to these Conventions in the Mandate In any case the Conventions are quite unsuitable to this Territory and it seems to me absurd to send them out unless we are bound to do so.' CO 323/839/20/CO19210.

4. Minute by Flood, 2 June 1922, *ibid.*

the conventions were inapplicable, as the letter to the Ministry of Labour (MoL) announced:

Mr. Churchill desires me to remark, in the first place, that the Conventions have in view conditions obtaining in industrialised communities. Such conditions are not found as a rule in the Colonies and Protectorates which for the most part lie in the tropics and are devoted to agriculture.¹

The CO had adopted a very conservative viewpoint. Rather than examine replies to determine whether a colony might not go further, it was prepared to condemn as rash the introduction of what it considered unnecessary legislation. No check was made to see if legislation already existed in line with the conventions or whether further modifications could or should be made.

While the ILO in its first years sought primarily to improve working conditions in industrial countries by international agreement, the first efforts on behalf of native and subject peoples began in the League of Nations itself. In 1922 the League initiated an investigation into the 'recrudescence of slavery' particularly in regard to the African continent.² The CO did not become involved to any extent in the question until the interdepartmental meeting called by the Foreign Office (FO) in 1925 to decide His Majesty's Government's (HMG's) policy to a draft convention on slavery put

1. Sir Herbert Read (Assistant Under Secretary) to the Secretary, MoL, 13 June 1922, CO 323/839/20/CO19210

2. Sir A. Steel-Maitland, on behalf of New Zealand, introduced the resolution at the 3rd League of Nations Assembly, 22 September 1922. See p.6 of the 'Copy of a despatch to the Secretary of State for Foreign Affairs from Viscount Cecil of Chelwood', enclosed in the circular despatch to the colonies, 24 February 1926, CO 323/957/26/CF6069.

forward for comment by the former Governor of Nigeria, Lord Lugard.¹ The FO hoped to arrive at a mutually acceptable policy with Lugard who, while not officially a representative of HMG, had been appointed to the Temporary Slavery Commission to assist in preparing the report called for by the Assembly.² A wide divergence of opinion with Lugard would have been embarrassing to the British Government. The CO itself was not overly concerned with slavery, believing that it no longer posed a problem in any of the British possessions.³

However, the CO was uneasy about the article designed by Lugard to regulate the sensitive issue of compulsory and forced labour which he considered 'analogous to slavery'. It wanted the article dropped because it was 'anxious to maintain' customary labour for chiefs and to see that the use of forced labour for public works should not be curtailed. Strachey, who represented the CO at the meeting in the FO, attempted unsuccessfully to have the subject of forced labour kept out of the proposed draft protocol.⁴

The attitude which the Office adopted to the proposed article on forced labour reflected the views of a number of colonial governments. Though controversy had arisen over the use of forced labour for major public works in Kenya, the practice of using unpaid communal or forced labour remained widespread. The colonial governments

1. Sir R. Vansittart (Counsellor - FO) to Under Secretary of State for the Colonies, urgent, 2 July 1925, CO 323/936/25/F030113.

2. The League of Nations Council resolved in December 1922 to set up a Temporary Slavery Commission, which first met on 9 July 1923.

3. E.B. Boyd minuted on 10 December 1928 that the CO was not concerned to have one of its members at Geneva because slavery was not an issue in the dependencies. CO 323/1023/28/51453.

4. Note by Strachey, 14 July 1925, CO 323/936/25/F030113.

in Africa and the Western Pacific strongly supported the customary calling out of unpaid communal labour. The CO itself had no hesitation in supporting the practice because it knew that the other colonial powers, especially France, Belgium and Portugal, were determined to maintain the right to use forced labour in one form or another.¹

Because of the strong interest in the retention of forced labour by the powers it was not surprising that, although the major principle in the draft Convention finally adopted by the League stipulated that compulsory or forced labour might be exacted only for public purposes, qualifications existed to permit all the current practices. Strachey was in no doubt of the flexibility which he believed existed under the Convention. He stated that the CO should 'interpret the Convention (and the Resolution) as we think fit [adding] there is nobody to prevent us from doing so.'² The CO was satisfied that the wording of the Convention provided all the necessary scope to continue the existing practice of unpaid obligatory labour in its more primitive territories.³

1. H.F. Batterbee (Dominions Office (DO)) to E.J. Harding (DO), 21 September 1926, No.35 on CO 323/958/26/CF8028.

2. Minute by Strachey, 13 October 1926, *ibid.*

3. The word 'primitive' was used by members of the Office in the inter-war years when referring more particularly to the dependencies in Africa and the Western Pacific. In the minutes of the 6th Colonial Office Labour Committee (CLC) meeting, 10 July 1931, it was decided 'to continue with the more primitive territories before beginning on the more civilized', No.6 on CO 323/1117/31/80041/3: Four of the CLC memoranda, viz. No.10, 16, 21, and 23 included 'primitive' in their titles. For example, the recommendations on recruitment agreed upon by the CLC in October 1931 were entitled 'Employment of Natives Ordinance: Colonial Office Labour Committee: Recommendations regarding the recruitment of labourers in the more primitive territories'. No.16 on CO 888/1: On 21 December in a discussion over omitting the reasons (Cont. on next page)

The concern over labour conditions in the colonial territories did not cease with the Anti-Slavery Convention. It had been evident from the findings of the League's Temporary Slavery Commission that the conditions of native labour needed investigation and the ILO had already come under criticism for its previous neglect of the question. The ILO capitalised on the interest aroused to assume responsibility for native labour and formed a Native Labour Section (first headed by H.A. Grimshaw and later C.W.H. Weaver) as well as a Committee of Experts on Native Labour (CENL) to assist it. The CENL was immediately given the task of examining the conditions of native labour in which, of course, forced labour featured prominently.

In the meantime, the proposed ratification of the Anti-Slavery Convention by HMG in 1926 brought the issue of slavery right to the forefront again. To begin with the Office took up its usual defensive position. E.B. Boyd (General Department) doubted if any further legislation were necessary to give effect to the provisions of the Convention.¹ O.G.R. Williams (Head of the General Department) agreed that the information supplied to the League in 1924 adequately summed up the legislative situation, adding:

from the CO answers to Geneva for not eliminating penal sanctions in East Africa, Calder minuted, 'In this case the reasons given provoke the retort that penal sanctions have been abolished in West Africa and in other primitive communities.' CO 323/1542/38/1763/11, Part II: Early in 1940, Hibbert, in discussing the introduction of peaceful picketing into Tanganyika and Uganda, wondered 'whether it [was] wise in territories of a primitive order.' CO 859/24/40/12254/6. Henceforward, when the word 'primitive' appears in the text it will be used in the sense in which it was generally employed by the members of the Office to designate the African and Western Pacific territories.

1. Minute by Boyd, 8 February 1927, CO 531/20/27/31706, North Borneo.

I really do not see why we should go out of our way to do more than we are required to do by the Convention, nor yet why we should anticipate its coming into force. We have done enough works of supererogation already in connection with international Conventions!¹

This attitude received scant sympathy from W.G.A. Ormsby Gore (Parliamentary Under Secretary) who told the Office to provide all the laws, ordinances and regulations as requested by the League. He went on to advise that the Office had better comply cheerfully as it would be asked for 'more and more information'.²

The search by the library, following Ormsby Gore's minute, revealed that Sarawak had reprinted the 1883 law on slavery as recently as October 1922. 'This is bad. I can't understand why this was not discovered before', Ormsby Gore minuted.³ After some discussion on who was to blame for the oversight, Sir G.E.A. Grindle (Assistant Under Secretary) proposed that the League should not be informed of the situation although Sarawak was to be pressed to repeal the law.⁴ Again Ormsby Gore pointed out that these matters could not be hidden and the responsibility should be put onto Sarawak to reform. The CO then faced an awkward situation when a local court decision declared that no previous legislation existed to nullify the legal status of slavery in Sierra Leone.⁵ This led to the question of whether the legal status of slavery had been abolished in

1. Minute by Williams, 10 February 1927, CO 531/20/27/31706, North Borneo.

2. Minute by Ormsby Gore, 15 March 1927, *ibid.*

3. Minute by Ormsby Gore, date of minute cut off but it was written between 23 April and 27 April 1927, CO 323/972/27/25194.

4. Minute by Grindle, 7 May 1927, *ibid.*

5. In a minute on 3 July 1928, A.L. Ayton (West African Department) reported that an act came into force on 1 January 1928 which annulled the legal status of slavery. CO 323/1009/28/50802.

other East and West African dependencies.¹

The significance of Ormsby Gore's minutes on these points lay in his recognition that labour conditions were no longer a problem for internal administration alone but were becoming a matter of international concern. However, the CO was not easily prized from its habitual inward-looking stance; and nor were Strachey, Grindle and Williams disposed to change their attitudes. While they remained the higher authority in the Office overseeing the application of the conventions, no initiative toward cooperation with the international bodies could be expected. Ormsby Gore believed that the Office should respond in a more positive fashion to the demands of the international bodies. He stated that the Office had a moral obligation towards native people and for this reason alone, he argued, it must be seen that slavery legislation in Sarawak was repealed. But to bring about any change in attitude or policy in the CO, Ormsby Gore needed the backing of the SoS and it was not altogether certain that this would be forthcoming.

The reasons for the hostility and lack of cooperation from the permanent officials varied. As Clayton and Savage have shown in their book, the Office resented outside interference believing that, along with the Colonial Service, it was the only body capable of efficiently administering the dependencies in the best interests of their inhabitants.² That viewpoint came out strongly with Flood

1. See minutes of December 1929 and January 1930, CO 323/1027/29/60084.

2. Clayton and Savage, p.184.

who not infrequently gave vent to his feelings in his minutes.

While he was quite prepared to express exasperation with the self-seeking of the European element, especially in Kenya, he showed little regard for the native Africans. He believed it would take 'many centuries' before they would be capable of participating in elective government¹ and later opposed the encouragement of trade unions because such organisations were beyond their mental capacities.²

Flood's disparagement of both of the major social groups at various times makes it difficult to imagine the kind of society he had in mind as far as Africa was concerned. As a self-styled reactionary,³ it seems he must have been looking back to the period of the earliest endeavours to administer the African territories. If that were his conception, it contained little of relevance to the problems confronting the CO and the colonies in the inter-war period. Even in West Africa European penetration by both the administration and the commercial interests had established the nucleus of a wage labour force requiring protective legislation. There was no turning the clock back.

Failure to appreciate the changing situation in the dependencies resulted in an unwillingness to concede any relevance to ILO activities. Flood showed that attitude very clearly. When the ILO re-

1. Note by Flood, 15 July 1929, No.7 on CO 323/1034/29/60248.

2. Minute by Flood, 4 August 1937. CO 323/1429/37/1766.

3. Minute by Flood, nd January 1935, No.18 on CO 866/11/34/28525.

requested publications and information on Sierra Leone in 1928, he characteristically snapped, 'If this body can't find anything better to do it should be scrapped.'¹ As there was no official report on labour in Sierra Leone, the West African Department wrote to W. Addison, a retired District Commissioner, asking him to compose a report. On receiving a 'somewhat euphoric' reply, that was eventually sent on to Geneva, Flood commented, 'I have suggested a few omissions calculated to avoid controversy. If the ILO think S. Leone is a modern Eden and go there I shan't be sorry.'² Whatever the CO view of the ILO, it was inexcusable to allow information misrepresenting the situation to be sent to it, especially if any genuine concern existed over native labour.

The CO desire to hold off ILO inquiries stemmed from a lack of detailed and extensive knowledge of the conditions of native labour. With no machinery to deal with the labour question the Office could not readily lay its hands on information. Normally, a particular need for information was met by sending out a despatch. While a great deal of effort might be put into a reply, the colonial governments did not have the organisation or the skills for gathering comprehensive information on labour matters. There was, too, always a real danger that any 'on the spot' investigation would uncover serious shortcomings embarrassing to the CO.

1. Minute by Flood, 20 August 1928, CO 323/995/27/50224.

2. Minute by Flood, 3 September 1928, *ibid.*

A major factor contributing to the reluctance of the permanent officials in the twenties to cooperate with the international bodies was the firmly held belief that the wide diversity of local conditions and rates of development made labour questions a subject that could be handled only by the local administrations. The CO was well aware of the political nature of the labour question in the dependencies and the opposition a forward policy might provoke. Apart from the official view of the unsuitability of applying the conventions to the primitive territories, the CO was aware of the derisive attitude toward the conventions held by some local legislatures in the West Indies.¹ In 1919 Grindle had said, 'Our business is to secure that no Colony shall be forced into any of these Conventions against its will.'² Any attempt to take a strong line on the conventions on labour matters could well produce a political storm. The Office did not want to invite needless confrontation between a governor and his legislature.

The CO was strongly opposed to 'interference' from international bodies such as the ILO, and was not disposed to cooperate with them. In 1921 Parkinson indicated something of that attitude when he declined to send Nyasaland information about the Second Pan African Congress until 'we ... have to take this kind of Congress more

1. In a minute, 25 November 1931, Beckett wrote of the international labour conventions in relation to the Bahamas, Bermuda and Barbados, that 'it seems absurd to provoke a local crisis by attempting to force on the legislatures measures which they would regard with derision - and which I am afraid I can't take very seriously myself!' CO 323/1125/31/80195/3C, Part II.

2. Minute by Grindle, 14 February 1919, CO 323/808/19/C09563.

seriously'.¹ The CO responded in very much the same spirit to the ILO and the conventions. It steadfastly refused to take positive action until events or the climate of opinion forced it to do so.

Pressure from the ILO

As the twenties progressed Ormsby Gore showed increasing sensitivity to the growing pressure on the CO over labour matters. As early as 1925 he told the Office of contacts he had with the Labour Party Research Department and with Labour MPs which caused him to expect a great deal of cross-examination in Parliament.² But by far the greatest pressure came from the ILO. It was constantly seeking information and Ormsby Gore was apprehensive that knowledge in the Office would prove inadequate to deal with the expanding nature of the inquiries.

He had every reason to be apprehensive. When the MoL in May 1924 had passed on an ILO request for greater detail on the practical application of each convention to the individual colonies, in place of the generalised annual observations, the CO had adopted a very casual attitude.³ The feeling in the Office was that the existing arrangements were satisfactory. C.W. Dixon (Dominions Division)

1. Minute by Parkinson, 20 August 1921, CO 323/866/21/F040286.

2. Memo by Ormsby Gore, 'Labour Conditions in Crown Colonies and Protectorates', 24 August 1925, CO 323/941/25/C044110: The weekly publication of the ILO, 'Industrial and Labour Information' was an important source of potential questions as J.G. Hibbert (Social Services Department) pointed out on 12 March 1940, 'As I have remarked on other occasions, this little publication is an unfailing fount of inspiration for the Parliamentary Question devised by Labour M.P.s, amongst whom it has a wide circulation'. CO 850/29/40/12262/1.

3. Letter from MoL, 17 May 1924, CO 323/930/24/M023758.

suggested the ILO should be sent the information' in so far as it is available here and so far as it is considered advisable to give it to [them].'¹ A. Fiddian (Head of the General Department) thought the colonies had quite enough to do and was very reluctant to trouble them for 'annual reports'. He was of the opinion that the ILO merely wanted to know when legislation arising from conventions was passed, and that, he suggested, could be furnished from the CO records.² Despite the ILO request for greater detail, the CO decided that there was no need for annual reports from the dependencies or for any change in the format of the CO's annual observations on the conventions.

Because of its policy regarding the application of the conventions, the CO had no choice other than to be evasive and to continue sending generalised observations to the ILO. Concerned at the inability of the Office to fulfil the ILO requests, and aware of the growing interest in native labour of the labour movement in the UK, Ormsby Gore had the CO Group Council in September 1925 discuss asking the colonies for more information on labour matters. Although the meeting expressed the view that the information and statistics asked for by Ormsby Gore would be difficult to obtain, the General Department issued a circular despatch asking for information and for an expanded section on 'Labour, Wages and Cost of Living' in their annual 'Blue Books'.³ The replies proved to be disappointing

1. Minute by Dixon, 23 October 1924, CO 323/930/24/MO 23758.

2. Minute by Fiddian, 25 October, 1924, *ibid.*

3. Circular despatch, 27 October 1925, CO 323/941/25/C044110.

as there was little information forthcoming over the conventions and no significant additions appeared in the 'Blue Books'.¹

The increasing interest in the native labour question by the ILO came as a result of the growth of a wage earning class in the dependencies. Calling for more information on labour matters, Ormsby Gore pointed out the extent to which this growth had occurred:

In most Colonies and Protectorates the largest employer of labour is undoubtedly the Colonial Government itself, more particularly in the railway department and in the Public Works Departments there is the state of factory or quasi-factory employment in many of the Colonies - I refer to cotton ginneries, sisal mills, sugar factories and the like - and above all there is the question of plantation labour, particularly in industries like rubber and sugar.²

In a talk to the ASAPS in 1928 H.B. Butler, the Deputy Director of the ILO, made a similar reference to the rapid changes then taking place:

In other words, countries which before the war, or at any rate until the end of the nineteenth century, were practically insignificant in the economic life of the world are now more and more becoming indispensable, and all the production of those countries is the production of native labour.³

An expanding workforce in the colonial territories was beginning to attract attention because of the conditions under which much of it was employed.

1. See replies on CO 323/965/26/CF19999.

2. Memo by Ormsby Gore, 'Labour Conditions in Crown Colonies and Protectorates', 24 August 1925, CO 323/941/25/CO44110.

3. H.B. Butler in an address to the annual meeting of the ASAPS, 15 May 1928, No.9 on CO 323/995/28/50224.

By 1927 the permanent officials were showing definite concern at the progress made by the CENL in its examination of the native labour question, and at the ILConference resolution to place the question of forced and indentured labour onto a future agenda.¹ Williams expressed the CO's strong reservations about the competence of the ILConference to deal with the native labour question as, in his opinion, few of the delegates from the forty two member countries had any knowledge of the subject.² Strachey and Grindle wanted geographical limits to any discussion and suggested that the CO 'resist at the outset any suggestions to bring our native African questions into such a convention!'.³

Ormsby Gore immediately halted any attempt to indulge in delaying tactics by rather tartly stating that the ILO Governing Body had already given notice of taking up the question of forced labour in all colonial dependencies and that the CO could not stop them.⁴ After attending a discussion by the ASAPS and the League of Nations Union on their memorial to the ILO on the subject, he was even more certain that it would be impolitic to oppose the introduction of a forced labour convention.

If anything has to be done in regard to labour legislation in the dependencies I would rather it were done in the present regime than delay it for a possible change of Govern-

1. Other powers showed similar concern. France made the first approach to the CO in an attempt to come to some common understanding on the subject. See the extracts from an interview between M. Gérard (Pertinax of the Journal des Debats) and Ormsby Gore, 21 December 1927, No.11 on CO 323/988/27/25945.

2. Minute by Williams, 22 June 1927, CO 323/974/27/25272.

3. Minute by Strachey, 23 June 1927, *ibid.*

4. Marginal note by Ormsby Gore, *nd, ibid.*

ment when Ministers may take a much more extreme view of the desirability of action in these matters.¹

He warned that the Office could not afford to adopt either an intransigent or an obstructive attitude. Whether the permanent officials agreed or not, he expected the native labour question to attract increasing Parliamentary interest and asked that in future all official papers on the subject of labour should come up before the SoS or himself. Ormsby Gore appeared to be the only person in the Office prepared to face up to the progress made by the ILO, and the extent to which the CO was committed by HMG membership of the international bodies.

Amery did not by any means share Ormsby Gore's views on the proposed convention and said 'it [was] all part of the scheme to magnify Mr. Thomas [Director General of the ILO], and if we can stave it off we should'.² He agreed that he or Ormsby Gore should see the most important papers on labour but tempered this by pointing out the danger of over-centralising work. His remarks seemed a deliberate attempt to deflate the importance attached by Ormsby Gore to the labour question and to the proposed convention.

However, there were some signs that the Office was beginning to realise that the issue of forced labour could not be conveniently shelved. When Strachey, truculent to the last,³ suggested the Off-

1. Minute by Ormsby Gore, 2 July 1927, CO 323/974/27/25272.
2. Minute by Amery, 5 July 1927, *ibid.*
3. Strachey was due to retire in 1927.

ice should ignore the MoL semi-official request for observations on the pending discussion at the ILO, Williams opposed his advice and insisted on cooperating with the MoL. He went on to suggest that the CO begin collecting information on forced labour with a view to putting 'our house in order' wherever it was necessary to do so.¹

The CO made no move to follow Williams' advice and the question of a forced labour convention slipped into the background, not to be revived until the ILO Report on Forced Labour arrived in the Office in 1929. The extensive involvement with the Forced Labour Convention that followed over the next two years, 1929 and 1930, proved to be most revealing of the attitudes within the Office to the question of native labour and will best form the subject of a separate chapter.²

(i) The 408 Committee

The prospect of a future labour convention dealing exclusively with colonial conditions reopened the discussion on the applicability to the colonies of the labour conventions already ratified. The extent of the obligation incurred by the metropolitan powers to apply the labour conventions to their non-self-governing possessions depended on the interpretation of Article 421 of the Peace Treaty, included in each of the conventions. In 1929 the ILO pointed out that the provisions were being interpreted to mean that the applica-

1. Minute by Williams, 29 August 1927, CO 323/988/27/25945.

2. See Chapter 3.

tion was purely an optional matter.¹

The ILO had good reason to be concerned. There was a general failure to meet the obligations incurred by ratification of the various conventions. That was true not only of the member countries themselves but also in the application of the conventions to the dependent territories. Because of the poor record the 1926 ILConference had called for an expert committee to examine and comment on the annual reports of the members' application of the conventions as required under Article 408 of the Peace Treaty. The Conference hoped expert scrutiny of these reports by a special committee would lead to a uniform and careful application.² In 1928 the Conference went further, demanding that the annual reports include detailed information on the practical application of the conventions.³ Although the 408 Committee, as it became known, did not have the power to question representatives of the member countries on the contents of their annual reports in similar fashion to the Permanent Mandates Commission, the closer scrutiny and the additional obligation to provide more information brought considerable pressure to bear. By 1929 Humbert Wolfe (British Government Delegate at the ILConference) believed the 408 Committee had already achieved far-reaching impact:

Its origin was attended with doubt, and a good deal of opposition, and as year by year passes it becomes increasingly clear that no individual action taken by the Conference has

1. ILO, Official Bulletin, Vol. XIV, No.3, 31 December 1929, p.103.

2. ILO International Labour Conference, Report of the Director presented to the Twelfth Session of the Conference 1929, Vol. II, Geneva, 1929, p.6.

3. Ibid, p.7.

been more fruitful of results in the present or is it more likely to be fruitful of results in the future than this committee.¹

The CO continued to be slow to respond to the increasing attention and pressure from Geneva. In 1927 it evaded the ILO's request for annual reports on each convention in each colony by merely promising to give more information of a general nature. The permanent officials argued that separate annual reports would require an impossible amount of work.² The CO felt little commitment and failed to send out a despatch asking for the promised information. Indicative of its attitude was the neglect in 1929 to notify the colonies that HMG had ratified the Conventions on Seamen's Articles and Minimum Wage Fixing Machinery. However, the period when it was possible virtually to disregard the obligations incurred by the conventions was fast coming to a close.

Forging a new policy

That the Office had not taken the requests from the 408 Committee seriously became evident in December 1929 when, after the MoL sought the annual reports which were to include the section on the practical application of the conventions, G. Hazlerigg (General Department) found an 'appalling muddle' in the papers dealing with the question.³ Vernon, lately appointed to the General Department,

1. ILO, International Labour Conference, Record of the Proceedings, Vol.1, Geneva, 1929, p.380.

2. Memorandum by Paskin, 25 February 1930, No.4 on CO 323/1069/30/70032/1.

3. Minute by Hazlerigg, 11 December 1929, CO 323/1066/29/61919.

took the opportunity to observe:

It must be realised that the British Government is under some suspicion at Geneva and is regarded as not having made a very good show with regard to the ratification and application of International Conventions relating to labour.¹

X He further condemned the Office acceptance of colonial government replies without critical examination and made the unprecedented suggestion that Hong Kong, which had never given 'any reasoned account' for its refusal to apply the conventions, be asked to introduce amendments to bring its legislation on the employment of women and children into line with the international conventions. His views drew protests from W.D. Ellis (Head of the Eastern Department) and Grindle, but Vernon was prepared to make these criticisms because he had reason to anticipate influential support from within the Office.

The Labour Government had been in power for eight months and Vernon had established rapport with Shiels, the Parliamentary Under Secretary appointed in 1929, who had quickly become a dominant figure in colonial labour matters. Although Shiels agreed to Grindle's request to seek information from the FO on whether Hong Kong would be facing unfair competition if conventions were applied, he said the matter should be pressed, as Vernon had suggested, whatever the FO reply:

I feel very strongly that a service has been done in calling attention to this matter and we must press very strongly the

1. Minute by Vernon, 31 January 1930, CO 323/1066/29/61919.

adherence in a British Colony to the minimum standard laid down by the L/N.¹

The initiative taken by Vernon and the determination of Shiels to improve the conditions of native labour combined to alter radically the prevailing CO policy to the conventions.

That there was to be a change in policy first became evident during a discussion in the General Department over the suitability of including Article 421 in the Forced Labour Convention. First, the prevailing view was set out by Paskin who claimed that there had been a 'progressive attitude' in the Office to the application of the conventions.² The essence of his argument, however, differed little from his earlier minute which clearly indicated that the Office believed that Article 421 meant no more than what it said - namely, that the conventions should be applied if the local conditions permitted. H.G. Bushe (Assistant Legal Adviser) agreed with Paskin's interpretation, adding that economic competition from a neighbouring country not applying a particular convention justified non-application in turn.³

Vernon swept aside Paskin's very cautious interpretation. Departing from the prevailing Office view, he proposed that the CO had a moral obligation to apply the ratified conventions to the

1. Minute by Shiels, 5 February 1930, CO 323/1066/29/61919

2. Memorandum by Paskin, 25 February 1930, No. 4 on CO 323/1069/30/70032/1.

3. Minute by Bushe, 4 March 1930, *ibid.*

fullest extent possible.¹ Grindle immediately fought back against the possible acceptance of any such radical 'new doctrine' by reminding the Office of the 'ancient and valuable ideal' that statute books should not be encumbered with legislation that had no immediate use.² His argument had merit if, as many of the permanent officials believed, there were no conditions in the dependencies similar to those in the industrial countries, or likely to be in the foreseeable future. By agreeing with the new doctrine of moral obligation both Shiels and Lord Passfield (SoS) indicated that they believed that such conditions had arrived in many of the possessions and called for the kind of legislative safeguards required in the metropolitan countries themselves. They agreed that the proposed new doctrine should be put before the governors at the CO Conference in June 1930.

A new awareness of the confusion surrounding the actual extent to which the conventions had so far been applied arose from the Office discussion over Article 421. To try to overcome 'the appalling muddle' the Office issued a circular in April 1930 asking each colonial government for an annual report setting out clearly and precisely its situation regarding the ratified conventions. Each government was also asked to review carefully its whole situation and to bring legislation into closer accord with the existing

1. Minute by Vernon, 24 March 1930, CO 323/1069/30/70032/1: Vernon's views were drafted into a confidential memorandum (C.2/1) by Paskin, 'Colonial Office Conference, 1930. International Labour Conventions. Application to Colonies, etc.' (corrected proof). This was approved by Passfield, 15 April 1930, No.7, *ibid.*

2. Minute by Grindle, 25 March 1930, *ibid.*

conventions wherever possible.¹

The colonial governments failed to appreciate the new CO intention to apply the conventions as widely as possible. In answer to the request for detailed reports on the application of each convention many of the colonies referred to their earlier despatches which had merely stated that they were inapplicable. Because of the inadequate information furnished Paskin had to inform the MoL in December 1930 that the annual reports to the ILO 408 Committee would have to ^{be} generalised once again.² Just how sketchy attention in the previous decade had been to the application of the conventions was revealed by Bermuda's diligent search for a record of some formal adherence to the various conventions when, of course, what had always been required of the dependencies was either administrative or legislative action. After doing the best he could under the circumstances Paskin proposed that the colonies be asked to undertake a more critical review,³ and then announced that he was taking a fortnights holiday to recuperate from yet another frustrating attempt to get out respectable annual reports.⁴

Shiels was not altogether displeased with the inadequate response since it gave him the opportunity to press the colonies further. Even Passfield felt moved to comment critically on the pre-

1. Circular despatch, 29 April 1930, No.11 on CO 323/1066/29/61919.

2. In a letter to the MoL, 19 January 1931, Paskin wrote, 'Moreover as you were aware, one of the objects of our circular despatch of the 29th April was to enable us to give a really comprehensive summary of the position which would materially lessen our labours on future occasions. This hope has for a variety of reasons, not been fulfilled.' No.8 on CO 323/1080/30/70318.

3. Minute by Paskin, 16 January 1931, *ibid*.

4. Paskin to R.C.G. Somervell (MoL), s/o, 14 January 1931, No.8, *ibid*.

vious efforts of the CO and the colonies and suggested a better 'system' was required. The general despatch that issued on 2 April 1931 stated bluntly the SoS's dissatisfaction with the past lack of endeavour, and emphasised the moral obligation incumbent on all colonial governments to apply the conventions. This despatch offered the positive lead on meeting the obligations which had been so conspicuously absent up to that time.

The pressure brought by the CO onto the colonial governments to apply the conventions was a product of Shiels' determination that HMG should measure up to its moral obligations. As a result of his close attention to labour issues in the dependencies a definite policy on the conventions gradually evolved. The attitude of the CO and the colonial governments to this forward policy was fully revealed during the efforts of the CO to enforce the application of the conventions in Cyprus; in the attempt to introduce the Convention on Minimum Wage Fixing Machinery; and in the reaction, under Sir Philip Cunliffe-Lister (SoS 1931 - 1935), against pressing that policy.

(i) Cyprus

Shiels' determination to implement a policy of applying the conventions wherever possible was soon demonstrated in the case of Cyprus. Originally in 1921 Cyprus had stated that the two conventions dealing with minimum ages of children working in industry and of young persons doing night work were not applicable.¹ Acting on

1. Governor (Cyprus) to Churchill, 20 September 1921, CO 67/204/21/49882.

its own initiative, in 1928 it passed legislation which included some of the principles from these two conventions.¹ This was not brought to the attention of the CO and the Ceylon and Mediterranean Department failed to notice that the conventions had been partially met. Consequently, the annual reports prepared in the General Department for the 408 Committee continued to indicate that the conventions were not applicable to Cyprus. The General Department finally stumbled on to the partial application when Cyprus amended the law in 1930 to permit children and young persons to be employed at a lower age than those contained in the provisions of the conventions.² In line with the decision in the April 1930 despatch that colonial legislation should be in closer accord with existing conventions, higher authority agreed that Cyprus should be asked for a full explanation for the deviation.

When Cyprus replied, Paskin proposed accepting the reasons given for introducing the lower ages.³ H.R. Cowell (Head of the Ceylon and Mediterranean Department), supported by Sir W. Cecil Bottomley (Assistant Under Secretary), also agreed with the reasons and proposed that Cyprus should review the situation in two or three years time. He justified his advice by referring to Greece whose ratification of the two conventions was merely 'window dressing', and

1. Governor (Cyprus) to Amery, 10 May 1928 and 17 August 1928, No.1 and No.3 on CO 67/225/28/39291.

2. Governor (Cyprus) to Passfield, 14 May 1930, No.1 on CO 323/1069/29/70032/IIIC.

3. Minute by Paskin, 23 September 1930, *ibid.*

to Syria who had not yet adopted them at all. These opinions were in line with the view expressed by Bushe, that conventions should not be applied if they caused economic disadvantage. Vernon was definitely sceptical of the reasons given. He did not agree that children matured earlier in Cyprus, nor that adhering to the ages specified in the conventions would lead to unemployment and the loss of opportunity to learn useful trades.¹

After visiting Cyprus, Shiels believed no reason existed for not applying the provisions of the conventions under question.

I am sorry I cannot agree with Mr. Cowell. I was concerned to find Cyprus so backward in industrial and social legislation and I could see no reason for it other than past slackness in these matters.²

This was a strong condemnation of CO attitudes. The incident revealed the steadfastness of the belief within the CO of leaving the colonies to set the pace in labour legislation, despite the new policy forged under Shiels and Passfield. The Office preferred to act in the traditional manner of accepting explanations put forward by a governor, even when these appeared to be questionable. Shiels faced a definite obstacle in getting the Office to act on a change in policy with which it basically disagreed. One solution lay in creating some central machinery which could be responsible for formulating policy and seeing that it was carried out effectively. The fourth chapter will examine the attempt by Shiels to set up such a central body.

1. Minute by Vernon, 30 September 1930, CO 323/1069/29/70032/IIIC.

2. Minute by Shiels, 21 November 1930, *ibid.*

(ii) Minimum wage fixing machinery.

Another step towards establishing the policy on the ILO conventions was taken when Shiels had a despatch sent to the dependencies on 8 April 1931 informing them for the first time of the ratification two years earlier of the convention dealing with minimum wage fixing machinery.¹ The colonial governments were asked to review the situation in line with the policy set out in the circular despatch of 2 April 1931. The subject was then brought on to the Colonial Office Labour Committee (CLC)² agenda and discussed in July.³ Although the precedent for introducing minimum wage fixing legislation had already been established in Malaya and Ceylon through pressure from the Government of India, and in the Western Pacific, it aroused considerable controversy in the Committee. In Shiels' view the increasing number of detribalised natives made it necessary to have minimum wage fixing machinery in readiness, quite apart from the obligation to apply the conventions. The Committee finally recommended that the colonies introduce enabling legislation giving the governors the power to fix a minimum wage for any trade in any area.

Despite opposition from the colonial governments, and the fall of the Labour Government in August, the CLC meeting in October 1931 endorsed the July Recommendations.⁴ That decision was undoubtedly

1. Circular despatch, 8 April 1931, No.3 on CO 323/1115/31/80014/3: The date of registration of the UK ratification was 14 June 1929. ILO, Summary of Reports on Ratified Conventions, Geneva, 1950, p.133.

2. See Chapter 4 for details of the Colonial Office Labour Committee (CLC) set up by Shiels in April 1931.

3. Minutes of the 8th CLC meeting, 24 July 1931, No.8 on CO 323/1117/31/80041/3.

4. Minutes of the 9th CLC meeting, 27 October 1931, No.9, *ibid.*

influenced by a letter from Weaver informing the CO that French West Africa and Equatorial Africa, Madagascar, and the Netherlands East Indies had already introduced minimum wage fixing machinery.¹ The CO kept a fairly close eye on the territories of the other colonial powers and prided itself on the British colonies being in advance, at least administratively. Though the geographical departments were not in favour of pressing the colonial governments to pass legislation in advance, the Office could not readily reverse the decisions made over Cyprus or at the July CLC meeting. The decision of the October CLC represented the high water mark of Shields' policy. Henceforward, although Vernon fought a valiant rearguard action he could not stave off the opposition within the Office to the policy of pressing the application of the conventions once Sir P. Cunliffe-Lister became SoS.

A reversal of policy

The opposition in the Office to the policy on the conventions resurfaced almost immediately after the change of Government, when Paskin asked for a ruling on 'a test case' in East Africa.² The four colonial governments there were prepared, if the SoS insisted, to adopt legislation prohibiting the employment of women at night in industrial undertakings. Paskin did not propose any line of action himself, which suggested that he opposed unnecessary pressure on colonial governments. He did not normally voice disapproval of

1. Paskin to Weaver, 30 July 1931, No.12 on CO 323/1115/31/80014/
3: Weaver to Paskin, 5 September 1931, No.15, *ibid.*
2. Minute by Paskin, 10 October 1931, CO 323/1125/31/80195.

policy but his silence often indicated his lack of support. By asking for a ruling on this occasion he was, in fact, attempting to appeal to higher authority over Vernon's head.

With Shiels gone it was left to Vernon to defend the policy on applying the conventions, which he did in decisive fashion. In keeping with 'Shiels thesis',¹ he argued that legislation should be introduced, if necessary in advance of its actual requirement, in order to prevent abuses occurring when industrial development eventually took place. That view, according to Vernon, had been adopted by the CO at the international meetings at Geneva.² That the majority in the Office who minuted accepted Vernon's argument demonstrated the shift in policy under Shiels and Passfield. On Vernon's advice, Sir Robert Hamilton (Parliamentary Under Secretary following Shiels) endorsed the decision that colonial governments should enact labour legislation arising from the conventions in anticipation of the future needs of the native workforce, as it clearly came into line with policy formulated under the Labour Government.³

Although Paskin had failed to get Shiels' policy on the conventions reconsidered he made another attempt in December, after

1. Term used by Sir Hilton Poynton in discussion with the writer on 6 October 1976.

2. Minute by Vernon, 12 October 1931, CO 323/1125/31/80195.

3. In a minute on 13 November 1931 Hamilton agreed that the policy set out by Vernon should be adopted. Ibid: In a minute, 21 September 1932, Paskin stated that Hamilton's actual ruling had been 'that the mere fact that the conditions with which a Convention is designed to deal do not at present exist in a Colony is not a sufficient justification for the non-enactment in that Colony of the legislation required by the Convention.' CO 323/1171/32/90090/2.

Cunliffe-Lister had replaced J.H. Thomas (SoS, Aug.-Nov. 1931), when he suggested that the draft despatch conveying the October CLC decision to press the colonies to legislate for minimum wage fixing machinery should go before higher authority.¹ Vernon, as Head of the General Department and acting within his authority on an established policy, ignored Paskin's advice and passed the despatch for issue. Anticipating that the opposition from higher authority would gain a sympathetic hearing from Cunliffe-Lister, Vernon chose to act in accordance with his own convictions. His expectation that Shiels' policy would no longer receive support soon proved correct.

Vernon had successfully checkmated the opposition in the Office and Hamilton had endorsed Shiels' policy, but colonial governments continued to object to applying the conventions. In December 1931 Uganda asked if it could modify the provisions of the conventions dealing with the employment of children and young persons in industry. Rather than a minimum age of 14 and 18 respectively, Uganda proposed to adopt minimum ages of 12 and 14 as in India and Japan.² Although the other Eastern and Central African territories were adopting the conventions without modification, A.B. Acheson (East Africa Department) argued strongly that the Ugandan cotton industry was a special case, and that the opinion of the experienced Governor, Sir W. Gowers, should not be overridden.³ When Ug-

1. Minute by Paskin, 10 December 1931, CO 323/1115/31/80014/3.

2. Governor (Uganda) to Cunliffe-Lister, telegram, 24 December 1931, No.32 on CO 323/1125/31/80195/3A.

3. Minute by Acheson, 29 March, 1932, CO 323/1172/32/90090/2C: H.T. Allen (Head of East Africa Department) proposed that Uganda should go ahead, 30 March 1932, *ibid*.

anda persisted in its argument, although reluctantly agreeing to come into line,¹ Paskin wrote a note expressing regret at the policy formulated by Shiels. He thought Uganda sufficiently justified in its claim and hinted that even greater difficulty would be faced in making the West Indies conform.² Vernon firmly expressed his opposite point of view:

I should have been disposed to press the age limit of 14 and 18 on their merits, apart from our commitments. India and Japan are black spots in regard to child-labour in industry, which we do not want to turn into models. I think they will both go before long.³

In light of existing policy both Assistant Under Secretaries, Sir John E. Shuckburgh and Sir W. Cecil Bottomley, believed it was not possible to justify making an exception in the case of Uganda, though Bottomley expressed the opinion that children were better working than idle.⁴

After indicating his support for various sections of Paskin's argument, Cunliffe-Lister proceeded to reverse the Office policy in the case of Uganda:

I am very averse to forcing the Uganda Government to do what will be very unpopular, uneconomic and will very likely deprive the children of the chance of a reasonable standard of life. [adding as a postscript] I see no reason why the West Indies should not be left to work as they please.⁵

1. Governor (Uganda) to Cunliffe-Lister, 10 September 1932, No.4, CO 323/1172/32/90090/2C.

2. Memorandum by Paskin, 17 October 1932, No.6, *ibid.*

3. Minute by Vernon, 19 October 1932, *ibid.*

4. Minute by Bottomley, 21 October 1932, *ibid.*

5. Minute by Cunliffe-Lister, 24 October 1932, *ibid.*

As a result of Cunliffe-Lister's decision and concluding remark, H. Beckett (Head of the West Indian Department) asked if pressure on the West Indies could be relaxed.¹ Although Vernon hoped the Office would not go back on the 'invitation' to pass legislation,² Shuckburgh ignored his advice and asked the SoS for a general ruling over the application of the conventions.³

In line with the overwhelming sentiment in the Office, Cunliffe-Lister proceeded to reverse the previous Government's whole policy on the question of the application of the ILO conventions to the colonies:

X (s60)

I certainly think it wd be most unwise to press Colonies to pass academic legislation. Where there is a case to be met or an abuse to be remedied that is quite another matter.... We shall probably soon want to approach all Colonies to deal with Japanese competition. That will be of vital importance to this country. We shd be very unwise to get them all into an obstructive mood at such a time. I have noticed generally the Colonies take a common sense and not ungenerous view about social legislation. They resent having inappropriate European conventions thrust on them. But when it comes to practical measures of real benefit e.g. Workmen's Compensation, they seem quite ready to act. My policy wd be to press strongly shd there be opposition to reforms of real practical value but to go slow in theoretical conformity where it is not of great practical value. It is very easy to get a general reaction against social legislation, and a consequent resistance to reforms which can be justified on their merits, if you press your theoretical legislation too far.⁴

Again, as in the earlier minute, Cunliffe-Lister brought out his overriding concern for the economic aspects. His faith in a 'commonsense' attitude to social legislation did not prove to be well-

1. Minute by Beckett, 14 December 1932, CO 323/1117/32/90090/2A.
2. Minute by Vernon, 16 December 1932, *ibid*.
3. Minute by Shuckburgh, 17 December 1932, *ibid*.
4. Minute by Cunliffe-Lister, 22 December 1932, *ibid*.

founded. In a very few years some of the so-called theoretical legislation was, in fact, found to be urgently needed. This rare but significant intrusion into the labour question by the new SoS was a serious set back to Shiels' policy and the gains that had been made.

Cunliffe-Lister's pragmatic approach was in sharp contrast to Shiels' conviction that social legislation had to be extended to the colonies even if it meant bringing pressure to bear. But Shiels' term of Office had been too short for his policy on the conventions to become established. Under Cunliffe-Lister the CO reverted to the former practice of leaving the application of the conventions to the judgement of the individual colonial governments.

Conclusion

Labour matters in the dependencies in the twenties remained almost exclusively in the hands of the geographical departments. These departments followed no formulated policy in labour matters and gave little if any direction to the particular territories for which they were responsible. The prevailing attitude was that labour matters should be left to the judgement of the colonial governments concerned. In 1930, in reply to the ASAPS call for a statement on native policy for the dependencies, Sir Samuel Wilson (Permanent Under Secretary) reported to Passfield that it was quite impossible to formulate a native policy, including a labour policy, for even one region, such as East Africa, because of the economic,

social and political diversity within the region.¹

In so far as labour matters were concerned the Office was prepared to act only in cases of serious abuse. The potentially dangerous political debate which the Office believed attended labour problems helped to reinforce the CO attitude that the subject should stay firmly in the hands of the colonial governments. In keeping with that view, higher authority in the CO remained uncooperative in the face of the early pressure from the ILO. It was hostile to any suggestion of interference by the international bodies and consistently acted to minimise the obligation to apply the labour conventions. The CO expressed its objections to the extensive demands of the Permanent Mandates Commission² and opposed any similar commitments on behalf of the bulk of the dependencies. However, during this period the progress made in colonial economic development, and the growing maturity of the ILO, threatened to undermine the administrative practice of leaving labour policy in the hands of the individual dependencies.

The pattern of response to the ILO conventions was quickly set. The CO dutifully forwarded the ratified conventions to the colonies. Because of the lack of any positive lead to apply the conventions, the colonial governments responded, for the most part,

1. Minute by Wilson, 26 July 1929, CO 323/1034/29/60248.

2. Amery minuted in March 1928, 'I dislike the increasing practice of wasting the time of our best men by sending them to Geneva to justify ourselves before the PMC. Personally I would prefer to give the PMC the least information possible consistent with enabling them to verify the fact that we have not violated the Mandate in respect of slavery, drink, etc.' CO 323/1006/28/50685.

by stating that the conventions were not suitable or that the time was not ripe. Their replies were frequently evasive as the conditions for which the conventions were designed did exist - although not extensively - in many of the colonies. There were also instances where legislation was passed for certain of the conditions to which the conventions applied and the colonies concerned felt under so little commitment that they failed to bring their partial compliance to the notice of the CO. Applying the conventions was seen by both the colonial governments and the CO to be no more than a process of going through the form of complying with a minimal obligation arising out of HMG's membership of the ILO.¹

The General Department played a relatively minor role in this period. It sent out the circular despatches dealing with the ILO conventions and prepared the annual reports on their application for Geneva. But it made no systematic attempt to collate the answers from colonial governments received by the geographical departments. The colonies were not asked for annual reports on the progress of the application of the conventions, nor was any attempt made to examine the legislation of the colonies for adherence to the principles in the conventions. It was not surprising that with so little conviction or goodwill on the part of the CO and the colonial governments that the regulation of working conditions fell short of even the modest achievements possible.

1. A. Faddian (Head of the West African Department) in a letter to Sir Shenton Thomas (Business Adviser - CO), 5 August 1932, stated that the commercial companies in West Africa had nothing to fear from the introduction of minimum wage fixing machinery as the CO was doing only 'as little as possible', to fulfil an international obligation. No.4 on CO 323/1172/32/90090/11.

The political heads of the CO during the twenties displayed no interest in labour matters. Amery, who occupied the position of SoS for the longest period, gave no lead in that area. The absence of labour matters on the agenda of the CO Conference in 1927 epitomised the almost total silence on the question outside the need to attend to the Geneva obligations. Only one voice of authority in the late twenties, that of Ormsby Gore, sounded a warning that the growing use of wage labour, even in Africa, required serious attention by the CO. His recognition both of the importance of the labour problem and the increasing prestige of the ILO was largely cancelled by the lack of support from Amery for taking any decisive action.

The absence of positive commitment by the CO to the labour question reflected the total lack of interest or pressure from public opinion in the UK over problems confronting the Empire. The CO, in so far as it could determine, believed the administration in the British territories to be superior to that of the other colonial powers. There was little incentive to conceptualise a problem in advance of the need to do so.

This picture was immediately reversed and the CO jolted out of its customary attitude when Shiels became Parliamentary Under Secretary of State for the Colonies. He quickly introduced a positive approach to the application of the conventions. The governors were told at the CO Conference in June 1930 of the moral obligation to introduce the administrative or legislative measures necessary to bring the conventions into force. The pressure on Cyprus to come into line over the minimum age of employment of children and young

persons was an important decision. The colonies were told to apply the conventions wherever possible and, in particular, to comply with those dealing with women and children. The ratified convention dealing with minimum wage fixing machinery was 'discovered', and the CLC laid down the policy that legislation should be enacted even in anticipation of its need. This adherence to principle was the very antithesis of the previous approach of the CO to the labour question.

Shiels played the key part in the dramatic change of attitude in the CO. The extent of the vital role which he played in forming a new consciousness in the Office will be considered further in the following three chapters. As a result of his sojourn in the Office the whole question was raised of whether the CO could continue to pursue a course which left such an important and crucial matter as labour so exclusively in the hands of the colonial governments.

Unfortunately for the consolidation of his policy, Shiels left office in August 1931 before he could complete the task of bringing all the colonies into line over the application of the conventions. With the decrease in demand for native labour due to the depression and consequent reduction of pressure for protective labour measures, and as a result of the resistance of certain colonial governments to Shiels' policy, Cunliffe-Lister reverted in 1932 to the earlier policy on the labour conventions. Colonial governments were no longer required to pass 'academic legislation' or even to introduce labour legislation with which they were not basically in agreement. Higher authority in the Office was in favour of a return to a situation whereby the colonial governments would not be pressed against

their 'better' judgement. The General Department, and in particular Vernon and A.H. Poynton, was not happy with this decision but could do nothing to alter the situation until the late thirties.

Chapter 3

The Forced Labour Convention 1929 - 1930

Forced labour became a matter for international consideration for the first time at the Peace Conference in 1919. Although the Covenant of the League of Nations expressed a concern for the 'just treatment of the native inhabitants', it was only in the terms of the fourteen mandates that limitations on the employment of forced labour were specifically stated. The principle that forced labour should be prohibited except for essential services, for which it should be adequately paid, was not extended to the bulk of the colonial possessions.

The subject of forced labour reappeared in the 1925 report of the Temporary Slavery Commission. Although that Commission described forced labour as being 'analogous to slavery' the colonial powers were not prepared to accept any real restriction of their recourse to compulsion for public purposes. Consequently the one article on forced labour finally adopted in the 1926 Anti-Slavery Convention fell far short of the principles already accepted in the terms of the mandates. Nonetheless, international interest had been aroused and the ILO took up the challenge of examining the whole question of native labour.

The ILO and its Committee of Experts on Native Labour (CENL) found it impossible to deal at the one time with the whole range and complexity of factors affecting native labour. Forced labour was the obvious choice for immediate attention. After two years examination of the question the ILO, with the assistance of the

CENL, drew up a Forced Labour Report and Draft Questionnaire (Grey Report, 1929) based mainly on the official publications of the colonial powers.¹

The servile nature of forced labour was clearly defined by the ILO as:

All work or service which is exacted under menace of any penalty for its non-performance and for which the worker concerned does not offer himself voluntarily.²

None of the colonial powers was able to repudiate this definition of forced labour, derived by the ILO from existing practice. For a variety of reasons, however, all were concerned to try to exempt various forms of forced labour from the definition and the associated regulations. Because of that opposition the ILO recognised it would be impossible to abolish forced labour immediately but aimed to restrict and regulate its use wherever it occurred.

Forced labour existed almost exclusively in Africa and the Western Pacific, the areas most recently occupied by the colonial powers. Newbury points out that one of the major assumptions underlying the European occupation of Africa in the nineteenth century

1. ILO. International Labour Conference, 12th Session, Forced Labour Report and Draft Questionnaire (Grey Report), Geneva, 1929. The term 'Grey Report' arose from the colour of its cover and distinguished it from the 'Red' (1929) and 'Blue' (1930) Reports on Forced Labour which followed.

The bulk of the text of the Grey Report entailed a discussion, based mainly on official publications, on the law and practice of forced labour in the various colonial empires. The Report concluded by establishing a series of the most important principles underlying the regulation of forced labour. These principles became the basis for a draft questionnaire to which the colonial powers were invited to send their observations for discussion at the 1929 International Labour Conference.

2. Ibid, p.297, No.2.

was that economic development would bring about a beneficial substitution of slavery by free labour.¹ Instead, by the end of the century, a common feature in the colonial territories had been the acute shortage of willing labour. Indigenous peoples, satisfied with their own way of life, were not attracted to regular wage labour or to the values associated with the European economic and social system.² To overcome their reluctance a variety of coercive measures had been devised to force the natives to engage in labour both paid and unpaid.

During the European penetration into Africa and the Pacific, forced labour was used extensively in such tasks as portage, and in building roads and railways. Often occurring in areas remote from the centres of administration, it proved to be open to the worst kinds of abuse. Clayton and Savage provide graphic details of the extent these abuses could reach in their account of the gross ill-treatment of hundreds of thousands of natives in forced portage in East Africa during World War I.³ In so far as the United Kingdom was concerned with forced labour in peacetime, the CO acted to check the more blatant exploitation, though that resulted in little more than restricting those practices which threatened to produce a public outcry in the United Kingdom.

1. Colin W. Newbury, "Historical Aspects of Manpower and Migration in Africa South of the Sahara," in Colonialism in Africa 1870-1960, ed. Peter Duignan and L.H. Gann, London, 1975, IV, 523.

2. I.C. Greaves, Modern Production Among Backward People, London, 1935, p.137.

3. A. Clayton and D.C. Savage, Government and Labour in Kenya 1895 - 1963, London, 1974, pp.82-91.

During the twenties there was generally a tolerant attitude in the CO towards forced labour for public services. It was averse to taking any initiative unless threatened by a crisis as happened in the case of Kenya. When Frank Weston, the Bishop of Zanzibar, visited Viscount Milner (SoS) in 1920 in the hope of alerting the CO to the evils of forced labour in East Africa, he received little sympathy.¹ Incensed by his reception, the Bishop worked hard to educate public opinion in the United Kingdom.² His campaign helped generate considerable criticism of labour abuses in Kenya. Eventually in 1921, Winston Churchill (SoS) produced a despatch curtailing the use of forced labour on major government public works in Kenya unless permission had been obtained from the SoS for each specific task.³

The Office did not envisage the restriction being extended to other territories. After Ormsby Gore visited West Africa in 1926 he wrote:

There can be no doubt that if and when a railway is constructed (in the Gold Coast) the circumstances are such that recourse will have to be had to compulsory labour.⁴

His SoS, Amery, in a opening address to the League of Nations Union in 1929 left few doubts in the minds of his audience that slavery and forced labour had played a very important part in the advance

1. A. Clayton and D.C. Savage, Government and Labour in Kenya 1895 - 1963, London, 1974, p.114.

2. Right Reverend Frank Weston, The Serfs of Great Britian, W. Knott, 1920.

3. Cmd. 1509. Despatch to ... the Government of Kenya Colony and Protectorate relating to Native Labour, HMSO, 1921, p.4.

4. Cmd 2744, Report by the Honourable W.G.A. Ormsby Gore on his visit to West Africa during the year 1926, HMSO, 1926, p.152.

of humanity. Although he pointed out that the problem was a limited one in the British Empire, where the 'dominant idea was freedom', he went on to say that forced labour was required in Africa on occasions for public works such as roads and railways.¹ At the same meeting Ormsby Gore justified the use of forced labour for the construction and maintenance of roads which were essential 'to any economic advance and progress of the Native peasantry themselves.'²

In the twenties the CO made no move to abolish the use of forced labour for major public works. It expressed no opposition to the use of forced labour at the local level and, in particular, in the extensive roading programmes of some colonies. Indeed, Churchill upheld the principle of communal or obligatory labour in the interest of inculcating habits of 'industry among the natives.'³ Amery stressed that civilization was based on work; ideally, freely given; but if it was not, he inferred, it would have to be acquired under constraint.⁴ There is no reason to think that his aversion in 1927 to a proposed convention on forced labour represented other than the overwhelming sentiment in the CO.⁵

The Grey Report on Forced Labour

The members of the Office who first looked at the 1929 ILO Grey Report on Forced Labour were generally agreed that it was a

1. East Africa, 14 March 1929, p.834, No.6 on CO 323/1061/29/61337.

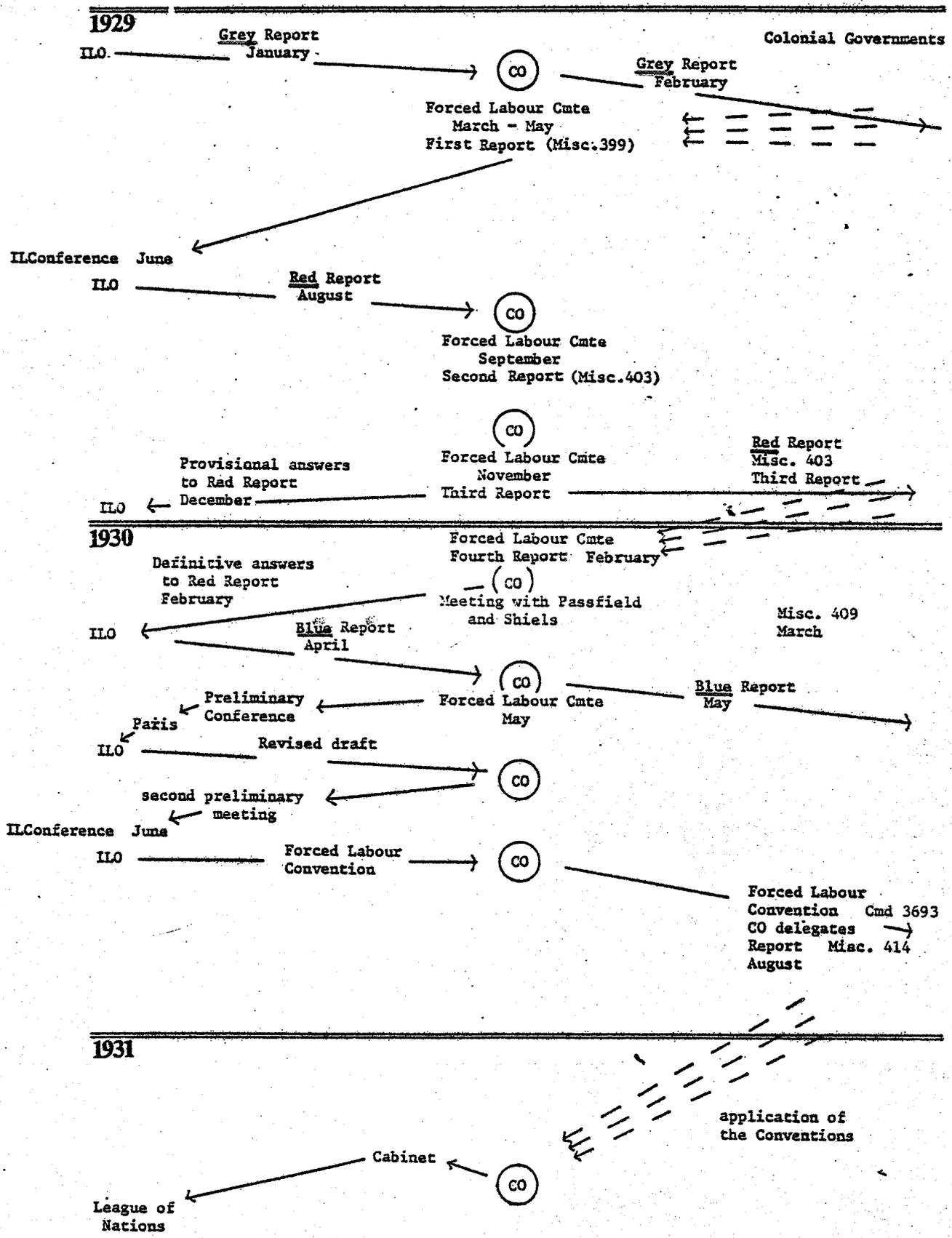
2. Ibid., p.835.

3. Cmd.1509, p.3.

4. East Africa, p.834.

5. Minute by Amery, 5 July 1927, No.23 on CO 323/974/27/25272.

Diagram 2: The Forced Labour Convention: Pattern of communications between the International Labour Organisation, the Colonial Office and the Colonial Governments 1929 - 1931



fair representation of the situation.¹ However, the CO was quick to point out that the Report failed to take adequate account of the widely differing systems of administration operating in the British dependencies. In a letter to Ormsby Gore, Grimshaw (ILO) acknowledged that diversity, but considered that some of the colonies would have to modify their legislation in order to come into line with the provisions in the Convention.² The CO viewed the position very differently. E.B. Boyd (General Department) reiterated the premise on which the Office worked on labour matters:

We should consider ourselves responsible for seeing that the terms of whatever agreement is eventually arrived at are acceptable to British Colonies and Protectorates.³

Grindle had made a similar statement ten years earlier.⁴ The reason that Boyd felt the need to re-assert this basic principle arose from the threat which a Forced Labour Convention might pose to practices prevailing in the dependencies.

1. Boyd summed up the general feeling in a minute on 29 January 1929, 'It is only fair, however, to say that the International Labour Office appears to have used impartially the material which it has so obtained, and that the general tone of the Report is on the whole favourable to British methods.' CO 323/1027/29/60076/C1: The Colonial Office Forced Labour Committee also commented in its 'First Report', '... the [Grey] Report is generally speaking a fair and accurate compilation, and the British representatives at Geneva may readily express their warm appreciation of it and their desire to give all possible support to the objects which the International Labour Office have had in view in preparing it'. 'Report of the Colonial Office Committee on Forced Labour', Confidential Print, Miscellaneous No.399 (Misc.399), p.3, CO 885/31.

2. Reported in a minute by Boyd, 29 January 1929, CO 323/1027/29/60076/C1.

3. Minute by Boyd, 29 January 1929, *ibid.*

4. Grindle said on 14 February 1919, that it was the business of the CO to see that no colony was forced to apply a convention against its will. CO 323/808/19/C09563.

Boyd pointed out two major areas of concern - the proposed obligatory payment of forced labour for local public purposes and the restriction on the use by local authorities of forced labour for road construction.¹ Road making was by far the most important of a range of new tasks for which local authorities were becoming responsible. Grindle contented himself with the observation that it would be necessary to maintain a clear distinction between white man's law and native law and remarked on the absurdity of Geneva interfering between the native ruler and his subjects 'in matters of customary law.'² In this one remark Grindle went to the heart of the problem faced by the CO in its support of the system of administration known as indirect rule.

The essence of the system of indirect rule involved the maintenance of native authority with a minimum of outside intrusion and regulation. In CO opinion the 'one great defect' of the Grey Report was that it failed to take into account the principle of indirect rule³ and the role of the chief and his traditional right to obligatory labour. Instead, the Grey Report classed the chief as a private individual whose use of forced labour needed very careful regulation. The proposed regulations were seen by Grindle as an interference which threatened the chief's authority and status and consequently the maintenance of indirect rule.

1. Minute by Boyd, 29 January 1929, CO 323/1027/29/60076/C1.
2. Minute by Grindle, 30 January 1929, *ibid.*
3. Misc.399, p.3.

Although the Office was aware of the general dimensions of the problems posed by a number of the provisions in the Grey Report, a circular despatch was issued in February 1929 requesting the colonies to provide further detailed observations, and particularly to state

whether there are any special local circumstances, laws, regulations or practices which it would be important to bear in mind when considering the Questionnaire - i.e. give warning if there are any particular traps about.¹

The Office had no wish for another mortifying experience such as that caused by the sudden surfacing of legal slavery in Sierra Leone after the ratification in 1926 of the Anti-Slavery Convention. It needed to be sure that principles and regulations agreed upon did accommodate all colonial practices. The CO was committed to defend indirect rule but the details of the system were not necessarily known to it since they were determined, as were most matters dealing with the employment of labour, by the 'man on the spot'.

The members of the West African Department showed the most concern at the proposals in the Grey Report. They were firmly committed to preserving the system of indirect rule, originally developed in West Africa by Lord Lugard. It was somewhat ironic that the determined attempt by the West African Department in February 1930 to exempt the use of forced labour under indirect rule from the Convention was finally undermined by Lugard himself.

1. Minute by Grindle, 30 January 1929, CO 323/1027/29/60076/C1.

Flood (Head of the West African Department) waved away the threat to the maintenance of indirect rule by the simple magic of saying that forced labour in Nigeria and Sierra Leone did not exist in the sense of the definition of the Grey Report. However his argument to support that surprising contention hardly bore analysis:

In the past they laid stress on casual tribal "servitude" which gave rise to the impression that the natives in West Africa are being systematically bullied to provide labour for public works and for carrying the loads of Government officials - something in the way that the ancient Egyptians are supposed to have been by Khufu to complete his pyramid. (The last criticism I saw of the building of the pyramid pointed out that there was probably no bullying and that the work was carried out during the Nile inundation by perfectly happy gangs of labourers shouting and singing at their work.) In the same way the "forced labour" in West Africa, if properly examined, reduces to nothing.¹

These remarks demonstrated Flood's quaint views on labour conditions. He could conjure up an idyllic situation which was not only at odds with the evidence but also with the effort being expended by the ILO to eliminate forced labour. C.G. Eastwood (General Department) could not dissipate the reality of forced labour so easily and warned that it would be very difficult to find a harmless formula to embody the widespread use of this kind of labour. He thought that the solution might lie in adding to the list of village services which were to be exempted from the regulations.² While West

1. Minute by Flood, 20 April 1929, CO 323/1027/29/60076/C2: See also the West African Department 'Memorandum on Forced Labour' probably written by Flood and certainly checked by him. A similar view was taken, that if the native communities did not mind carrying out the tasks it could not be classed as forced labour. No.1 on CO 323/1031/29/60188/2.

2. Minute by Eastwood, 24 April 1929, CO 323/1027/29/60076/C2.

Africa was the major consideration, he believed that exceptions would have to be made for Cyprus, Ceylon, Fiji, the Western Pacific, the West Indies, Kenya and probably Uganda.¹

Since the CO had to formulate a policy which would be open to international scrutiny at Geneva, it was decided to set up an Office Committee on Forced Labour to consider the principles in the Grey Report.² The measure of concern aroused by the Grey Report and the problems in trying to find an acceptable formula can be judged by the need to have a total of ten meetings, six of which were called in March 1929 before the replies from the colonies arrived.

The Committee's major concern was the failure of the Grey Report to take the principles of indirect rule into account. The Committee explained that it was the express policy of HMG that under indirect rule, in its strictest application, central government should not regulate the internal administration of native communities. The Office believed sound reasons existed for that policy:

Any interference with [native law and custom] would be bound to disturb the course of native life and to weaken the authority of the native chiefs which it is the duty of His Majesty's Government to support.³

1. Comments by the CO Committee on Forced Labour to Question 2 in the Grey Report, No.1 on CO 323/1031/29/60188/3: See also Misc. 399, p.5.

2. Amery agreed to a Committee on 4 February 1929, CO 323/1027/29/60076/C1: The CO Committee on Forced Labour met on five separate occasions and produced four reports and 1 memorandum as follows:

March - May 1929, 'First Report' (Misc. 399); September 1929, 'Second Report' (Misc.403); November 1929, 'Third Report'; February 1930, 'Fourth Report', the amended answers of which, were printed in (Misc.409); April 1930, memorandum by Vernon.

3. Misc. 399, p.5, para.3.

Under the system of indirect rule central government delegated authority to the native ruler to issue orders and make bye-laws. On the basis of the precedent set in 1925 in the case of the Indian provinces retaining the right to make decisions in labour matters, the Committee argued that native authorities were competent to deal with labour matters and to call out forced or compulsory labour.¹ The Committee specifically stated that

His Majesty's Government have not the power to interfere in the affairs of native communities to the extent that would be necessary to regulate in any detail the recourse to forced labour.²

That was the crux of the CO position. The Committee's argument was that it was not possible for an ILO convention, anymore than for HMG, to regulate forced labour in native communities under indirect rule. The Office held steadfastly to that view throughout the period leading up to the ratification in 1931 of the Forced Labour Convention.

However, having argued the case of non-interference, the Committee significantly stated that the central authority could, and did, influence the calling out of forced labour and the purposes to which it was put.

What the British Administration has done is so to direct and advise the native rulers in the exercise of their customary powers as to obtain through them from their subjects such labour for public purposes as has been necessary.³

1. Misc.399, p.7.
2. Ibid, p.6, para.1
3. Ibid, p.6., para.3.

These public purposes in West Africa included road works, portorage, emergency measures and minor public works.¹ The Gold Coast Roads Ordinance actually contained a provision which imposed forced labour for road works though it was claimed that it had never been necessary to have recourse to legislative authority.² If the CO were successful in having forced labour called out by native authority exempted from any regulations, while retaining the right to employ it on unspecified local public works, the purpose of the Forced Labour Convention would be largely negated.

Because the Grey Report failed to exempt obligatory or forced labour called out by the chiefs from the regulations, the Committee instructed the United Kingdom delegate to try to get an additional question included in the questionnaire to be drafted in Geneva in June 1929.³ That looked to be a very difficult task since the Grey Report specifically warned of the danger of the chief augmenting traditional social and communal obligations with such new developments as tending the chief's crops for commercial profit, or the construction and maintenance of means of communication. The ILO had concluded that the problem might be avoided by making sure that

Where native chiefs are left in possession of traditional rights in regard to compulsory labour, Administrations should secure that such labour should be directed to public purposes, and that the conditions under which it is carried out should be regulated in the same manner as is work of a similar nature done under the compulsion of the administrative authorities.⁴

1. Misc.399, p.6, para. 2.

2. Ibid., p.6., footnote.

3. Comments by the Forced Labour Committee to Question 7, No.1 on CO 323/1031/29/60188/3

4. Grey Report, pp292-293. (The underlining is the writer's.).

As it stood, that principle was completely unacceptable to the CO Committee. Consequently, it added the all-important qualification:

... in so far as this is possible having regard to the necessity of maintaining the traditional authority of the chief over his people.¹

That qualification would ensure that labour called out by the chief would be effectively excluded from the terms of the Convention.

At the ILConference in Geneva in June 1929, Vernon found it a formidable task to carry out his instructions. At the committee stage the question on chiefs sneaked through intact, 15 to 14, despite strong opposition from the worker delegates,² who continued to oppose it in a minority report. In order to get the full Conference to adopt the question on chiefs Vernon had to put forward an amended version, dropping the CO's qualifying loophole regarding 'the maintenance of the chief's authority' and promising to end the use of forced labour by the chiefs 'as soon as possible'.³ The question, therefore, that went forward to be included in the ILO Red Report⁴

1. Comment by the Forced Labour Committee to Question 7, No.1 on CO 323/1031/29/60188/3.

2. Record of the Meetings of the ILConference Forced Labour Committee (C.F.L./PV5/6/6/29), Fifth Session, 6 June 1929, pp.12-13, No.1 on CO 323/1031/29/60188/5.

3. Misc.399, p.27, para.24(1).

4. ILO. International Labour Office. Forced Labour Questionnaire, Geneva, 1930. This was commonly known as the Red Report by reason of the colour of its cover. It was divided into 3 sections.

1. The Report of the 1929 International Labour Conference Committee on Forced Labour.

2. The Minority Report of the Workers' Group in the Committee on Forced Labour.

3. The Revised Draft Questionnaire adopted by the International Labour Conference of June 1930.

The Red Report with its revised Questionnaire was sent to the colonial powers for their observations. Once all the observations were returned to the ILO it would proceed to draft a proposed convention.

contained, as far as the CO was concerned, the quite unacceptable provision that all labour for chiefs as administrative heads would be abolished as soon as possible, and that in the interim it would be closely regulated by the central authority.

The other area of major concern to the CO Committee was Question 12 exempting minor village services. The Grey Report, by listing these services, had been quite specific about what constituted communal obligations.¹ The CO Committee did not consider the list sufficiently comprehensive. In particular it thought

that the maintenance of any road which exists solely for the benefit of the local native community should be a normal communal obligation, even though the road could not properly be classed as a path or track.²

Moreover, in view of the fact that there were other and newer obligations arising, the Committee wanted an exemption for 'any other services of a similar character the satisfactory performance of which is for the benefit of the local community.'³

As with the question on chiefs, Vernon had the greatest difficulty prevailing on the ILConference Committee on Forced Labour to

1. Grey Report, Question 12, p.299, 'Do you agree that minor services connected with village cleanliness, sanitation, the maintenance of paths and tracks, of watering places, latrines, and cemeteries in the immediate vicinity of the communities concerned, village night-watching and the clearance of silt in small irrigation channels and streams of purely local interest and any other services of a similar character the satisfactory performance of which is for the benefit of the local community, may be considered to be normal obligations incumbent upon the members of such communities and not constituting forced or compulsory labour within the sense of the definition ...?'

2. Comments by the Forced Labour Committee to Question 12 in the Grey Report, p.23, No.1 on CO 323/1031/29/60188/3.

3. Ibid, p.23.

agree that minor village services not be considered as forced labour within the sense of the definition. The major opposition came from the worker delegates who were aware that village communal labour was being used extensively for public works.¹ W. McGregor Ross (British Worker Delegate and former Head of Public Works in Kenya) told Vernon that 3000 miles of roads had been constructed by this kind of unpaid labour in Kenya.² (The Gold Coast later revealed that it had constructed and was maintaining over 5000 miles of roads by communal labour under the chiefs).³ Only after private discussion with McGregor Ross and correspondence with Grimshaw did Vernon find a form of wording acceptable to the Geneva Committee, limiting village services to

a kind which have been traditional and customary among the local inhabitants and which are performed within the close proximity of the village by the people who live in it.⁴

Once the intention to limit the services to traditional tasks became clear the Committee accepted the wording. The Question was not as open-ended as the CO Committee had wanted and did not allow the necessary scope for emerging obligations such as road making

1. J.J. Schrieke (Reporter of the ILConference Committee on Forced Labour) alleged in his report that village services were 'liable to abuse; chiefs, and the administrative officials who in some cases exercised the powers of chiefs, occasionally used their authority in these matters to exact far more than was traditional or customary, sometimes for their own personal benefit.' Red Report, p.13.

2. Vernon to the Under Secretary of State, 14 June 1929, Misc. 399, Appendix I, p.33.

3. Governor (Gold Coast) to Passfield, confidential, 13 January 1930, No.18 on CO 323/1032/29/60188/C2.

4. Vernon to Grimshaw, 14 June 1929, Misc. 399, Appendix II, pp. 34-35. See Red Report, Question 5, p.14.

which the CO believed must be allowed for in traditional societies under indirect rule.

Vernon seeks support

Vernon played a prominent part at Geneva in 1929 in his attempt to carry out the CO Committee instructions. But it would seem that he, personally, was neither fully in sympathy with the instructions nor convinced of the tenability of the CO viewpoint. Even while at Geneva he made the first of a number of openings for his new SoS, Lord Passfield, to comment on the instructions. After expecting hourly to be recalled, or to receive amended instructions once the Labour Party gained victory at the polls, Vernon had Boyd send off a query about the question of a permanent international committee to supervise forced labour and for confirmation of the CO instructions.¹ Five days later he received a telegram to say that the SoS had endorsed the existing instructions on all points.²

On his return Vernon suggested that the SoS read his report of the proceedings at Geneva. He advised that before asking the colonial governments for their observations on the ILO Red Report (Revised Questionnaire), the Office Committee should meet to decide on the attitude to be adopted by the CO to the questions in light

1. Vernon to the Under Secretary of State, 8 June 1929, Misc. 399, Appendix I, p.32.

2. W. Lunn (Parliamentary Under Secretary) to Vernon, telegram, 13 June 1929, No. 21 on CO 323/1031/29/60188/3.

of the comparative lack of success by the British delegation at Geneva.¹ However, the Office responded to these suggestions in a very deliberate manner. First, it appeared that Passfield did not read the Report and neither he nor W. Lunn (Parliamentary Under Secretary) gave any lead as to their attitude; secondly, no action was taken by the Office to get the colonial government observations in time to return the answers to Geneva by the due date of December 1929.

The residual hostility in the Office toward the ILO acted to prevent a prompt response to Vernon's advice. In November when the MoL asked for the CO reply to the Red Report² (which the Office had still not sent to the colonial governments for observation) the antagonism of higher authority surfaced immediately. Bottomley expressed annoyance while Grindle and Brig.-Gen. Sir Samuel Wilson (Permanent Under Secretary) both thought they should make a strong protest against being rushed.³ The Office was slow to perceive the growing prestige of the ILO or that CO standing with it depended on cooperation and contribution. While the CO was expected to play an important part in this Convention, if it chose not to, as Vernon pointed out, there were others only too willing to help con-

1. Misc. 399, 'Report of the Colonial Office Members on the British Government Delegation on the Proceedings with regard to Item III of the Agenda: Forced Labour', 29 June 1929, p.31, para.31.

2. R.G. Somervell to Vernon, 12 November 1929, No.12 on CO 323/1032/29/60188/9.

3. Minute by Bottomley, and by Grindle, 21 November 1929; and Wilson, 27 November 1929, *ibid.*

trol the tropical territories.¹

Towards the end of 1929 Vernon pushed hard for a more progressive attitude to be taken toward the abolition of forced labour.

In October he appealed once again to Passfield and Lunn to read the Committee's 'Second Report' containing its observations on the Red Report. At the same time he reminded them of the difficulties of the delegation at Geneva:

The CO representatives at Geneva have rather to practise the art of tightrope walking, and are likely to be accused of betraying either Colonial interests or sound labour principles, - or both. I shall be glad to give any further explanation that may be wanted.²

But this very pointed attempt to 'get through to' the SoS failed to draw any response from either Passfield or Lunn. Then in November, after having talked to Major G.St.J. Orde Browne (Labour Commissioner, Tanganyika) he made what must have seemed to the CO a heretical comment:

I am not particularly opposed to some degree of international control of native labour, or to the concession of some kind of interest in conditions in tropical dependencies to countries which have not such dependencies at present. I don't, however, think that the present policy and ideas of the Colonial Office would be consistent with their representatives giving anything away on such points at any International Conference at present.³

1. Minute by Vernon, 28 November 1929, CO 323/1032/29/60188/9.

2. Minute by Vernon, 2 October 1929, *ibid.*

3. Minute by Vernon, 28 November 1929, *ibid.*: Earlier, on 2 October, both Bottomley and Grindle had indicated that no interference by an international body in the government of the colonies would be tolerated, *ibid.*

Both Lunn and Passfield saw the minutes on this issue but neither showed any apparent interest. While Vernon would not have expected support from the senior members of the CO he must have hoped that Passfield, after six months in office, would have been ready to give a positive lead in line with Labour Party policy.

The CO Committee had been of no help to Vernon. In the 'Second Report' in September the Committee attempted to overcome the initial lack of success at Geneva, not by taking a less conservative view, but rather by presenting a more persuasive case for exempting certain forms of forced labour under indirect rule. The Committee based its new argument on the premise that compulsory communal labour 'really represent[ed] no more than the normal method of carrying out the obligations incumbent on the members of a community which is not organised on a cash basis'. For good measure it threw in the argument that labour for the chiefs was really in the nature of 'feudal dues or services'.¹

Thus there was no shift from the Committee's objective of exempting forced or compulsory labour called out by the chiefs from the scope of the Convention. In view of the opposition at Geneva it did modify its previous stand to the extent that regulations would apply if the forced labour entailed the worker sleeping away from home.² Although the Committee agreed to this formula, it did

1. 'Forced Labour: Second Report of the Colonial Office Committee, 1 October 1929', Confidential Print, Miscellaneous No. 403 (Misc. 403), pp.4-5, para. 9, CO 885/31.

2. Ibid., p.5; para. 10.

so on the expectation that the regulations under the Convention would not apply to much of the labour called out for use on roads, public buildings, portorage and other minor public purposes.

In keeping with the above viewpoint, the Committee stressed that it would not be possible to remunerate forced labour in all cases, as Question 22 asked. It pointed out that remuneration 'as a general rule' could only be accepted for forced labour covered by the Convention.¹ After due consideration the Committee, in its 'Third Report' in November, decided to agree in principle that all forced labour should be remunerated but only 'wherever payment for the work or service would not be irreconcilable with native law and custom'.² By conceding the principle, the CO hoped in return to have the qualification agreed to at Geneva - the net result being that forced labour would remain unpaid. The conclusions in the 'Second' and 'Third Reports' were an emphatic endorsement of CO support for indirect rule.

Vernon remained unconvinced of the credibility of the revamped argument in the 'Reports'. But all appeals to Passfield in hope of moderating the stubborn and reactionary stand taken by the Committee had been ignored. For the sake of harmony he might have accepted the brief given him by the Committee but he considered its very conservative instructions made it virtually certain that Great Britain would be unable to agree to some of the major provisions of the Con-

1. Misc. 403, p.5, para.10; also p.12, Question 22.

2. 'Third Report of the Colonial Office Forced Labour Committee', Question 22, 21 November 1929, No.13 on CO 323/1032/29/60188/9.

vention. He then set out on a new tack in his attempt to bring some authority to bear on the very negative policy put forward by the CO Committee. On his own initiative he wrote to Lugard in February 1930 requesting that he look through the 'Fourth Report' before their coming meeting and asking him, in light of his 'unique knowledge ... to give us help nobody else possibly can.'¹

Vernon may have been encouraged to make the approach to Lugard by the recent appointment of Shiels (December 1929) and by the latter's expressed hope that the CO representatives should attend a preliminary conference in Paris with a view to moderating the well-known attitudes of the colonial powers. It was at the ILConference in June 1929 that the CO representatives had first become aware that a meeting of the colonial powers was being mooted.³ The CO heard nothing more of the suggestion until December 1929 when the Belgian Ambassador approached E.G. Machtig (Tanganyika Department) in Paris to sound out whether the United Kingdom was in favour of such a meeting.⁴ X

1. Vernon to Lugard, s/o, 4 February 1930, No.5 on CO 323/1074/30/70188/1.

2. Boyd to E.G. Machtig, s/o, 4 December 1929, No.11 on CO 323/1031/29/60188. The five powers suggested were Belgium, France, Great Britain, Italy, and Portugal.

3. The UK was not alone in its desire to have certain forms of forced labour exempted from the provisions of the proposed Convention. France wanted to exempt particularly the second contingent of military conscripts used for public works: Belgium, compulsory cultivation; the Netherlands, labour in lieu of tax; South Africa and India the hiring out of penal labour to private individuals, while Portugal rejected any Convention, declaring that the provisions of the Anti-Slavery Convention had gone quite far enough.

4. Machtig to Boyd, s/o 2 December 1929, No.10 on CO 323/1031/29/60188.

Vernon minuted that while he was opposed to forming any bloc with the governments of the other colonial powers he thought a meeting might be useful for trying to bring Belgium and France into line with the United Kingdom.¹ Grindle thought it a good idea that colonial governments should get together on colonial questions and 'not leave Costa Rica, Guatemala, etc. to teach them how to manage an Empire.'² He had already expressed his opinion that the failure to get together earlier had led to the lack of success by the CO delegates at Geneva in June 1929.³ Shiels agreed to a meeting, asking that 'enlightened delegates' should go both to learn and to 'stiffen up' the other powers.⁴ There was general agreement that the CO should attend the proposed meeting, but for quite different reasons.

In quick succession representatives of Portugal (4 January 1930: 31 January 1930), France (4 January 1930) and Italy (30 January 1930) called on the CO to find out the views of His Majesty's Government.⁵ This flurry of interest no doubt was motivated in part by the published views of the Labour Party and the anticipation that the British Government might be displaying a more positive commitment to the Convention. The CO refused to take any initiative over a meeting of the colonial powers although, at a meeting with Albert Thomas and H.B. Butler (Director and Deputy Director - ILO) at the

1. Minute by Vernon, 19 December 1929, CO 323/1031/29/60188
2. Minute by Grindle, 20 December 1929, *ibid.*
3. Mentioned in Vernon's minute of 19 December 1929, *ibid.*
4. Minute by Shiels, undated, *ibid.*
5. CO 323/1074/30/70188/2.

House of Commons in January 1930, Shiels and Vernon gave an assurance that the CO would agree to a preliminary Conference but only with the ILO in attendance.¹ It can be assumed that by coming into contact with Shiels on these occasions Vernon recognised that he was likely to get more support than had hitherto been the case.

Before Vernon and Lugard met, the CO Forced Labour Committee had finalised the definitive answers ('Fourth Report') to go to Geneva after considering the replies from the colonies to the November despatch.² The Committee had been deeply split. The West African Department, in particular, had pressed very strongly, after an eloquent despatch from the Gold Coast, for the widest exemption of forced labour under indirect rule. Vernon reported that the majority on the Committee had felt 'that forced labour for chiefs ought to be almost entirely restricted to real "feudal" or "communal" services and that anything in the nature of ordinary public works ought to be run by wage-paid labour.'³

The despatch from the Gold Coast had pointed out that adherence to the Convention would cause serious financial embarrassment and would undermine the authority of the chiefs if they were unable to call out labour. In particular the colony wanted to keep road maintenance outside the scope of the Convention. Over 5000 miles of roads had been 'cheerfully' constructed and were being maintained

1. Minute by Vernon, 25 January 1930, CO 323/1074/30/70188/2.

2. 'Fourth Report of the Colonial Office Committee on Forced Labour', 17 February 1930, No.1 on CO 323/1075/30/70188/3.

3. Minute by Vernon, 17 February 1930, *ibid.*

at an annual saving of £150,000.¹ The people wanted the roads in order to be able to transport cacao to market. The Governor anticipated serious trouble if any attempt were made to institute a direct tax to pay this communal labour. The despatch reminded the Office that there would be a grave economic disadvantage in paid labour because the Gold Coast would be competing with the nearby French territories who used military conscripts to build roads and railways.²

The Committee faced a dilemma because indirect rule was official policy and the West African Department claimed that the chief's right to exact labour must be maintained. But the despatch had made it absolutely clear that if the practice of unpaid labour in the Gold Coast were to be excluded then it would effectively emasculate the purpose of the Convention. The Committee did not have the authority to resolve the problem. All Vernon's previous attempts to get someone in higher authority to come to grips with it had been singularly unsuccessful. He tried yet again and invited Shiels to discuss the matter personally with him and others of the Committee.³ This time Vernon's persistence did not go unheeded.

1. Governor (Gold Coast) to Passfield, confidential, 13 January 1930, No.18 on CO 323/1032/29/60188/C2.

2. Ibid.

3. Minute by Vernon, 17 February 1930, CO 323/1075/30/70188/3.

Shiels takes the initiative

Vernon's remarks on the split over the 'Fourth Report' were tantamount to an open criticism of indirect rule and brought an immediate defence from higher authority. Bottomley found nothing to criticise in the 'Report'.¹ Grindle said it was an 'abuse' by Geneva even to contemplate trying to regulate the traditional relationship between a ruler and his subjects. In his opinion the 'Report' contained the very minimum 'of what we must demand' in order to prevent the 'breakup of native society, with all its attendant evils.' He stated that a function of the British Government was 'to prevent the white man exploiting the black, and to leave the black alone unless his customs are contrary to natural justice and morality.'²

Wilson dutifully followed in Grindle's footsteps and agreed that the more Geneva left the natives alone the better. After conferring with Passfield, particularly with reference to Shiels' opposition to the answers in the 'Fourth Report', Wilson reported that the SoS not only thought the Office should proceed broadly in line with the Committee recommendations but agreed with Grindle on the importance of 'avoiding undue interference in the relations with natives'.³ If Wilson were correct, Passfield had sympathised with

1. Minute by Bottomley, 17 February 1930, CO 323/1075/30/70188/3.
2. Minute by Grindle, 18 February 1930, *ibid.*
3. Minute by Wilson, 18 February 1930, *ibid.*

the Committee recommendations throughout. The reason for Vernon's failure to obtain a ministerial lead was now clear. He had been knocking at the wrong door.

Shiels immediately seized the opportunity presented by the discussion over the 'Fourth Report' to challenge the assumptions held by higher authority on the question of indirect rule and the Convention. He made his views of the shortcomings of indirect rule perfectly clear:

Indirect rule is a stage in the development of Government. It is not an end in itself. While using it in the appropriate stage of development, we must gradually humanise and democratize it. It is by no means a perfect system just now.¹

Bluntly he said that he thought it was most undesirable for native labour employed by natives to be left out of the Convention.

Where the British Govt is responsible, it should also see, so far as is possible, that no black man - chief or otherwise - should exploit the economic weakness of another black man that rules and regulations are necessary for both black and white.²

In Shiels' view the qualifications and reservations in the Committee answers were 'bad' and not in keeping with what would be expected from 'an enlightened British Government'.³ For the first time a Minister began to express the point of view that Vernon had been looking for, and which had been so conspicuous by its absence.

1. Minute by Shiels, 18 February 1930, CO 323/1075/30/70188/3.

2. Undated marginal comment by Shiels on Grindle's minute of 18 February 1930, *ibid.*

3. Minute by Shiels, 19 February 1930, *ibid.*

The solidarity of opinion among higher authority would normally have terminated any further discussion about the Committee's 'Fourth Report'. The fact that it did not do so, even with Passfield's tacit support for the opinion of higher authority, points to the calibre of Shiels and the vital role he played in the whole labour question during his term in office. In this instance he questioned the whole concept of indirect rule, and proceeded to go through the 'Fourth Report' in detail letting it be known that he wanted 'substantial amendments' in the answers.¹

On the same day that the discussion over indirect rule began between higher authority and Shiels, Lugard discussed the 'Fourth Report' with Vernon. Famous for his writings on indirect rule, and currently a member of the CENL, Lugard's opinion was widely respected. He made it clear that he thought the Convention would be 'practically useless' if the British Government got its way over maintaining the traditional authority of the chiefs by allowing virtually uncontrolled access to unpaid labour.²

If the phrases about the traditional authority of the Chiefs etc., are allowed to remain, they would open the way for gross abuse where the Chiefs as in most foreign countries are merely Government agents.³

In his view the preservation of the dignity of the chief, insisted on by the Committee, was not a matter of the retention of personal

1. Minute by Shiels, 20 February 1930, CO 323/1075/30/70188/1.

2. Note by Lugard, 18 February 1930, p.1, No.7 on CO 323/1074/30/70188/1.

3. Lugard to Vernon, s/o, 19 February 1930, p.2, No.8, ibid.

labour and services:

It is said that it is imperative to preserve the right of the patriarchal head to receive labour and services, apparently unpaid. It was no less his right before British intervention to receive slaves, and take the daughters of the village for his harem. It is quite possible to preserve the prestige and power of the Chiefs if these rights are abolished, including that of forced labour.¹

In particular Lugard thought that all labour, including communal labour, should be paid regular wages.² As he pointed out, one of the main principles of indirect rule was the abolition of unpaid forced labour by the payment to chiefs and native authorities of salaries 'from which they would pay for all labour employed'.³

Lugard's views must have been noted with gratitude by those in the Office opposed to the blanket removal from the terms of the Convention of labour called out by the chiefs under indirect rule.

Shiels noted:

I am very glad to see that Lord Lugard takes the same line on most points that I have done in my criticisms of our Questionnaire answers.⁴

Lugard's authoritative statements undoubtedly reinforced Shiels' determination to make changes in the answers.

Shiels left no doubt in anyone's mind that the initiative lay with the CO and not with the colonial governments. 'It is HMG that

1. Note by Lugard, 18 February 1930, p.3, No.7, CO 323/1074/30/70188/1.

2. Note by Vernon of discussion with Lord Lugard, 18 February 1930, No.7, *ibid.*

3. Note by Lugard, 18 February 1930, p.1, No.7, *ibid.*

4. Minute by Shiels, 20 February 1930, *ibid.*

is on trial here, not Colonial Governments to whom we should give a lead.'¹ His interpretation of the CO role contrasted markedly with that of his predecessors' and with Boyd's opinion of a year earlier, that the Office responsibility was to produce a Convention to accommodate all the diverse practices within the dependencies.

Shiels displayed no hesitation in criticising the answers in the 'Fourth Report'. Whereas the Committee had moulded its answers strictly in keeping with the observations made by the colonial governments, Shiels was determined to operate from principle although he did not divorce his considerations from the context of colonial government observations. In reply to Question 1, the Committee had conceded the principle that forced labour should ultimately be suppressed but had added the important but negative qualification that this was not immediately possible. Shiels added the significant comment that 'its immediate suppression may not be practical.' He obviously looked to immediate suppression but conceded that practical considerations might cause some delay. Passfield apparently recognised Shiels' aim of complete abolition, but added that it 'may not everywhere be [practical].'² These comments reveal that a wide difference existed in the attitude to the question of the continued employment of forced labour. Whereas the Committee sought

1. Undated marginal comment by Shiels, Question 7, 'Fourth Report', 17 February 1930, No.1 on CO 323/1075/30/70188/3.

2. Undated marginal comments by Shiels and by Passfield, Question 1, 'Fourth Report', No.1, *ibid.*

to reassure colonial uneasiness about the future of forced labour, Shiels obviously intended a positive lead should be given to its immediate abolition. Passfield stood somewhere in between and seemed to be indicating that there would be acceptable exceptions should there be a move toward immediate abolition.

At the instigation of the Gold Coast, Sierra Leone and Uganda, in particular, the Committee proposed replacing the traditional and customary 'village services' of Question 5 by 'minor communal services'. It hoped thereby that a wider range of new tasks carried out by obligatory or forced village labour would be excluded from the regulations coming under the Convention. These new tasks, or duties arising out of 'social and economic progress', included arresting soil erosion, maintaining forest reserves, meeting medical and educational needs as well as the all-important construction and maintenance of secondary as well as main roads.¹ Although Shiels objected strongly to the almost unlimited recourse to unpaid forced labour possible under cover of the term 'minor communal labour', he failed to get 'village services' reinstated at the meeting with the SoS. However the meeting did agree to replace the phrase

1. Comment on Question 5 by the Colonial Office Forced Labour Committee in their 'Fourth Report', No.1 on CO 323/1075/30/70188/3: The answers to the Red Report Questionnaire contained in the 'Fourth Report', as modified after the meeting with Passfield and Shiels on 21 February 1930, and later published along with the answers of the other colonial powers, in the ILO, International Labour Conference, 14th Session, Forced Labour, Second Discussion, Report 1 (commonly known as the Blue Report), Geneva, 1930. Using the replies from the colonial powers as a basis, the ILO had drawn up a draft Convention and two Recommendations, and these were included in the Blue Report.

'close proximity of the village' with the proviso that the tasks should not involve the worker 'sleeping away from home'.¹ With that restriction Shiels accepted that new communal needs might be included on the general approval of the village or tribal community, but not on a decision taken by the village representative as the Committee had wanted. Shiels' comment on village representatives had been: 'I don't like this! Who are the reps., and who authorised them?'² Once he managed to get 'representative' ('of the British Government!') changed to a 'democratic decision' by the whole community the term 'minor communal services' became less important. The change would not prevent the community setting up its own obligations. But it checked the administration unilaterally increasing the obligations imposed on native communities under indirect rule by the pressure it could exert through an 'authorised representative' or a chief holding administrative functions.

As an additional safeguard to protect current practices the Committee proposed, if necessary, categorising labour used on roads in the Gold Coast, Sierra Leone, and in East Africa as labour in lieu of tax. One of the provisions dealing with that question asked whether the labourers engaged in such work should always remain in the neighbourhood of their homes. Shiels was very critical of the Committee reply, that the worker should remain within the

1. See the Blue Report, pp.143-145, 194.

2. Undated marginal comment by Shiels, Question 5, 'Fourth Report', No.1 on CO 323/1075/30/70188/3.

vicinity of his own administrative district.¹ As these might extend up to 100 square miles in area, labour could be employed well away from home. Shiels had the provision changed to read that the forced labourer must be able to return to his home at night.²

As well as restricting the exemptions of certain forms of forced labour, Shiels was concerned to tighten up the Committee answers to the proposed regulations. He succeeded in overturning the Committee decision so that legal pronouncements or administrative orders effecting forced labour would be published in the language of the workers involved.³ The Committee had not made this mandatory because of the possibility that disaffected clerks might use the published regulations in 'an unscrupulous manner.'⁴ He insisted that sixty days per year be made the maximum and not the normal period a native could be made liable for forced labour.⁵ By causing the phrase 'when it appears necessary' to be removed from the answer to Question 23,⁶ Shiels put HMG in the position of agreeing to

1. Undated marginal comment by Shiels, Question 12, 'Fourth Report', No.1 on CO 323/1075/30/70188/3.

2. Blue Report, p.48.

3. Ibid., p.54.

4. Question 13, p.11, 'Notes to the Answers', in 'Forced Labour: Answers sent by His Majesty's Government in the United Kingdom to the Questionnaire circulated by the International Labour Office, together with Explanatory Notes', Confidential Print, Miscellaneous No. 409, CO 885/32.

5. Blue Report, p.87.

6. In an undated marginal comment on Question 23, 'Fourth Report', Shiels wrote, 'Very weak! We should go strongly for the principle. Leave out "when it appears necessary" which robs the whole clause of its significance, and give a lead in our own and other colonies.' No.1 on CO 323/1075/30/70188/3.

accept the obligation to pay workmen's compensation to forced labourers.¹

The CO instructions had altered markedly as a result of Shiels' intervention. He left no doubts that he expected all forced labour to be eliminated, if not immediately, then in the very near future. In the interim he set out to restrict its use to only those tasks that were traditional and customary in native communities. He also made it clear that during the time that forced labour could still be called upon he wanted it carefully regulated by the administration. There appeared to be ample justification on practical grounds for the stand he made. What the West African Department and higher authority had been so stoutly defending in the name of indirect rule, had not been just traditional community obligations but, as well, various expedients developed under successive colonial governments. These governments did not want international regulations which would hinder them calling out unpaid obligatory labour through the chiefs for road making and other newly emerging tasks. Despite the opposition in the CO Shiels was on strong grounds when he made his appeal to Passfield as it had been Labour Party policy since 1920 to abolish forced labour. But until Shiels caused him to face up to his responsibilities on this issue, Passfield did not seek to intervene in the deliberations of his permanent officials

1. The 'Fourth Report' answers amended in the meeting with Shiels and Passfield in February were sent to the colonies by confidential circular despatch, 10 April 1930, as they 'constitute[d] a declaration of policy' and the dependencies were asked to bring their administrations into conformity with the policy 'as soon as practical'. No.16 on CO 323/1074/30/70188/1.

as they worked to exempt from the Convention an expanding use of forced labour at the local level.

Shortly after the meeting with the SoS in February 1930 the invitation to the preliminary Conference of the colonial powers arrived.¹ They would have been alarmed at the shift in CO policy in mid-February, but it seems they were spared the impact of that knowledge until the Paris meeting in May.

In April 1930 the Blue Report, containing the proposed draft Convention on Forced Labour drawn up by the ILO from the answers of the colonial powers to the ILO Questionnaire (Red Report), reached the CO. After the Forced Labour Committee had discussed the provisions in the draft Convention, Vernon dictated a memorandum for Passfield's approval detailing the instructions to be taken to the preliminary Conference of the colonial powers in Paris. As a consensus of the Committee's views the answers in the memo reverted to the earlier permissive CO viewpoint of indefinitely exempting the use of forced labour under indirect rule. Again Shiels refused to accept that.

The memo began in conservative fashion by suggesting that the British delegation should resist any attempt to fix a definite time for the final abolition of forced labour. However, it expressed the hope that the time would be 'short', adding that the Governing Body of the ILO should be asked to present a report on any needed

1. A letter from the FO, 25 February 1930, conveyed the French invitation of 14 February 1930, No.13 on CO 323/1074/30/70188/2.

revision or modification within ten years of the Convention coming into force.¹ Shiels went carefully over Vernon's memo, then astounded his colleagues by suggesting that the Governing Body of the ILO consider the final abolition of forced labour after the expiry of five years. When it was pointed out that the colonial governments had not been consulted and might not be able to comply,² he simply asked whether the CO meant what it said when it stated that it hoped abolition would occur 'in a short time'.³

Apparently in agreement with Shiels, Passfield added that 'this might be taken as our position; and the best terms possible obtained.'⁴ On most issues in the draft Convention, however, Passfield's minutes gave no clear lead. It would seem that while he did not want to oppose Shiels he was unwilling to go against the prevailing attitude in the CO.

On the second and vital issue, the memo suggested that HMG press to have 'minor village services' changed to 'minor communal services' so that a wider range of activities might be included. Shiels preferred the ILO version and pointed to the criticism in the Blue Book that HMG was trying to get road construction included under the wider term.⁵ Passfield's contribution to these divergent

1. Memo by Vernon, 'Notes on the draft Convention on Forced Labour', No.2 on CO 323/1075/30/70188/4.

2. Minute by Paskin, 30 April 1930, *ibid.*

3. Minute by Shiels, 30 April 1930, *ibid.*

4. Marginal comment by Passfield, nd, Article 1 of Vernon's memo, No.2, *ibid.*

5. Suggested in the Blue Report, p.144.

aims - 'Urge the best phraseology along our lines'¹ - did not make clear where his support lay or what conclusion he proposed.

In regard to the question dealing with chiefs who exercised administrative functions under indirect rule, the Article in the draft Convention conceded that they should be able to exact forced labour; that this forced labour should, as much as possible, be directed towards public works; and that such work should be commuted as soon as possible for money payment.² Even this latitude did not satisfy the Committee who cautioned that the delegate must take care to see that the obligation for service was employed to maintain the dignity and position of the chief as well as what might be strictly termed public works. Grindle added his support on this issue by chipping in a marginal note to the effect that:

The British representative should be instructed not to agree to any alteration of this Article which will further impair the position of the chief as head of the community.³

Needless to say Shiels did not subscribe to these views:

I am not anxious "to ensure services for the maintenance and dignity of the Chief". What we want to keep in mind and to press for is the doing away with these services as soon as possible; if necessary for a money commutation. I think the Office view on this point not advanced enough and I see no need for the caution.⁴

1. Marginal comment by Passfield, nd, Article 4 of Vernon's memo, No.2 on CO 323/1075/30/70188/4.

2. Blue Report, Article 8, p.213.

3. Minute by Grindle, 14 April 1930, CO 323/1075/30/70188/4.

4. Marginal comment by Shiels, nd, Article 8 of Vernon's memo, No.2, *ibid.*

Shiels and the Office were as far apart as ever on this question. Passfield meekly noted, 'Any exception should be carefully restricted' which failed to add anything instructive to the discussion.¹

A further Article in the draft Convention added to the limitations on forced labour exacted by chiefs by proposing inter alia that it should not entail the worker sleeping away from home.

Shiels opposed the Committee amendment which stated that work or service away from home could be undertaken with the consent of the competent authority.² Passfield agreed that the CO did not need to propose the amendment but concluded that the delegate should, 'Take care to get any exceptions limited as far as possible'³ which insinuated a certain acceptance of extending the chief's powers beyond that set by the provisions in the Article.

The SoS made no written statement as to his overall views on the draft Convention but it would seem doubtful that he had any deep interest in it or in labour questions in general. Certainly all written evidence of the initiative in labour matters came from Shiels. Some of Shiels more eloquent minutes appeared to be directed specifically towards Passfield and his conscience as a member of an enlightened Labour Government. Passfield's views on the Convention at this stage could best be summed up as equivocal. From his marginal notes it seems he thought Shiels' objectives might be

1. Marginal comment by Passfield, nd, Article 8 of Vernon's memo, No.2, CO 323/1075/30/70188/4.

2. Marginal comment by Shiels, nd, Article 12 of Vernon's memo, No.2, *ibid*.

3. Marginal comment by Passfield, nd, Article 12 of Vernon's memo, No.2, *ibid*.

tried, but if they were not acceptable at the ILConference, the CO delegates were not to press an issue to a point that threatened the successful formulation of the Convention. Whereas in 1929 Passfield had left the formulation of policy exclusively to the CO Committee, his remarks showed that he was hesitant and uneasy about the direction in which Shiels was heading. But Shiels clearly knew a great deal about the subject and exhibited such strong determination to implement Labour Party policy that Passfield could not disown him, especially as the Office at the departmental level had been split over the attitude to be taken by HMG. Passfield showed no evidence that he stood by any particular principle. In trying 'to sit on the fence' and please both sides, he often left unclear which line he proposed should be followed.¹

The impact made by Shiels on the CO attitude to the Convention showed him to be a very able man of strong principles. Beatrice Webb immediately recognised these qualities in him when, soon after becoming Under Secretary of State, Shiels and his wife visited the Passfields. In her estimation he was a brash middle-aged man whose attitude seemed to be that the SoS was lucky to have him. Obviously she sensed, and resented, the determination and dedication of the younger man who might unduly press her ageing and untried husband.²

1. Paskin reported, 7 May 1930, that before he drafted the final instructions on the draft Convention, Shiels had felt it was necessary to go to Passfield to discuss the latter's marginal notes. CO 323/1075/30/70188/4.

2. 'He is conceited and regards himself, his opinions and his future as important to the world's history. He is well read and tough minded I suspect he looks upon himself as Sidney's guardian rather than as Sidney's subordinate. "I hope I shall be able to agree with your husband's policy: I want to be loyal to him in the H. of "Commons", he added, as if in doubt whether Sidney would suit

Shiels' tenacity was called on again almost immediately after the CO had modified its answers to the draft Convention in line with his views. A week before the preliminary Conference of the colonial powers in Paris, the Foreign Office wrote requesting the CO to be as accommodating to Portugal as possible over the Convention. Even Portugal was beginning to recognise the pressure exerted by the ILO as something to be reckoned with. Shiels dealt with the matter, replying to the FO that any attempt to meet Portugal 'must run counter to the principles on this subject which we as a Government wish to carry out.'¹ In reply Hugh Dalton personally wrote to Shiels apologising for the original letter. He stated that he was aware of the general objectives as set out in Labour and the Nation, and that his own SoS welcomed any action to make these principles effective in Paris and Geneva.² Shiels had support within the Labour Party for what he was attempting to carry through.

'A nice Socialist Convention'³

The apprehension of the continental colonial powers toward a forced labour convention turned to a 'fantastic unreality' when at the preliminary Conference in Paris, Vernon proposed that the

(Cont.) him as Secretary of State.' Beatrice Webb Diaries, 23 December 1929, v.43, p.140, Passfield Papers. (British Library of Political and Economic Science).

1. Shiels to A. Henderson (SoS, Foreign Office), 6 May 1930, No. 5 on CO 323/1075/30/70188/4.

2. H. Dalton (Parliamentary Under Secretary, FO) to Shiels, personal, 9 May 1940, No.7, *ibid*.

3. Eastwood in a letter to Paskin in Geneva, 17 June 1930, commented, 'I see from this morning's paper that you are hatching out a nice Socialist Convention', CO 323/1075/30/70188/6.

transitional period before abolition should be only five years. According to Vernon and Paskin, a 'subdued and pessimistic atmosphere' settled on the meeting until Vernon relented a little on the second day and intimated HMG might compromise on the five year limit. A lively discussion followed over Britain's stand which prevented the colonial powers concocting a common reactionary policy and thwarted their attempt to seriously weaken the proposed draft Convention. Due to 'the "die hard" conservatism of Portugal' on the one side and 'the unduly progressive',¹ if not actually quixotically impractical attitude of Britain on the other, Albert Thomas was able to present the proposed draft Convention as a reasonable compromise.

Thomas convened a further meeting of the principle colonial powers immediately before the ILConference to try to find some measure of agreement on a revised text of the draft Convention which had been prepared following the preliminary Paris Conference.² As Vernon had predicted France was the most reactionary of the powers concerned³ and remained adamant that forced labour exacted under compulsory military conscription and labour in lieu of tax should remain outside the Convention altogether. Once it became obvious that neither the British nor the French delegates

1. 'Report by the Colonial Office delegates to the Preliminary Conference at Paris (12-13 May)', 24 May 1930, p.4, para.12, No.10 on CO 323/1075/30/70188/5.

2. 'Forced Labour: 14th International Labour Conference, Geneva, 10th-28th June: Report of the Colonial Office Members of the Delegation of His Majesty's Government in the United Kingdom', 1 July 1930; Confidential Print, Miscellaneous No.414 (Misc.414), p.3, para. 4, CO 885/32.

3. Minute by Vernon, 13 November 1930, CO 323/1071/30/70073.

were prepared to alter their points of view on these issues the meeting did not continue. As Portugal and Belgium followed the French lead in wanting a minimum of international regulation to deal with labour conditions in their colonies the ILO was understandably anxious over the successful outcome of this and future colonial conventions.

Prior to the full ILConference, Vernon and Paskin met with New Zealand, South African and Indian government delegates and found general accord except on the issue of the hiring out of penal labour to private employers. India and South Africa both later refused to ratify the Convention on that count.

The debates at the 1930 ILConference, both in the committee stages and at the plenary sessions, revealed a wide divergence of views on many issues. However, the measure of agreement reached at the meetings between the CO delegates and the worker delegations prevented any weakening of the Convention. Their accord led to the addition of the significant provision that five years after the Convention came into force the Governing Body of the ILO would consider the suppression of forced labour without a further transitional period. As expected the major opposition to the draft Convention came from France, Portugal, Belgium, and the employers' bloc who were not prepared to contemplate such a rapid abolition of forced labour.

As well as combining to bring about an early end to forced labour, the CO and worker delegates refused to compromise over further exemptions of forced labour from the Convention. In the full ILConference Vernon cooperated effectively with the worker delegates to

oppose the re-insertion of provisions by France and Portugal to exempt conscript labour used on public works, and for the use of forced labour by private contractors doing public works. Together they successfully retained the sixty days maximum liability for forced labour in any one year.¹

In a final attempt to accommodate France and Belgium, Thomas persuaded Vernon to modify the five year limit and the restriction on compulsory cultivation, but the French continued to press for exemption of the military conscripts employed on public works. Vernon relayed these final demands by telephone to Shiels who refused to agree to any alteration in British policy on these points.²

All the colonial powers except Great Britain and the Netherlands found one or more of the provisions unacceptable and refused to ratify the Convention. That opened to question the wisdom of adopting a Convention which had only limited geographical application. However, the Convention represented a significant advance by setting up international standards for the improvement of colonial labour conditions. It also represented a triumph for the ILO which had feared that the colonial powers together with the employers' bloc would vote the draft Convention off the ILConference

1. Misc.414, p.8, para.11(b), (d) and (f).

2. Ibid., p.10, para.17: See Vernon's account in 'Colonial Office Conference 1930: Stenographic Notes of Meetings', Confidential Print, Miscellaneous No.416 (Misc.416), pp.131-132, C0885/32.

agenda, or have it referred to a small conference of colonial states.¹

Once the Convention had been successfully steered through the Conference the ILO was anxious to bring it into force by the necessary two ratifications, one of which it hoped would be that of the United Kingdom as the premier colonial power. In January 1931 Albert Thomas informed Vernon by personal letter that he would prefer ratification with one or two reservations rather than take any risk of losing ratification because of some difficult cases.² Weaver wrote again in May 1931 hoping ratification would come through before the 1931 International Labour Conference.³ At that stage the General Department had ironed out some minor problems of application in Gambia, Nigeria, the South African High Commission Territories, and Barbados, and Paskin had completed the necessary documentation to get Cabinet approval for ratification.⁴ By then the CO had built up some pride in the part it had played and was a little piqued to learn that the Irish Free State was ratifying the Convention first,⁵ which it did three months ahead of HMG.

Conclusion

The series of events leading up to the adoption of the Convention highlighted two issues on the question of forced labour: first,

1. G.E. and C.W. Newbury, 'Labour Charters and Labour Markets: The ILO and Africa in the Inter-War Period', *Journal of African Studies* (forthcoming).

2. Thomas to Vernon, personal, 7 January 1931, No.1 on Co 323/1119/31/80085/1, Part I.

3. Weaver to Vernon, handwritten letter, 26 May 1931, No.29, *ibid.*

4. Draft Memorandum for Cabinet (CP 78(31)), No.3 on CO 323/1125/31/80195/2.

5. See minute by Paskin, 20 February 1931, CO 323/1119/31/80085/1, Part I.

how little support existed among the colonial powers for a Convention imposing any kind of restriction; and, second, the relatively progressive line adopted by the United Kingdom.

Despite the progressive nature of the UK instructions the Convention finally adopted in Geneva proved basically acceptable to the British colonial governments. Minor communal services remained outside the scope of the Convention, as did labour called out by the chiefs acting as administrative heads as long as the workers were not removed from their place of habitual residence. Equally important for the proponents of indirect rule, remuneration was not made mandatory.¹ These provisions were more permissive than Shiels had intended, but the UK instructions had to be modified in light of the proceedings at Geneva. At the Colonial Conference in July 1930 the governors, especially those from the Gold Coast and Sierra Leone, expressed themselves satisfied and able to continue their extensive road programmes for at least another five years. The Governor of the Gold Coast, Sir Ransford Slater, felt he could easily 'square' some minor restrictions,² an attitude that surely must have made Dr. Shiels grit his teeth.

It might seem that Shiels had not achieved a great deal if colonial governments were able to continue to utilise unpaid forced labour. But the ILO Governing Body was charged with the task of

1. Articles 8 and 10 of the 'Convention Concerning Forced or Compulsory Labour', in Cmd 3693, International Labour Conference, Draft Conventions and Recommendations adopted by the Conference at its fourteenth Session 10 June - 28 June, 1930, London, 1930, pp.6-7.

2. Misc. 416, p.138.

considering the final abolition of forced labour five years after the Convention came into force. Viewed in that perspective the continuation of unpaid forced labour for the chiefs was not of such great significance.

As well, Shiels helped to tighten up a number of the regulations. He believed that it was necessary to set maximum, not minimum standards. Even in the final stages of the Convention he had a direct influence. It seemed appropriate that the ILConference waited while he was telephoned to ask if he would modify the UK stand on certain issues. He refused. In the long term the other colonial powers, France, Portugal, South Africa and India, who initially refused to ratify the Convention, would be under a great deal of pressure from world opinion to match up to the standards set.

Passfield played a very passive role. Despite definite Labour Party policy on forced labour he had been quite willing to go along with the CO intention of working towards a very permissive Convention in the interests of preserving the system of indirect rule. But that, according to his wife, was not surprising. She reported W. Lunn (Parliamentary Under Secretary preceeding Shiels) as saying

the Parliamentary Labour Party thought S. [Passfield] too much in the hands of his officials. [and added] But that is inevitable. By temperament and training Sidney belongs to the Civil Service.¹

1. Beatrice Webb Diaries, 23 January 1930, v.44, p.7, Passfield Papers (BLPES).

In a draft memorandum to the Prime Minister, prepared before the ILConference in June 1929, the CO announced that none of the British colonial territories would be excluded from the operation of the coming Forced Labour Convention. Passfield made no objection when, after the ILConference, the statement was changed to read that it was hoped that HMG would be able to apply the Convention 'without substantial modifications'.¹ This ran counter to the stand taken by Vernon at the Conference, that the United Kingdom was working for a Convention that all could agree to without modification. Passfield was apparently prepared to leave the policy in connection with the Forced Labour Convention completely in the hands of his officials.

Vernon had had difficulty in carrying out his instructions at Geneva in June 1929 because of the conservative nature of the United Kingdom case. His persistent efforts to gain Passfield's support failed to make any headway against the combined weight of higher authority in the Office. For its part, higher authority stood firmly behind the policy of indirect rule as an end in itself. With the West African Department, it was prepared to defend a system which it seemed to think would endure for a time beyond the need of evaluation.

Shiels recognised the part played by indirect rule, but saw it as an early stage in the development of an administration with the

1. 'Memorandum prepared in the CO on the subject of the representations in the memorial of the ASAPS addressed to the Prime Minister on 25 June 1929', p.2, No.8 on CO 323/1034/29/60248.

chief acting as a government agent. When he challenged the old order, defended by higher authority and the West African Department and given tacit support by Passfield, Shiels found he had the support of a number of like-minded members of the Office fortified by the authority of Lugard. No doubt disconcerted by the array of opposing forces, and probably more than a little surprised by the revelation of the extensive new tasks already grafted onto traditional African communal obligations, the defenders of the old order fell back a step or two - sufficient, at least, to allow the UK to adopt a progressive viewpoint and lead the way at Geneva in 1930.

The apparent change in policy brought advantages to the CO. Having taken a progressive stand and thereby prevented excessive mutilation of the Convention⁴, a warm relationship grew up between the Native Labour Section of the ILO and the members of the CO dealing with the labour question. This contrasted noticeably with the suspicion in which the ILO had held the CO in the previous ten years. The credit for the improved relationship must go to Shiels, not only because of the positive attitude taken over the Forced Labour Convention but also for his determination to introduce a much wider range of labour legislation into the colonies.

Chapter 4

Office Organisation: Labour 1930 - 1939

Within a month of his appointment, Shiels had startled the Office by calling for 'a thorough overhaul of colonial labour legislation'.¹ That objective was by no means fulfilled during his brief term in office, but a number of significant despatches were issued² and a special committee set up in a vigorous attempt to lay down a policy to assist both the colonial governments and the CO to improve conditions of native labour. His genuine and wholehearted effort to put Labour Party policy into effect launched the CO on the way to treating the labour question as a central issue with a programme of legislation to introduce on an Empire wide scale.

Early in February 1930 the opportunity for Shiels to press for a survey of labour conditions in the dependencies arose out of a review in the Office of the North Borneo draft Labour Ordinance.³

1. Minute by Shiels, 9 January 1930, CO 323/1071/30/70093.
2. The circular despatches dealing with labour included:
 - 29 April 1930, application of the ILO conventions
 - 6 August 1930, calling for a review of labour conditions and for the abolition of penal sanctions
 - 17 September 1930, trade union legislation
 - 17 September 1930, workmen's compensation legislation
 - 2 April 1931, application of the ILO conventions
 - 8 April 1931, minimum wage fixing machinery
3. No.1 on CO 323/1071/30/70093.

The retention in the Ordinance of obsolete provisions for dealing with breaches of contract by whipping and heavy fines aroused serious misgivings. The CO was especially concerned in this case as it represented North Borneo at the League of Nations, but without having any direct control over the actions of the chartered company which administered the territory. Shiels pressed to have the company remove the undesirable penal sanctions in the Ordinance and took the opportunity to introduce the idea of issuing a general despatch indicating that the SoS was 'anxious to see more enlightened labour conditions in our Colonial Empire'.¹

Vernon subsequently produced a draft circular despatch on 28 May 1930 based on the minutes arising from the review of the North Borneo Ordinance.² In order to bring home to the colonial governments the reason for the new concern over labour conditions he carefully enclosed the kernel of the despatch in ILO wrappings. The first paragraph mentioned the importance of the 1930 ILConference proceedings which called attention to the general question of labour conditions. The colonies were then asked to give careful consideration to the extent to which they had applied the ILO conventions already ratified by HMG. He returned to the ILO theme in the final paragraph, warning the colonies of the increasing attention paid at Geneva to the conditions of employment of native

1. Minute by Shiels, 8 February 1930, CO 323/1071/30/70093.

2. On 24 September 1930, S. Caine (Far Eastern Department) minuted that the 6 August 1930 despatch 'arose out of the consideration of conditions in North Borneo.' Ibid.

labour and of the need to show the highest standard in such matters in order to be above criticism at international level.¹

By putting the question of labour conditions into the context of international concern Vernon made sure that the colonies did not lightly dismiss this despatch as merely another whim of Downing Street, or as motivated solely by political party considerations. Whether as a goad or a spur, the General Department was prepared on this occasion to use the stature of the ILO as a weapon in trying to bend reluctant colonial governments to adopt labour legislation unwelcome to them and to the politically dominant European interests. As a moral authority the ILO was difficult to argue against, though it did not by any means intimidate the more truculent of the CO charges.

Paragraph four incorporated Shiels' objection to penal sanctions provisions. In an earlier despatch of 14 May 1930 Shiels had taken the opportunity to request that the West Indies mitigate the severity of the penal sanctions included in their masters and servants legislation.² He now seized the opportunity to press all the dependencies, for the first time, to seriously consider abolishing penal sanctions:

Generally speaking, I desire that any "penal sanctions" applicable to labour engagements should be eliminated or reduced to an absolute minimum and that the relations of

1. The draft of 28 May 1930 issued as the circular despatch of 6 August 1930, No.2A, CO 323/1071/30/70093.

2. Confidential despatches, 14 May 1930, No.s 3-10, CO 318/396/29/66707 West Indies.

employer and employed should be left to the ordinary law of contract. In this connection it is for consideration how far breaches of verbal contract of service should continue to be regarded as a valid ground for prosecution.¹

Shiels and Vernon were both aware of the CENL investigation of contract labour and the distinct possibility that it would recommend the abolition of penal sanctions. If an ILConference were to adopt such a recommendation, HMG stood to be seriously embarrassed by the continued existence of penal sanctions in the legislation of a large number of its dependencies.

That the 6 August despatch emanated from Shiels rather than from the permanent officials was obvious from the content of the middle paragraphs. The first of these came straight from Shiels' minutes and asked for an examination of labour conditions in each territory, with special reference to such matters as hours of work and rates of pay. Paragraph 5 extended this review to labour contracts, housing, medical service, and any provision which might 'contribute to the content and social welfare of native labour'.² The last phrase came as an acknowledgement of Grindle's statement asking 'for more attention to social welfare'³ - a choice of words suggesting he had concurred in the issue of a circular, but only as a general exhortation to the colonies themselves to attend to the matter. This would have accorded with the CO practice of leaving

1. Para.4, No.2A on CO 323/1071/30/70093.

2. Ibid., para.3 and 5.

3. Minute by Grindle (Assistant Under Secretary), 10 February 1930, *ibid.*

each colonial administration to deal with its own labour problems. Shiels intention was quite the opposite. He wanted to collect information with the view to establishing a general policy on labour matters.

The Colonial Office Labour Committee (CLC)

The 6 August despatch represented a significant departure from previous CO attitudes to labour matters. Whether the permanent officials approved or not, Shiels was determined the Office should give a positive lead to improving labour conditions. While penal sanctions constituted the immediate problem, and were at the core of the 6 August despatch, Shiels' objectives embraced the wider task of establishing suitable labour principles and reviewing all colonial labour legislation.¹ To achieve this not inconsiderable goal he was determined to provide the organisation within the Office to formulate minimum standards and to oversee the necessary legislative changes and innovations in the dependencies.

Before Shiels arrived, oversight of nearly all labour matters was a responsibility of the geographical departments. No coherent

1. Minute by Paskin, 22 April 1931, 'Dr. Shiels proposes that the terms of review should be as follows: - to review, and where necessary to formulate, the general principles on which Colonial labour legislation should be based; to consider the different methods and degrees of application of these general principles in particular territories or groups of territories; and to review the legislation of each Dependency in the light of these general principles, with a view to the amendment or deletion of any provisions which may be repugnant to those principles or which may have become obsolete, and substitution of more modern forms.' CO 323/1117/31/80041/1.

or co-ordinated labour policy had been established to guide them or the colonies. Shiels considered the slight degree of co-ordination provided by the Legal Advisers' supervision of colonial bills as too narrowly based.¹ The absence of any policy or general principles had unfortunate results, as Shiels explained:

It frequently happens that Colonial Governments when formulating legislative proposals, adopt as a model an Ordinance in operation in some other Colony. The model adopted, is however frequently obsolete or out of harmony with the trend of modern opinion. In this manner legislative provisions which may in fact have been inoperative for many years, are given a new lease of life in another part of the world It is true that the legislation is examined in the Colonial Office, but here again the geographical departments have no general statement of policy to guide them and sometimes allow obsolete legislation to be passed, through being unaware of decisions taken in respect of Colonies dealt with by other departments.²

Shiels realised such a haphazard approach could not hope to cope with the problems arising from the growth of mining and industry and from the expansion of the plantation industry, and he proposed setting up a committee to formulate a labour policy.

Two issues led to Shiels' calling an initial meeting to consider the labour question. The first arose when the Office was undecided on how to deal with the replies to the 6 August despatch. Grindle agreed with Poynton's suggestion that an Office print be started, but made no comment on Vernon's mention of the need for a committee to study them.³ The second was the arrival of another

1. Minute by Shiels to Passfield, 11 May 1931, CO 323/1117/31/80041/1.

2. Minutes of the 1st CLC meeting, 22 May 1931, No.1 on CO 323/1117/31/80041/3.

3. Minute by Grindle, 24 November 1930, CO 323/1071/30/70093.

unsatisfactory draft Labour Ordinance, this time from the Seychelles. A small under-staffed secretariat working in conjunction with a planter committee had produced a badly drafted and unacceptable ordinance, primarily because of the absence of formulated principles to guide them. Shiels pointed to the equally unfortunate lack of any 'clear statement of the policy to be followed on industrial labour or social legislation' to guide the CO in dealing with colonial legislation.¹ Other disturbing experiences with labour legislation in the West Indies and Fiji underlined the relevance of Shiels' objectives.

In order to offset the very real opposition in the Office to his proposal for a committee, Shiels made a strong appeal to Passfield on Party and humanitarian grounds:

I feel that a Labour Govt. should give as its contribution the achievement of the co-ordination of Colonial Labour legislation, on a basis of which we need not be ashamed, and which will save us from the repeated face-saving devices to which we have to resort just now.²

Passfield sanctioned an Office committee as he did not think it would be too difficult to establish the general lines of a labour policy, though he did not expect to get the extra staff needed to review all colonial labour legislation.³ Shiels promptly took up Passfield's suggestion to invite the Home Office (HO) and the MoL onto the committee and proposed that W.M. Citrine of the TUC should

1. Meeting held in Dr. Shiels' room, 20 April 1931, No.1 on CO 323/1117/31/80041/1.

2. Minute by Shiels, 11 May 1931, *ibid.*

3. Minute by Passfield, 11 May 1931, *ibid.*

become a member.¹ Clearly Shiels had in mind an advisory committee similar to those in the education and medical fields. The Office opposed outright any innovation along those lines in the politically sensitive labour field, and Shiels settled for an interdepartmental committee.

A very reluctant Office saw the first of a series of weekly meetings begin on 22 May 1931.² The Committee (CLC) decided to deal initially with labour legislation in the more primitive communities.³ The labour section in the General Department found the preparation demanded by Shiels for the Colonial Labour Committee (CLC) meetings a considerable burden. The eight meetings in 1931 under his chairmanship managed to deal with only four topics. The ground which they covered will be discussed more fully in Chapters five and six, but it is interesting to note that the CLC spent the major part of its time - four out of the seven meetings - on the

1. Minute by Shiels, 15 May 1931, CO 323/1117/31/80041/1.

2. The membership of the Committee consisted of one or more representatives of the geographical departments concerned with a particular issue, representatives of the General Department (one of whom acted as secretary), and representatives of the HO and the MoL (up to 11th meeting in January 1932).

3. At the 2nd CLC meeting, 5th June 1931, 'it was agreed that it would be necessary to consider the question of labour contracts separately in respect of (a) the more primitive peoples (e.g. those in Africa and the Western Pacific) and (b) the more civilized peoples (e.g. in Malaya and the West Indies).' In the event, the CLC never dealt with questions other than those connected with the 'more primitive peoples'. CO 323/1117/31/80041/3.

issue of penal sanctions.¹ This was not surprising in view of the numerous occasions on which penal sanctions provisions had roused Shiels' concern, and since they were a major reason for the 6 August 1930 despatch. Of the remaining three meetings, one each was given to recruitment, workmen's compensation, and minimum wage fixing legislation.

When Shiels left Office in August 1931, with the fall of the Labour Government, the future of the CLC came up for discussion almost immediately. It was evident that there was a total lack of enthusiasm in the Office for Dr. Shiels' Committee and its objectives. Nobody in the Office disagreed with the case which Paskin outlined for changing the character of the Committee. Although only the fringe of Shiels' programme had been touched, he proposed restricting the Committee's future activities to commitments already begun explaining that he could not produce adequately prepared material for it to deal with. Its future value, he suggested, lay in dealing ad hoc with particular labour problems when they came to hand.² When Paskin left it open for discussion, the Office remained silent over the question of the staffing considered necessary if the Committee were to pursue Shiels' programme for reviewing and adapting colonial labour legislation.

As Shiels had requested³, Paskin proposed that J.F.N. Green (assistant secretary) should become permanent chairman. However,

1. See Table 2.

2. Minute by Paskin, 2 September 1931, CO 323/1117/31/80041/1.

3. Minute by Shiels, 28 August 1931, CO 533/411/31/17186 Kenya.

Table 2: Colonial Labour Committee Meetings 1931 - 1941

Dates and Agenda

Year	1931									
	1	2	3	4	5	6	7	8	9	10
CLC Meeting Number										
Date	12/5	5/6	12/6	19/6	26/6	10/7	17/7	24/8	27/10	30/10
Topic under Review		PS	PS	R WC	PS	R PS	PS	MWF	PS R MWF	WC

PS	Penal Sanctions
R	Recruiting
WC	Workmen's Compensation
MWF	Minimum Wage Fixing Machinery
LS	Labour Supervision (Vernon)
C & PS	Contracts and Penal Sanctions
TU	Trade Unions

Shiels out

Year	1935										1938			1939		1941						
	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1938	1939	1940	1941	1939	1941						
CLC Meeting Number	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Date	14/7	5/5	9/5	7/12	11/2	21/3	17/4	29/4	20/5	26/11	20/5	27/7	29/7	20/10	12/5	13/5	29/7	6/12	19/12	19/5	18/12	
Topic Under Discussion	WC	PS	WC	WC	R	R	R	R	R	R	R	LS	WC	R	C/PS	C/PS	TU WC	C/PS	C/PS	C/PS	C/PS	C/PS

Shuckburgh replaced

although Green had shown considerable support for Shiels' aims, he declined nomination on the grounds that

The differences of opinion on the Committee are great, and on several points are still quite irresolvable. If progress is to be made, a chairman of higher status than myself is necessary.¹

Green did not specify the issues involved, or their extent. But the strong support given by Flood (Head of Middle East Department) and A. Fiddian (Head of West African Department) for the retention of penal sanctions would certainly have been one of them. As an assistant secretary, Green did not have sufficient authority in the Office to lead the CLC in the spirit in which it had been established, and with which he was certainly in sympathy. Generally, Green must have been at odds with a number of his colleagues over the question of the initiative to be taken by the CO and the pace of change in labour matters.

The basic reason for the complete downgrading of the original function of the Committee emerged at a later date. In a memo in 1933 Paskin wrote of 'Shiels' ambitious programme' and the CO belief that it was fruitless to attempt to deal with the various aspects of colonial labour legislation purely on first principles.² Flood expressed a similar sentiment when he made critical remarks about Shiels' attempts to introduce legislation along doctrinaire lines, 'guided by his own inner light and the help of advisers.'³

1. Minute by Green, 3 September 1931, CO 323/1117/31/80041/1.
2. Memorandum by Paskin, 'Colonial Labour Committee', 12 July 1933. See No.8 on CO 323/1318/35/1751/1.
3. Minute by Flood, 3 October 1936, CO 866/29/36/1166.

Sir John Shuckburgh (Deputy Under Secretary) declared that the CLC had been established on almost avowedly party grounds, implying that that was sufficient reason for its demise.¹ The majority of the permanent officials were opposed to the Office directing colonial governments on labour matters. They believed legislation needed to be worked out by the colonial governments and not from principles set up in the Office or for reasons of political policy.

Though it did not surface frequently, the divergence in opinion over the approach to be taken to labour matters remained a factor throughout the thirties. An example of the fundamental differences occurred in 1935 when Vernon argued successfully for the inclusion in the model workmen's compensation ordinance of the well-established principle of paying compensation irrespective of responsibility for the cause of an accident.² Paskin had opposed its inclusion on the grounds that the colonial governments had not been consulted and he was prepared to exclude the principle had they decided 'the time was unripe'.³ In 1940 J.G. Hibbert, who had headed the labour section from 1936, first in the General and later in the Social Services Department, pointed out that vital matters were still being shelved because of

'the danger of offending the Governors' susceptibilities.' That dreadful shibboleth I remember used to be chanted ad nauseam some years ago by the officers responsible for the

1. Minute by Shuckburgh, 8 March 1932, CO 323/1169/32/90086/2.
2. Minute by Vernon, 30 November 1934, CO 323/1256/34/30202/12.
3. Minute by Paskin, 29 November 1934, *ibid.*

conduct of the African Departments in this Office It is a very bad ju ju and one which had certainly been responsible on many occasions for the leaving undone of things which ought to be done.¹

The viewpoints of Vernon and Hibbert were representative of the officers in the subject or functional departments. They tended to be concerned with the issue more than with the problems of a particular territory.

In contrast, although he headed the labour section from 1929 till the end of 1935, Paskin invariably supported the governor or 'the man on the spot'. His views were in line with the members of the geographical departments, who were conscious of the feedback from the colonies and the strong resentment which arose from too much 'dictation from Downing Street'.² They were also sensitive to the accusation that the CO was pro-native and anti-settler. The permanent officials in the geographical departments, therefore, tended to support the colonial governments even when that meant long delays in the implementation of CO policy and the continuance of undesirable and out-of-date practices.

Hibbert vigorously attacked the approach taken by the members of the geographical departments, labelling them 'true blue conservators of the interests of Colonial Governments'.³ They were regarded by the members of the functional departments as timorous and over-cautious. Hibbert's outspoken comments revealed that the gap

1. Minute by Hibbert, 22 January 1940, CO 859/26/40/12255/4B.
2. Minutes of the 1st CLC meeting, 22 May 1931, No.1 on CO 323/1117/31/80041/3.
3. Minute by Hibbert, 22 January 1940, CO 859/26/40/12255/4B.

between the viewpoints of the subject and the geographical departments had not been bridged by 1940, although labour had by then become a 'specialised' subject.

In October 1931 the attitude in the Office to where the initiative lay over labour matters was dominated by the opinions ascribed to the geographical departments. Similar views were held by those in higher authority in the Office who came into contact with the labour question. The Office as a body had been completely at odds with Shiels over the approach to be taken to the labour question and to the setting up of the CLC.

The credit for pressing the CO into taking positive and concerted action on the almost totally neglected question of colonial labour must go to Shiels. The momentum slowed down considerably after his departure, though it did not die completely. No new initiatives on the scale he had attempted were taken until the labour question threatened to get seriously out of hand in the later thirties. His attempt to set up the CLC as a centralising body to tackle the labour problem systematically had proved to be ahead of its time. On his departure the CO promptly changed the character of the CLC. The labour section of the General Department as quickly contracted its activities. But neither could slough off all the responsibilities to which it had become heir. The changes that had occurred prevented labour matters being either dismissed or handed back in their entirety to the geographical departments. The labour question called into existence by Shiels was becoming a specialised subject.

Assessed in terms of actual improvements in the conditions of

the individual labourer, Shiels' efforts made little initial impact. However, much of what he started was fundamental and labour conditions improved as legislation gradually came into effect. Leading the way was probably his most immediate achievement. His efforts helped condition official minds to the necessary changes ahead.

The only way the CLC might have continued the course plotted by Shiels would have been if the new Ministers had as firmly taken the Committee in hand. Instead, Sir Robert Hamilton (Parliamentary Under Secretary) declined the chairmanship without giving any reason for doing so. During a Parliamentary debate in 1932, he gave his opinion that Shiels had launched a rather ambitious programme and that it had been found necessary in practice to return much of the work Shiels had started to the geographical departments.¹ These remarks showed that he had accepted the Office opinion of the CLC. Finally Shuckburgh was landed with the job of CLC chairman, to which he brought no enthusiasm and led with no distinction.²

The first meeting of the CLC under Shuckburgh in October 1931 confirmed the recommendations already made under Shiels in regard to penal sanctions, recruitment, and minimum wage fixing machinery.³

1. P.D., Commons, 22 April 1932, v.264, c.1851.

2. In a minute, 26 July 1937, Shuckburgh explained how he had become chairman almost by accident and that it was never meant to be more than a temporary arrangement. CO 323/1424/37/1751.

3. Minutes of the 9th CLC meeting, 27 October 1931, No.9 on CO 323/1117/31/80041/3.

A second meeting, this time of the African sub-committee of the CLC,¹ was called to deal with the replies from the primitive territories to the 1930 despatch on workmen's compensation. The meeting was also intended to be in the nature of a winding up process, but workmen's compensation did not prove to be a simple matter. The eventual formulation in 1937 of a model workmen's compensation ordinance proved to be the one creative achievement in which the CLC was involved.

The changed character of the CLC became plainly evident when, at the twelfth meeting in May 1933, it decided that no further action should be taken over the replies from the East African territories to its recommendations on penal sanctions in CLC (10).² The territories had rejected them as premature. The Committee was not prepared to press the issue in East Africa although the West African colonies had agreed to abolition.³ The CLC had become enveloped in the Office labour mantle. It would take no initiative and readily accepted the judgement of the colonial governors.

1. The African sub-committee was chaired by Shuckburgh and consisted of members from the African and General Departments (the HQ and MoL sent representatives to the first three meetings).

2. The 12th CLC meeting on 5 May 1933 discussed the replies to CLC (10) 'Recommendations regarding penal sanctions for the enforcement of labour contracts in the more primitive territories'. No.2 on CO 323/1209/33/10131/4.

3. In separate despatches to the Governors, East Africa, 28 August 1933, Cunliffe-Lister said, 'In the circumstances, I do not wish to adopt a course of action which you feel to be premature.' Nos. 3 - 7, *ibid.*

Between 1931 and 1935, meetings were limited to the three held by the African sub-committee on workmen's compensation, and to one other dealing with penal sanctions in East Africa. Seventeen meetings were held between 1934 and 1942. Of these, a further two were devoted to workmen's compensation and one to Vernon's minute on labour supervision. The remaining fourteen were spent preparing, from colonial observations, the instructions for the delegates to the ILConferences of 1935, 1936, 1938, and 1939. This major activity had more in common with the earlier CO Forced Labour Committee and its preservation of existing colonial practices than with Shiels' objectives for the CLC.

The Committee made no attempt to deal with workmen's compensation in the West Indies.³ When a problem came up there the General Department, not the CLC, called a meeting of the interested bodies.¹ Similarly, a number of meetings were called in the Office during 1938 and 1939 over the staffing of the labour departments in the colonies without reference to the CLC. Only once did the Committee meet to deal with a specific labour problem as Paskin had proposed its function might be.² In the eyes of the CO, the CLC did not rate highly. At no time did it occupy the central role in labour matters envisaged by Shiels. When he visited the Office in 1936

1. Vernon called a meeting on 28 May 1935, CO 323/1318/35/1762/5.

2. 22nd CLC meeting, 27 July 1937. It had under consideration Vernon's minute of 14 June 1937 dealing with a number of labour issues and, in particular, labour supervision. No.1 on CO 323/1429/37/1766.

Shiels was surprised to learn of its survival.¹ Had it been recognised as having any real significance he would surely have heard of its activities from Green with whom he was closely associated on the Labour Party Imperial Advisory Committee. Weaver (ILO) stumbled onto the Committee's existence in 1932 when Gambia cited the CLC recommendations on penal sanctions as the reason for a bill.² The CO quickly denied it as a policy-making body and said it was 'purely a domestic affair' which at the time was technically correct since the HO and MoL no longer attended.³ By down-playing its scope, the CO ensured no embarrassing questions could be asked over its current activities - or inactivities.

By 1937 the CO was coming under pressure to expand the Committee to include unofficial representation. After A. Creech Jones (Labour MP) 'discovered' its existence,⁴ the Office felt vulnerable to suggestions that the Committee should be expanded into something more dynamic. However, the CO was always afraid that the sensitive labour question would become politicized if unofficial representatives were introduced onto the CLC. As a consequence, to meet the

1. Minute by Shuckburgh, 5 November 1936, 'Incidentally, Dr. Shiels seemed to be under the impression that the Colonial Office Labour Committee (which was created on his initiative when he was Under Secretary) had died a natural death.' CO 866/29/36/1166.

2. Weaver to Paskin, 20 August 1932, No.4 on CO 323/1169/32/90086/3.

3. The HO and the MoL both attended up to and including the 11th meeting of the CLC, 14 January 1932. The MoL did not attend again until the 19th meeting, 20 May 1935. The HO, however, did not appear to send a representative to the Committee again.

4. Creech Jones to Ormsby Gore (SoS), 22 July 1937, referred to the CLC after it had been mentioned in an answer to a Parliamentary question, No.1 on CO 323/1424/37/1751.

demand for a more active labour policy, the CO turned first to appointing a labour adviser and then to establishing a Social Services Department. It successfully resisted the pressure to establish an expanded CLC until 1942.

The limitations of the CLC were the limitations of the CO itself. Composed variously of members of the geographical departments it too accurately reflected the long-standing belief that labour matters properly belonged to the local administrations. This made it wholly incapable of initiating labour policy. Apart from the short period when Shiels headed it, the Committee never really functioned outside the narrow purpose of acting as an intermediary between the colonial governments and the ILO. It did not have the expertise to encompass more than that limited task and played no part during the period of more rapid advance in labour matters initiated by Ormsby Gore in 1937 and Malcolm MacDonald (SoS) from 1938 to 1940. Once the major work on the conventions in the thirties was over it faded into oblivion, meeting once in 1939¹ before its final meeting in 1941² to endorse the decision already made in the Social Services Department over the ratification of the ILO Conventions.

After Shiels' departure the CO promptly relinquished the initiative in labour matters. The issues that had come under consideration during the period of the Labour Government were not dropped

1. 30th meeting of the CLC, 19 May 1939, No.17 on CO 859/10/39/1763/11, Part II.

2. 31st meeting of the CLC, 18 December 1941, No.14 on CO 859/52/41/12256/11.

but neither were they pursued with any real diligence. With the slowing down of development in the colonies during the worst years of the depression, the colonial administrations and the CO were not faced with major crises over labour conditions or the need to take positive action. The fact that the CLC African sub-committee met on only four occasions between 1931 and 1935 was a fair indication of the return to a 'normal' CO stance of doing very little in regard to labour. It represented a sharp contrast to the relatively frantic days with Shiels.

In the late thirties the period of calm ended abruptly and the Office found itself having to grapple with social change of almost revolutionary dimensions.¹ The sudden visible deterioration in labour relations provided an opportunity for outside initiative to press the CO to give serious consideration to setting up suitable organisation to cope with the labour problem.

Labour Adviser to the Secretary of State
for the Colonies

Though no longer an MP, it was Shiels who caused the Office, after the worst years of the depression had passed, to reconsider how to deal effectively with the labour question in the dependencies.

1. In a note of the discussion on 28 July 1938 concerning the recruitment and training of labour officers the SoS 'drew attention to the revolutionary changes in native opinion regarding social conditions now taking place'. Para.2, No.15 on CO 850/135/38/20657.

The timing of Shiels' letter, sent in September 1936 after Ormsby Gore became SoS, was probably no accident. His request for the appointment of a labour adviser stood to gain a much more sympathetic hearing than during Cunliffe-Lister's term of office (1931-1935) when labour matters were given a low priority. Prompted by the fatalities resulting from the strikes at the Northern Rhodesian copper mines, Shiels predicted an increasing number of labour problems if expert knowledge were not introduced into Downing Street and the colonies. He thoughtfully reminded Ormsby Gore of his (Ormsby Gore's) part in the appointment of advisers under Amery (1924-1929).¹

Shiels believed they 'marked the greatest forward development which the Office [had] had for many years.'² His suggestion came at a propitious moment, starting a full discussion that led directly to the creation of the post of labour adviser, and to the appointment of the man he proposed, Major G.St.J. Orde Browne (Labour Commissioner - Tanganyika 1926-1931).

Hibbert, the first of the permanent officials to respond to the request by Ormsby Gore for opinions, promptly and unequivocally welcomed the prospect of such an appointment:

... the proposal has a great deal to recommend it. Certainly in this Department, and I imagine also in Geographical Departments, we feel constantly baffled when considering despatches dealing with labour questions He would also be invaluable as an adviser to the British Delegations sent

1. See Table 1 in Chapter 1.
2. Shiels to Ormsby Gore, private and confidential, 24 September 1936, No.1 on CO 866/29/36/1166.

to Geneva to attend the International Labour Conference.¹

This frank admission from Hibbert found qualified support from J. A. Calder (Head of the Tanganyika and Somaliland Department). He alone showed something of Hibbert's awareness that labour was a problem of increasing urgency.²

More typically, the heads of the geographical departments responded most unfavourably both to the need for a labour adviser and to the man suggested by Shiels to fill the post. Flood (Head of the East Africa Department) perhaps best explained their fundamental objection to such an appointment:

The suggestion is based on the idea which Dr. Shiels held fixedly that the Colonies are governed from here and that the policy of the S. of S. should be to distrust the Governor and his staff and be guided by his own inner light and the help of advisers...
But labour conditions ... are essentially matters for local governments.³

The divergence in thinking between Shiels and Flood over the exercise of initiative in labour matters had not noticeably narrowed. Despite the widening responsibilities of the General Department's

1. Hibbert (1 October 1936) went on to say, 'A Colonial Office Labour Adviser who, like Mr. Stockdale [Agriculture Adviser - CO] had personal knowledge of local conditions in the parts of the Empire where major problems prevail or are imminent, such as Northern Rhodesia and Nyasaland, and who would supplement his lack of knowledge of conditions in other territories by short tours would be invaluable. CO 866/29/36/1166.

2. Minute by Calder, 3 October 1936, 'Labour problems are so important in Tanganyika, Nyasaland and Northern Rhodesia that in all of them consideration is being given to constituting a separate Labour Department, or to seconding selected Administration Officers for labour duties If we could get a suitable officer as Labour Adviser, I think a trial appointment for, say, five years, would be worthwhile.' Ibid.

3. Minute by Flood, 3 October 1936, CO 866/29/36/1166.

labour section for a growing number of aspects of the labour question, often of a highly technical nature, the geographical departments, partly because of their own lack of awareness of the complexities involved, remained unswerving advocates of local control. Flood's attitude could be expected to be shaped to some extent by Kenya's strong resentment to any control from Downing Street, but the other heads of department (apart from Calder) were equally hostile to an appointment.¹

Two reasons were given for opposing the appointment of a labour adviser. The first was the supposed difficulty of isolating technical features common to labour matters in disparate colonies; the second, the general lack of urgency ascribed to the labour question.

The heads of department were convinced that the diversity of political and economic factors made it impossible to treat labour on a general basis. No single person, they argued, would be sufficiently well acquainted with the great diversities of the colonies

1. Minute by H.F. Downie (Head of West Africa Department), 2 October 1936, 'Mr. Hibbert's analogy of the Agricultural Adviser is surely fallacious. The technical aspects of sugar, coffee, etc. cultivation are similar in all parts of the world.'

Flood, 3 October 1936, 'But there is no uniformity and can't be, and no amount of 'advice' from here can be of any real value to Colonies except to lay down general rules which in most cases will be unsuited to local conditions.'

A.J. Dawe (Head of Pacific and Mediterranean Department) 6 October 1936, 'It seems to me labour problems in the Colonies depend so much upon a variety of political and economic considerations often of a local character that it would be difficult to isolate any technical aspect with which a specialist in this Office could usefully deal.'

Vernon, 9 October 1936, 'I am not in favour of the suggested appointment of a labour adviser. "Labour" is not a technical subject on which anybody can become an expert'. CO 866/29/36/1166.

to enable him to offer useful advice. The Earl De La Warr (Parliamentary Under Secretary 1936 - 1937) easily refuted these views:

It had been suggested in the minutes that Labour is different in each Colony, and that there is no technique in labour matters which is common to all. I disagree. To mention only a few subjects, Workmen's Compensation, Regulation of Hours, Safety Regulations, Recruiting, Labour contracts (especially where illiterates are involved), and the health and diet of compound and plantation labour, all possess a technique of their own which has common features wherever it may be applied.¹

The point of De La Warr's remarks could not be denied. The CO itself had drawn up model labour ordinances and had sent on bills dealing with labour matters as models. It was not uncommon for colonies to adopt labour bills from one another. This transferability of legislation and regulations strongly suggested that there were characteristics common to labour wherever it was employed. It was evident, as De La Warr's minute implied, that there were many features in the employment of labour which would benefit from specialist advice.

The other major reason for not welcoming any change in the Office organisation was, surprisingly, the belief that the labour question lacked urgency and was not a live issue except perhaps in Kenya. Nobody, it seemed, recognised the problems brewing up in the Caribbean. In November 1936 Sir John Loader Maffey (Permanent Under Secretary 1933 - 1937) emphatically summed up the point of view to which the majority in the Office still clung:

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

I hope the responsibility for labour conditions will remain where it is - fairly and squarely in the hands of the local governments.¹

The faith of the geographical departments in the local administrations would have been a touching tribute had it not been attended by a growing number of serious shortcomings and even fatal consequences. H.R. Cowell (Head of Eastern Department), for instance, spoke approvingly of the strong Labour Departments in Malaya and Ceylon and of labour standards higher than those demanded by the ILO.² Yet in 1938 the Indian Government banned all assisted emigration to Malaya,³ and to Ceylon at the beginning of the Second World War, because it was dissatisfied with labour conditions in the two countries.⁴ The suggestion by Shuckburgh that the CLC, despite its low level of activity, could deal with colonial labour problems⁵ pointed to the lack of any real appreciation of the conditions of native labour. The generally myopic viewpoint of the members of the geographical departments, however, did not hide the growing urgency of the problems from those with greater perception.

It was evident that the heads of the geographical departments were arguing over the maintenance of the integrity of their own departments as much as the issue of labour. Any adviser with

1. Minute by Maffey, 6 November 1936, CO 866/29/39/1166.

2. Minute by Cowell, 5 October 1936, *ibid.* He neglected to mention that the duties of the Labour Departments in the two areas extended only to the Indian community.

3. H. Tinker, A New System of Slavery, 1830-1920, London, 1974, p.380.

4. *Ibid.*, p.379.

5. Minute by Shuckburgh, 13 October 1936, CO 866/29/39/1166.

'expert knowledge' threatened their standing. It was this situation perhaps that led Vernon to reflect on whether an adviser might not bring 'friction and inefficiency'.¹ The members of the geographical departments would be reduced to intermediaries carrying out, with minor adaptations for local conditions, policy decisions made over their heads. Visiting local officials on labour matters, would be drawn to the labour adviser and the carefully nurtured contacts of the geographical departments would be lost. The fact that Orde Browne, the best qualified candidate, happened to be viewed unfavourably by many in the Office did not help reduce the hostility.²

Despite the opposition among the permanent officials, the SoS and the Parliamentary Under Secretary were alive to the anxiety which had caused Shiels to write in the first place. De La Warr was convinced of the primacy of the labour question and saw it as the most difficult aspect of trusteeship. He was the only person to mention that the native had a point of view, and he recognised the value of an adviser 'who could throw his influence on the side of fair wages and better conditions.'³

1. Minute by Vernon, 9 October 1936, 'I do not think that an "expert" labour adviser could be in sufficiently close touch with the ordinary work and responsibilities of the Colonial Office and with the preferences (and prejudices) of Geographical Departments and Colonial Administrations to avoid friction and secure efficiency.' CO 866/29/36/1166.

2. C.J. Jeffries (Head of Colonial Service Department), 1 October 1936, set an unsympathetic tone for Orde Browne's candidacy by commenting that his personal file showed he had never received the full confidence of Sir D. Cameron (former Governor of Tanganyika) or from Sir John Scott (Colonial Secretary) and Sir Douglas Jardine (Acting Governor). Ibid: Due to the lack of enthusiasm shown for Orde Browne's appointment, the file cover recording the discussion preceding his selection was marked 'Not to be sent to Major Orde Browne.' CO 866/29/37/1166.

3. Minute by De La Warr, 16 October 1936, *ibid*.

Ormsby Gore thought the matter should be pursued. He recognised that he needed a very good case to convince Treasury of the merit of appointing a labour adviser - and the Office had not given him that. On his suggestion, De La Warr and Shuckburgh discussed the matter with Shiels. Although Shuckburgh's negative view on an appointment did not alter, De La Warr agreed to meet Orde Browne but decided against this when the financial difficulties of making an appointment became apparent.¹

Although the Ministers recognised the importance of appointing a labour adviser they were unable to find the necessary funds. The CO was already embarrassed by the fact that part of the Carnegie Grant for educational development in the Empire had been diverted to pay half the salaries of the joint secretaries of the CO Advisory Committee on Education.² There was no point in approaching an obturate Treasury which believed the CO already had too many over-paid advisers. It was also unlikely that further contributions could be elicited from the colonial governments for additional advisory staff based in the CO since they saw little advantage to them in a labour adviser. Before making an appointment De La Warr decided

1. Minute by Shuckburgh, 5 November 1936, CO 866/29/36/1166.

2. Minute by De La Warr, 26 November 1936, CO 866/30/36/1169: In a minute, 26 September 1936, F.J. Pedler said there had never been any decision to regard the uses made of the Carnegie Grant as confidential but added, 'We have always been rather ashamed of it, and for nearly two years after the first receipt of the grant the matter was kept secret even from members of the Committee.'
CO 323/1354/36/1201/1A.

the 'illogicality' and 'indignity' of the system of paying the advisers must be sorted out.¹ Ormsby Gore, too, thought it would be better to settle that the Treasury pay the education secretaries before beginning the inevitable battle with it over the appointment of a labour adviser.² In June 1937, Maffey (Permanent Under Secretary) put the case to the Parliamentary Estimates Committee for the Imperial Government paying all the advisers, but without success.³ In the face of the customary difficulties over any request to the Treasury, the chances of the CO appointing a labour adviser looked bleak.

The demands of the CO received scant consideration at the time when the UK was gravely concerned over Germany's rearmament. In an increasingly tense situation, the low wages and generally poor labour conditions remaining in the Empire as an aftermath of the worst years of the depression aroused little public interest in the UK. However, the problems of the colonies gained a new priority after the serious riots by the workers in the Trinidad oil fields in June 1937. While this outbreak was one of many prompted by labour conditions, the considerable publicity gained by this particular disturbance immediately brought pressure to bear on the CO for more adequate supervision of labour conditions. This public interest,

1. Minute by De La Warr, 26 October 1936, CO 866/30/36/1169.

2. Minute by Ormsby Gore, 31 August 1937, CO 323/1424/37/1751.

3. Minute by S. Robinson (West African Department), 21 July 1937, CO 866/30/36/1169.

together with the findings of the Royal Commission on the Trinidad disturbances,¹ contributed significantly towards forcing the Treasury to relax its stringent attitude towards the dependencies. The concern aroused by the Trinidad riots led to Creech Jones writing to the CO for information about the CLC.² With this further pressure concerning the CO role in labour matters, Shuckburgh seized an opportunity to suggest his own retirement from the chairmanship of the Committee and hesitantly proposed that the time might have arrived when the CLC could usefully be expanded in line with the Education and Agriculture Advisory Committee.³ Before the Office could consider Shuckburgh's proposal, Creech Jones wrote again, saying that the colonial situation demanded an advisory committee.⁴ On Creech Jones' persistence, Hibbert pointed out that the SoS 'might be badly shot down' if the question of the composition of the CLC were pursued in Parliament, but argued that a labour adviser would be far more use than an advisory committee.⁵ Although Par-

1. Cmd 5641, Trinidad and Tobago Disturbances, 1937: Report of a Royal Commission, HMSO, January 1938.

2. Creech Jones to Ormsby Gore, 22 July 1937, No.1 on CO 323/1424/37/1751.

3. Minute by Shuckburgh, 26 July 1937, 'There is also the wider question whether the time has not come when the Committee might usefully be expanded and reorganised, more on the lines of (e.g.) the Educational and Agricultural Advisory Committees, with extra-official members, etc. I merely raise this point, without any desire to press it if the moment is considered inopportune. Ultimately, I expect that we shall have to do something of the kind.' Ibid.

4. Creech Jones to Parliamentary Under Secretary of State (The Marquess of Dufferin and Aya and addressed in the CO as Lord Dufferin), 3 August 1937, No.3, *ibid.*

5. Minute by Hibbert, 6 August 1937, *ibid.* Hypothetical Parliamentary question. 'Have any of these Officers [members of the CLC] actual experience or first hand knowledge of Colonial conditions? A [answer]?!'

kinson (Permanent Under Secretary - July 1937) refused to countenance an advisory committee the very fact of Shuckburgh's suggestion of an expanded CLC indicated the strong pressure on the CO to make available to the SoS some form of specialized advice on labour matters.

In November, the Parliamentary opposition came back to the attack with a notice of motion from F.W. Pethick Lawrence (MP) concerning labour conditions, and requesting the establishment of a labour department in the CO.¹ In order to pre-empt the question, Parkinson, who firmly believed a labour department would be hopeless from an organisational point of view, recommended that further consideration be given to the appointment of a labour adviser.² As a consequence of the public interest aroused by the Trinidad riots and of the report from the Royal Commission,³ Ormsby Gore judged the moment ripe for an approach to Treasury and privately contacted Sir Warren Fisher (Head of the Treasury). The House of Commons could be expected to continue to press the issue and Ormsby Gore believed a labour adviser would be the first appointment the Labour Party would make if it came into power.⁴

Without further delay, Treasury agreed in January 1938 to the appointment. It was assumed in the Office that Orde Browne would be offered the post since there was no one else available who filled

1. P.D., Commons, 24 November 1937, v.329, c.1226.

2. Minute by Parkinson, 6 December 1937, CO 866/29/37/1166.

3. On 6 December 1937, Lord Dufferin remarked, 'Perhaps the Trinidad report will give us some ammunition.' Ibid.

4. Minute by Ormsby Gore, 6 December 1937, ibid.

the criteria set out by Shuckburgh:

Our first Labour Adviser ... should be a man with practical experience of Colonial conditions etc., and not a theorist from the Ministry of Labour or the ILO He should be a sensible man who will be content to move cautiously and to carry Colonial Governments with him. An "impatient idealist" might merely antagonise them from the start, and so go far to wreck the experiment.¹

Orde Browne had the added advantage of having been a member of the Colonial Service for the greater part of his working life and had already worked for a period in the CO after his resignation in 1931 as Labour Commissioner from the Tanganyika administration. If an appointment had to be made the CO was determined that it should not go to an outside specialist and Orde Browne was appointed in May 1938.

The appointment of the Labour Adviser did not reduce the pressure on the CO for further organisational innovations to cope with colonial labour problems. The serious unrest in numerous dependencies²

1. Minute by Shuckburgh, 3 February 1938, CO 866/29/37/1166.
2. In his letter to Ormsby Gore, 24 September 1936, Shiels mentioned the deaths in the recent Northern Rhodesian mine strikes. No.1 on 866/29/36/1166: Hibbert assumed on 25 November 1937, that the notice of motion put down by Pethick Lawrence had been inspired by references in the press and in the House of Commons' regarding the recent major labour disturbances in Trinidad, British Guiana, Malaya, Tanganyika, Mauritius, St. Lucia, etc.' CO 323/1429/37/1766/1: A letter from the SoS to the Governor (Jamaica), 1 June 1938, referred to a commission of inquiry into the disturbances among Indian labourers on the Mauritian sugar estates in 1938. No. 15 on CO 323/1430/37/1766/3C: The most comprehensive but by no means complete list of strikes and disturbances was the compilation in 1938 made for the Ministry of Health. The most serious of those listed included Gold Coast 1935, 1937, 1938: Sierra Leone 1935, 1938: Nigeria 1938: Zanzibar 1936: Tanganyika 1937: Kenya 1937: Bahamas 1937: St. Lucia 1937 and Windwards 1935. CO 323/1543/38/1773. (The arrangement to supply the Ministry of Health with that information began in 1920 but nobody in the CO in 1939 could find the reason for doing so).

widened and sustained official and public interest in improving the means of supervision.¹

The Social Services Department

When Malcolm MacDonald followed Ormsby Gore into Office as SoS in May 1938, he immediately showed a strong interest in setting up additional organisation to advise on labour problems. While there was external pressure on the Office to expand the organisation dealing with labour, MacDonald had a strong personal interest in labour conditions first aroused during his brief sojourn in the CO as SoS in 1935. Before the annual debate on the Colonial Estimates in June 1938, he raised the issue of establishing a CO labour advisory committee. Parkinson prevailed on him to hold a meeting before the debate and the permanent officials were able to persuade him to defer the matter.² They remained as totally opposed to outside representatives as they had been when Shiels first proposed extending the CLC in 1931.

The CO had only just turned aside MacDonald's proposal when a deputation from the newly constituted Colonial Advisory Committee of the TUC pressed for organisational changes in the CO. It asked

1. The CO soon had evidence of this interest. On 25 February 1938 the India Office wrote to Parkinson and asked if they could nominate a representative to attend any meeting of the CLC dealing with matters that might affect conditions of Indian labour in the colonies. The SoS accepted Hibbert's recommendation of 28 February 1938 that a representative nominated by the India Office would be welcome. CO 323/1543/38/1776.

2. Minute by Parkinson, 8 June 1938, No.3 on CO 323/1536/38/1751.

for three innovations: the appointment of an assistant labour adviser; an advisory committee on which the TUC might be represented; and a labour department in the CO.¹ Noticeably, the Office committee promised by the SoS to discuss the TUC requests included those permanent officials who had shown sympathy previously to the appointment of a labour adviser.

Although the CO had already given high priority to getting an assistant labour adviser² the Committee was forced to announce officially that an appointment would be premature. The CO was currently besieged by the strenuous lobbying of the Veterinary Animal Health Association to have a veterinary adviser re-established. The Office was of the opinion that such an appointment was unnecessary and unwise in view of the Treasury attitude to new appointments.³ But the appointment of an assistant labour adviser would have been a highly provocative action in view of the dissatisfaction among serving veterinary officers and the threat in the editorial of the The Veterinary Record to recommend its members not to seek service in the

1. Note of a discussion with members of the TUC Colonial Advisory Committee, 23 June 1938, No.4, CO 323/1536/38/1751.

2. Minutes of Office meeting, 28 June 1938, No.5 on *ibid.*: The subject of an assistant labour adviser was brought up again at an Office meeting, 28 July 1938, but it was decided that it should be left over for consideration in connection with the proposal for forming a Social Services Department. CO 850/135/38/20657.

3. Minute by Dufferin, 30 January 1939, 'What chiefly worries me about the proposal [for a Veterinary Adviser] is that it may make it more difficult for us with the Treasury (a) to get our assistant Labour Adviser (b) to put the secretaries of the A.C.E.C. (Advisory Committee on Education in the Colonies) on to Treasury funds.' CO 866/29/38-40/1150.

colonies.¹

The CO Committee made clear that the second of the TUC requests for an advisory committee was quite impractical.

If the T.U.C. were allowed to have a representative, there would also have to be a counter-part in the shape of a representative from the National Federation of Employers, and this would mean that on many occasions the discussion would resolve itself into an exchange of diametrically opposed views between the two parties with the Colonial Office representatives in the uneasy position of trying to hold the balance: - in other words a reproduction in miniature of what goes on in the Committees of the International Labour Conferences at Geneva.²

The experience of the time-consuming complexities that had arisen from the invitation to outside bodies to comment on the model workmen's compensation ordinance undoubtedly reinforced the CO belief that to have an advisory committee involved in even more contentious labour issues would be extremely ill-advised. The CO Committee's view was supported by the Parliamentary Under Secretary, the Marquess of Dufferin and Ava (Lord Dufferin), who came to have doubts about widening the membership of the CLC.³ He accepted that until Orde Browne visited most of the important colonies it seemed advisable not to open the doors too wide in case there were more distressing reports such as had come out of Nyasaland⁴ and the West Indies, and

1. The Veterinary Record. Vol.49, No.50, 11 December 1937, '... there is little doubt that if matters do not soon improve the profession will have to set its face steadfastly against any future recruitment to this particular service.'

2. Minutes of Office meeting, 28 June 1938, No.5 on CO 323/1536/38/1751.

3. Minute by Dufferin, 20 January 1938, *ibid*.

4. Nyasaland Protectorate, 'Report of the Committee appointed by His Excellency the Governor to enquire into Emigrant Labour 1935', Zomba, received in March 1936, No.1 on CO 525/161/36/44053 Nyasaland.

from his own recent visit to the Mauritius.¹ The Committee felt some anxiety about its decision not to expand the CLC in line with the TUC request and had Hibbert contact the MoL. It was relieved to discover that that Department refused to invite the TUC to have a regular part in policy making.²

On the third of the TUC requests, the Committee was of the opinion that Treasury would not sanction a separate labour department in the CO.³ However, it had become obvious that the Office needed some kind of administrative machinery to coordinate action and to formulate policy in labour and related fields. The evidence in the Royal Commission's report on the Trinidad disturbances⁴ and in Lord Hailey's massive investigation into the social and economic development of Africa,⁵ both of which the CO was currently studying, left no doubt that the Office would have to undertake a much more active role in the whole field of social welfare.⁶ The meeting was, therefore, favourably disposed to Calder's alternative scheme to set up a separate social services department to include not only the

1. A tour of the Mauritius had made Dufferin sharply critical of labour practices there. See Chapter 8 on labour supervision.

2. Minute by Hibbert, 28 June 1938, CO 323/1536/38/1751.

3. In a minute, 28 February 1940, Hibbert said that Parkinson had opposed a labour department in 1937 because he considered there was inadequate work to warrant it. CO 318/444/40/71218/5, Box II, West Indies.

4. Cmd. 5641 Trinidad and Tabago Disturbances, 1937; See also Orde Browne's 'Report of Labour Disturbances in the West Indies', Confidential, West Indian No. 236. CO 318/440/39/71152/2.

5. Lord Hailey, An African Survey, O.U.P., 1938.

6. C.J. Jeffries, Whitehall and the Colonial Service, London, 1972, p.3.

subject of labour but also the wider field of social welfare as well.¹

Although the CO believed a definite need to establish a social services department existed, it was not until December 1938 that it made a very careful approach in an unofficial letter to sound out Treasury reaction to the scheme. The case for a new department was couched in terms of De La Warr's earlier statement that it was

a matter of the highest political importance that HMG should be able to show unassailable justification for its claim that it acts as a beneficial trustee for its subject peoples.²

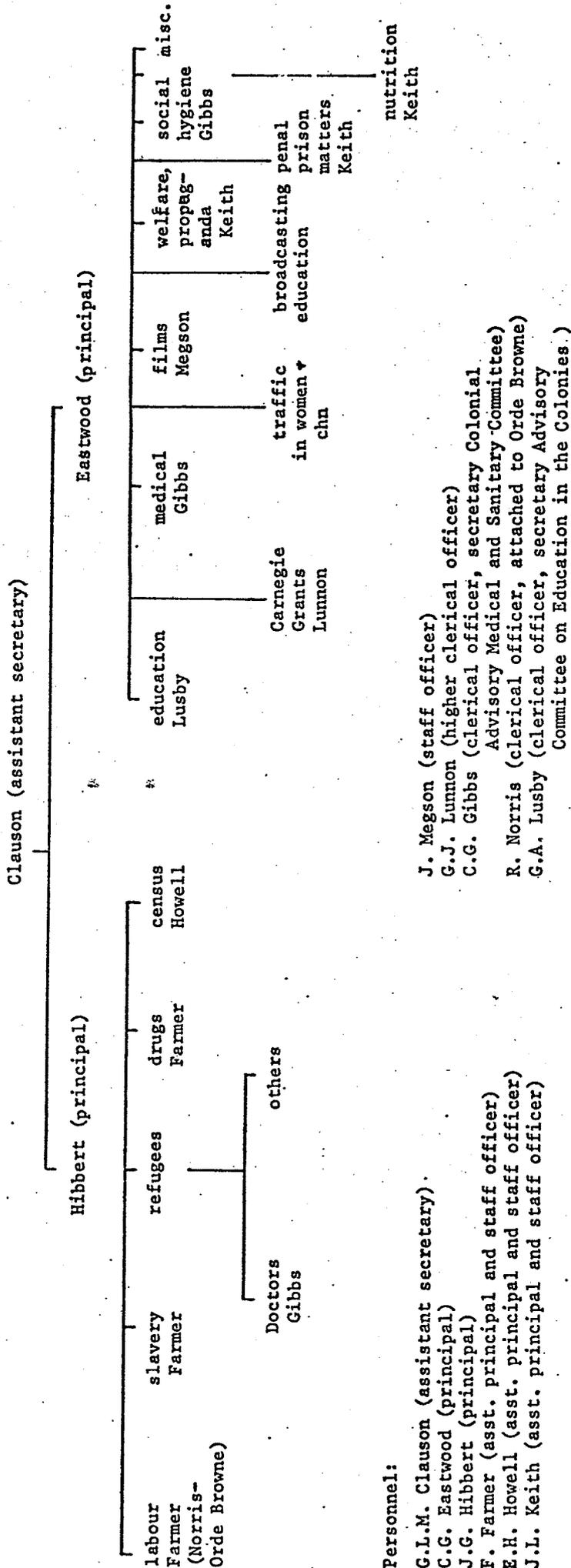
The letter explained that the 'initiative, inspiration and guidance' for an effective forward move to improve labour conditions, as well as nutrition and public health, must now come to a large extent from the CO itself. Although the new department was planned to embrace a number of aspects of social welfare, the dominating issue remained the labour question.

The proposed changes placed the responsibility for labour matters fairly and squarely into a specialised or subject department of the CO. A more active and resolute policy would be possible than under the old organisation whereby the labour question had been dealt with partly in the geographical departments and partly in the General Department. The colonial governments were to be deliberately subordinated to the position of 'executing the developments' emanating from the CO.

1. Note of Office discussion, 28 June 1938, No.5 on CO 323/1536/38/1751.

2. Unsigned letter from CO to E. Hale (Treasury), 16 December 1938, No.1 on CO 866/33/38/1327.

Diagram 3: Duties of the Social Services Department 1939



The Treasury maintained its sympathetic attitude to CO reorganisation first noted by Ormsby Gore in December 1937. After only one reminder it sanctioned the temporary establishment of the new department, accepting without question the CO estimate of £3000 needed for the additional staff.¹ The shift of opinion that had occurred in the Treasury attitude became even more noticeable when in 1939 it readily approved a clerical assistant for Orde Browne.² The West Indian disturbances had indeed had a salutary effect on the Treasury.

Although the establishment in April 1939 of the Social Services Department represented a significant step it could not make policy nor take action in isolation. The detailed knowledge of local conditions of necessity remained the function of the members of the geographical departments whose opinion would continue to be shaped 'by the man on the spot'. The views of the geographical departments as to the action to be taken in a particular colony or group of colonies could well be at odds with those of the subject department. The tension these differences created will be evident in the chapters which follow.

A good deal of the credit for these pre-war changes in CO organisation to deal with the labour question belonged to MacDonald. Following the initial approval gained by Ormsby Gore for the appointment of a Labour Adviser, MacDonald insisted that the CO pursue the

1. Treasury (E. Hale) to Jeffries, No.3 on CO 866/33/38/1327.
2. F.J. Howard (Colonial Service Department) to Treasury (P.G. Inche), 17 July 1939, No.9, *ibid.*

problem until new machinery was established. Once again the political heads of the CO had provided the impetus necessary for an advance in labour matters. In doing so, they had surmounted the opposition to the establishment of another subject department. They had also by-passed the long established belief in the Office that the labour question properly belonged in the hands of the colonial administrations. The decks had been cleared for more positive action.

Conclusion

The Trinidad disturbances in 1937 provided a tragic forewarning of the dire consequences to be expected from continued neglect of labour conditions in the colonial Empire. While they focussed attention, the Trinidad riots were only a part of the accumulating evidence that the labour question would prove extremely embarrassing to HMG if steps were not rapidly taken to improve the conditions - first and foremost - of a growing industrial work force. Earl De La Warr's statement that labour questions would prove to be the most difficult aspect of trusteeship summed up the concern evident among responsible and interested opinion in the UK. This resulted in an insistent demand that the CO create an adequate and effective organisation to formulate and administer a more enlightened labour policy.

While in Office Shiels (1929-31) had endeavoured to establish the CLC as a policy-making body which would also be responsible for reviewing the whole range of colonial labour legislation. Modest gains were made during the period in which the Committee came under his chairmanship. At the same time the labour section in the General

Department extended its responsibilities by supervising and guiding the introduction into the colonies of the labour legislation requested in the despatches initiated by Shiels. However, the General Department's jurisdiction in these matters was never adequately defined. It was partly responsible along with the geographical departments for labour matters. This rather vague arrangement did not become clarified because of the almost total absence of initiative in labour matters from the CO and the CLC once the Labour Government fell. The attitudes of the members of the geographical departments and of higher authority were not conducive to taking positive action to advance labour legislation in the colonies.

Although no longer in Parliament, it was Shiels, in 1936, who took the first steps which eventually led to the appointment to the CO of an expert in labour matters. But he was not alone in realising that the CO had to take the initiative to avert serious labour unrest. The Ministers, Ormsby Gore and De La Warr, were sensitive to a potentially explosive situation but were severely handicapped in what they could do by the Treasury attitude. The CO, almost to a man, was opposed to the appointment of a labour adviser but, like the Treasury, it had to face a new reality after the Trinidad riots. These disturbances brought further pressure for new administrative machinery in the CO. Again Shiels was involved when, on a TUC delegation with Green (former assistant secretary in the CO), he ensured the relevance of the organisational arrangements requested.

The CO remained absolutely obdurate over the establishment of an advisory committee although clearly MacDonal thought it would prove beneficial. He showed a willingness to seek outside opinion

and advice both on an official and unofficial basis.¹ In the circumstances, the establishment of a Social Services Department to deal with labour and other matters of a social welfare nature seemed a happy solution. Given a dynamic person with full responsibility for labour matters at the head of the labour section of the Social Services Department, the CO would be in a position to provide a much more vigorous leadership.

The establishment of the Social Services Department in 1939 meant a fundamental shift in the CO attitude toward the colonial labour question. The mainspring for initiative in labour matters would be centred in the CO. It was noticeable that the members of the geographical departments were not even asked to express their opinions on this innovation. Their misplaced belief in the ability of the local administrations to deal with labour problems had been cruelly exposed by events. It was no longer a question of whether the CO should take a leading role, but how this should be done.

1. Interview conducted with the Rt. Hon. Malcolm MacDonald at the Royal Commonwealth Society, London, 8 October 1974: Interviewer C. Nordman. Transcript held by Rhodes House.

Chapter 5

Workmen's Compensation Legislation 1930 - 1943Introduction

The principle that workmen should receive compensation for risks incurred during the normal course of their work had become widely accepted throughout a large part of the world by the nineteen thirties. Conventions adopted at Geneva had extended the principle to cover agricultural workers and liability in the more controversial field of illness resulting from the nature of the occupation undertaken.¹ Workmen's compensation (WC²) had already been brought into force³ in a number of British colonies. India had adopted an Act in 1923 along the lines of the principles existing in the United Kingdom. Trinidad had enacted legislation in 1926 and Malaya, Ceylon and Mauritius were in the process of introducing similar legislation based on the Indian and United Kingdom models. In Africa a number of colonies had introduced WC specifically to cover mining. A further group of colonies gave some protection for the worker through the strictly limited and out-of-date employer liability (EL) legislation.

1. The three Conventions were:-

No.12 Workmen's Compensation (Agriculture, 1921)

No.17 Workmen's Compensation (Accidents, 1925)

No.18 Workmen's Compensation (Occupational Disease, 1925)

2. In this chapter workmen's compensation will be represented by the symbols WC: EL will stand for employer liability.

The adoption by a few colonies of some form of legislation to protect workmen had not arisen from any pressure from the CO. It had adopted the attitude that the ILO Conventions dealing with compensation for agricultural workers and for occupational diseases was mainly applicable to highly industrial countries. However, when Shiels came into Office he immediately urged the introduction of WC. The CO subsequently issued the 17 September 1930 WC despatch after both he and Passfield had told the governors at the CO Conference in June of the desire of the Government to extend accident insurance in the British Empire.¹ The ILO advocated that WC should be extended to all workers. It suggested that compensation for accidents, whether a fault of the employer or the employee, had even stronger philosophical justification in the case of native labour. According to the ILO:

If the employer should be liable for the occupational risks incurred by his workers, if the industry should be liable for the economic organisation it sets up, this liability is all the stronger morally and socially when the natives' own organisation is partly or wholly dissolved by the creation of the industry and by the employment offered by the employer.²

It was a matter of justice that the industry and not the family or the tribe should assume responsibility for injury or death caused by part or full-time employment. The ILO was concerned that native

1. Cmd 3628, Colonial Office Conference 1930: Summary of Proceedings, HMSO, July 1930, pp.144, 182.

2. ILO Memorandum, 'Accident Compensation for Native Workmen', p.6, submitted in a s/o letter from Weaver to Shiels, 10 March 1930, No.1 on CO 323/1149/31/80975.

workers should be protected in law from exploitation by European (and native) commercial interests.

The permanent officials in the CO were divided as to the relative significance of applying WC especially to the more primitive territories. Shiels' observation that certain colonies were opposed merely because conservative governors found it difficult to face up to new ideas¹ might have been equally directed to certain permanent officials at Whitehall. Even a decade after Shiels the differences in opinion in the CO had by no means been resolved. Commercial interests showed themselves on the whole to be strongly resistant to legislation to regulate accident compensation. They proved to be an extremely strong influence because they almost exclusively held the ear of the colonial governments and the CO. The extension of WC principles made slow progress against this potent combination of indifference and opposition.

The 17 September 1930 Workmen's Compensation despatch

Immediately on his transfer to the CO from the India Office in December 1929 Shiels showed he had every intention of asserting his ideas in the field of labour legislation in the colonies. On the day he became officially attached to the CO a notice of a question in the House of Commons raised the issue of WC in connection with the proposed Convention on Forced Labour.² Within a week

1. Minute by Shiels, 11 April 1930, CO 323/1096/30/70967/3.
2. 3 December 1929, No.1 on CO 533/392/29/15940 Kenya.

Shiels proposed that the SoS launch an inquiry into 'this important subject'¹ and on receiving Passfield's endorsement it passed to the General Department for consideration and necessary action.

Although Parkinson (Head of East Africa Department) and then Vernon expressed the opinion that WC existed in very few colonies, Paskin found that five circular despatches had already issued and he listed 15 colonies that had legislation, or were about to enact bills, dealing with compensation.² These despatches had arisen from the Imperial Conferences in 1923 and 1926 and the three ratified ILO Conventions dealing with WC. Paskin concluded from the review of the answers to these despatches that there was no need for a further despatch as the colonial governments considered legislation not only unnecessary but undesirable. He accepted the arguments put forward by the East African governors, that natives stood to benefit more from the custom of employers paying out compensation when necessary than from any WC legislation that might be introduced.³

Shiels doubted the effectiveness of the paternalistic system operating in East Africa. He proposed that the legal advisers draw up from existing colonial legislation a suitable draft ordinance to be put into force in all colonies. In his view the exis-

1. Minute by Shiels, 6 December 1929, CO 533/392/29/15940 Kenya.

2. See Table 3 for Paskin's list of 19 December 1929.

3. Minute by Paskin, 30 January 1929, CO 323/1096/30/70967/3; See also Poynton's critical comment on Zanzibar's report of settling compensation claims by amicable arrangement, 5 March 1931, CO 323/1096/70967/3/C2; P.de V. Allen (Labour Commissioner, Kenya) in 1943 indicated the same system continued to operate in Kenya. See a memorandum to O.F.G.Stanley (SoS), 15 October 1943, No.29 on CO 859/50/43/12255/3.

tence of employers in every colony, with the consequent need for compensation of workmen in cases of injury or death, made prolonged inquiry unnecessary.¹

The radically different approach of Shiels on the one hand, and the Office on the other, was quite evident here. The Office wished to proceed cautiously, keeping the situation of each colony in mind. Shiels wanted to press ahead on the basis of the principle involved, undeterred by the criticism of 'dictatorship from Downing Street'.

Vernon also disagreed with Paskin's summation and asked H.G. Bushe (Assistant Legal Adviser) whether he could draft a model WC ordinance for despatch to the colonies as Shiels proposed.² Bushe gave a very lukewarm response, pointing to the technical difficulties and time involved.³ He opposed a model ordinance for universal application in primitive countries with inadequate administrations and insurance facilities. Moreover, he doubted the wisdom of introducing WC legislation for an 'uncivilized workforce' and predicted it would lead to 'rampant' negligence and fraud,⁴ demonstrating more his prejudices than the likely outcome of the introduction of WC. However, acknowledging that WC had been introduced into Trinidad, Bushe conceded that the principle of WC, adapted as necessary, could be introduced into some colonies. As he could draft nothing better himself, he thought the 1925 United Kingdom Consolidated Acts on

1. Minute by Shiels, 21 December 1929, CO 323/1096/30/70967/3.
2. Minute by Vernon, 30 January 1930, *ibid.*
3. Minute by Bushe, 3 February 1930, *ibid.*
4. Minute by Bushe, 16 May, 1930, *ibid.*

Workmen's Compensation, modified in accordance with local conditions, would be suitable.

Shiels proposed that a circular should be drafted. He bluntly told Passfield that Bushe exaggerated the difficulties. The principle of comprehensive insurance had been widely applied and he proceeded to set down broad guide lines on the amount of compensation to be paid out on injury and death.¹ Once Passfield gave his approval Shiels pressed ahead rapidly. He followed up the suggestion of using the 1925 UK Acts by conferring with M. Marcus MP (an authority on WC) and Bushe, and requested that Wilson (Permanent Under Secretary) find the names of any insurance companies doing business in the colonies. The Accident Offices Association (AOA) duly discussed the availability of insurance facilities in the colonies with Bushe. He was assured that workmen's insurance tariffs already existed in the Federated Malay States, Mauritius, Malta, Palestine, Trinidad, the Philippine Islands, Sudan, and India and that insurance would be available in a colony of any size that had insurance offices.² This factor in particular made WC functionally possible in most places, thereby removing a major objection to the circular despatch.

1. Minute by Shiels, 11 April 1930, CO 323/1096/30/70967/3.

2. Minute of discussion held between Mr. Young (AOA) and Bushe on June 1930, *ibid.*

Due almost entirely to the persistence of Shiels, by September the General Department was in a position to forward a circular to the colonies. In line with Shiels' earlier minutes the colonies were told that they should have little difficulty in framing a measure embodying the main principles in the English law governing the payment of compensation to workmen injured during their employment.¹ The Mauritius Bill was enclosed as a model to be adapted in accordance with local conditions.² Colonial administrations were to decide on such details as rates, insurance, and the classes of workers to be covered. In conclusion they were asked to give the matter their 'earnest attention' as HMG attached great importance to the question.

Despite the strong lead given to apply the principles of the English law, the colonies which had already enacted some kind of legislation were sent the despatch individually only for information.³ As the records show no reason for that decision, it may be assumed that the Office did not fully appreciate that some of the colonial legislation fell far short of the principles embodied in the 1925 UK Acts on which the Mauritius Bill had been based. The flurry of activity brought about by Somaliland's reply,⁴ with

1. Circular despatch, 17 September 1930, para.4, No.7 on CO 323/1096/30/70967/3.

2. The Mauritius Bill was based on the UK Consolidated Acts of 1925 and the CO and Home Office (HO) both accepted that it would be a useful model in other dependencies. However it proved to be unsatisfactory for both the African and the West Indian territories.

3. Miscellaneous despatches of 26 September 1930 were sent to those dependencies appearing on Paskin's list of 19 December 1929 (See Table 3), Nos.8-22 on CO 323/1096/30/70967/3.

4. Governor (Somaliland) to Passfield, 16 October 1930, No.1 on CO 323/1096/30/70967/3/C2.

the subsequent despatches to that and the other colonies which had legislation limited to employer liability, tend to support that view.

Somaliland had replied promptly to the despatch, stating that legislation already existed and hoping that a more elaborate ordinance would not be necessary. Paskin accepted the Governor's view and, along with T.L. Rowan and F.G. Lee from the Tanganyika and Somaliland Department, was opposed to putting any pressure on the Governor until the existing legislation was found wanting.¹ Poynton (General Department), on the other hand, criticized the existing ordinance as 'sketchy'² and Vernon commented that EL had been out of date since Joseph Chamberlain.³ Green (Head of the Tanganyika and Somaliland Department) argued, too, that Somaliland required more sophisticated legislation along the lines of the Mauritius Bill.⁴

Once Vernon had drawn attention to the limitations of EL, and Somaliland had been asked as a matter of policy to substitute an ordinance embracing WC principles,⁵ the General Department turned its attention to the other dependencies with similar legislation. For the first time, Poynton clearly defined the distinction between the principles embodied in EL and 'true' WC.⁶ This in turn led to

1. Minutes by Paskin, 8 November 1930, Rowan 14 November 1930 and Lee, 15 November 1930, CO 323/1096/30/70967/3/C2.

2. Minute by Poynton, 7 November 1930, *ibid.*

3. Minute by Vernon, 19 November 1930, *ibid.*

4. Minute by Green, 20 November 1930, *ibid.*

5. Passfield to Governor (Somaliland), 2 December 1930, No.2, *ibid.*

6. Poynton's definitions, 5 December 1930, ran as follows: "Workmen's Compensation" Legislation proper, where compensation is payable in the case of accident arising out of and in the course of

his discovery that in Paskin's original list, in addition to the dependencies which had EL ordinances, there were a number in the West Indies with EL legislation 'masquerading' under WC headings.¹ As a consequence of this discovery the dependencies with EL (including the six in the West Indies) were asked to revise their legislation in line with the Somaliland decision.²

In the case of Somaliland the General Department acted decisively and promptly. However, the momentum of this forward policy to replace EL by true WC could not be maintained. It soon became obvious that a number of defects in the Mauritius Bill, together with its relative complexity in the case of the primitive territories, made it a dubious model.³

When the Governor of the Bahamas announced that his Legislative Council would strongly oppose the introduction of any WC legislation,⁴ the CO was in a dilemma because, as Poynton minuted:

employment: Employer's Liability legislation in which compensation is only payable in the case of injury due to defects [in the machinery] or negligence [on the part of the employer]. CO 323/1096/30/70967/3.

1. These included Grenada, St. Vincent and British Guiana. Poynton, 5 December 1930, also drew attention to Bermuda as a comic - or tragic - example. Its Ordinance of 1929 consisted of only two paragraphs which empowered the Receiver General to pay compassionate allowances to Benjamin Grant and to Joshua Smith during their lifetimes. Ibid.

2. Miscellaneous despatches, 26 January 1931, Nos 23-28, *ibid.*

3. Minute by Paskin, 30 July 1931, 'So many Col. Govts. in their replies to the circ. of the 17th September, have raised objections to adopting legislation on the lines of the Mauritius Bill, that Dr. Shiels wishes the despp. to be printed, so that the Committee can consider their objections.' Ibid.

4. Governor (Bahamas) to Passfield, 8 November 1930, No.1 on CO 323/1096/30/70967/3A/C2.

Unless we can ultimately coerce the Leg. Co. and insist on the passing of Workmen's Compn. Legislation or have at least a good chance of persuading Leg.Co. to pass it, we should probably only succeed in putting the Govr. in a most embarrassing and humiliating position by pressing him to take steps which can only end in a snub for him and us.¹

The West Indian Department agreed with Poynton and advised dropping the matter or, as J.B. Sidebotham warned, face a 'constitutional crisis'.² E.R.Darnley (Head of the West Indian Department) tersely pointed out 'We can neither coerce nor persuade.'³ These brief comments put into perspective one of the major problems of the CO in instituting a forward labour policy in those colonies which had politically powerful European settler and economic interests. The CO might be able to persuade a reluctant Governor in Somaliland, but it was a far different matter when a governor faced a legislative council composed of local representatives opposed to a CO measure.

The extent to which the momentum had been lost became more obvious with the arrival of the Zanzibar despatch announcing that WC was both unnecessary and undesirable.⁴ Poynton advocated that Zanzibar should be asked to legislate. In his opinion their 'amicable arrangement' supposedly existing between employer and employee over compensation matters was often but a euphemism covering a far from satisfactory situation.⁵ However, the East Africa Department

1. Minute by Poynton, 3 December 1930, CO 323/1096/30/70967/3A/C2.
2. Minute by Sidebotham, 9 December 1930, *ibid.*
3. Minute by Darnley, 9 December 1930, *ibid.*
4. The Resident (Zanzibar) to Passfield, 11 January 1931, No.6 on CO 323/1096/30/70967/3/C2.
5. Minute by Poynton, 5 March 1931, *ibid.*

counselled waiting to see what the other territories in the region decided. Although Vernon expressed the opinion that the attitude of the other African dependencies had little to do with Zanzibar going ahead,¹ the advice of the geographical department was accepted. The Zanzibar question then became swamped, along with the remainder of the replies to the WC despatches, under the sheer volume of labour material being considered by the General Department.²

Not until September 1931, after Shiels had left Office, was the General Department finally in a position to start considering the replies to the 17 September 1930 WC despatch. The memoranda prepared in the General Department and summarised in the table below, indicated that some progress had been made toward accepting the principle that workmen injured at work should receive financial compensation.³ The incidence of simple legislation showed that

1. Vernon minuted, 12 March 1931, 'that if, as the British Resident says, employers are so financially embarrassed that they could not meet payments for compensation in the case of accidents it appears to be especially important that the principle of insurance against such liability should be introduced as soon as possible.' CO 323/1096/30/70967/3/C2.

2. Paskin, 17 December 1931, reported that WC replies were lying around the Office for months because of the enormous aggregate of replies arriving from all the Office labour despatches. CO 323/1149/31/80975: The only progress made at this time occurred in the Straits Settlement and the Federated Malay States. Bills were already under consideration there and strongly worded despatches from the General Department (29 September 1931, No.s 4 and 5, CO 323/1149/3/809675/4), according to J. Norman Parmer, Colonial Labour: Policy and Administration, New York, 1960, p.129, provided the stimulus for eventually bringing WC into force in 1933, by overcoming settler opposition and the colonial government's 'inclination to regard workmen's compensation as premature.'

3. Memorandum by Paskin, CLC(26), 'Revise. Workmen's Compensation. East and West Africa', 27 November 1931, No.26 on CO 888/1: Memorandum by Poynton, CLC(27), 'Colonial Legislation Relating to Workmen's Compensation', nd, No.27, *ibid*: 'Workmen's Compensation or Employer's Liability Legislation in the Colonies, Protectorates, and Mandated Territories', 30 September 1931, No.14 on CO 323/1096/31/70967/3A/C2.

Table 3: Colonies possessing legislation dealing with compensation
for injury or death 1931

Paskin's original list of 19/12/29	Barbados (1896)	EL
	Bermuda (1929)	?
	British Guiana (1923)	EL
	Cyprus (1925)	Mines-WC
	Federated Malay States (1929)	WC
	Gibraltar (1929)	EL
	Grenada (1911)	EL
	Jamaica (1919)	EL
	Malta (1929)	WC
	Palestine (1927)	WC
	St. Vincent (1926)	EL
	Somaliland Protectorate (1927)	EL
	Trinidad and Tobago (1926)	WC (EL 1896)
Legislation enacted but not brought into force		
	Mauritius (1931)	WC
	Straits Settlement	WC
Territories added in 1931 to Paskin's original list:		
	Nigeria - simple WC (1927)	
	Tanganyika Master and Servants Ordinance - EL	
	Northern Rhodesia - WC - non-natives (1930) - very limited WC- natives (1929)	
	* Fiji - { very elementary EL - limited to Seychelles { operators of steamboilers (1915)	
Colonies possessing provisions for simple but true WC in mining legislation (for natives only)		
	Nigeria (1923)	
	Sierra Leone (1927)	
	Kenya (1930)	
	Uganda (1930)	
	Tanganyika (1929)	
Draft Bills forwarded in response to the despatch of 17 September 1930		
	Bermuda - WC	
	Nyasaland - draft Employment of Natives Ordinance - EL	
	Sierra Leone - draft Labour Code - WC	
	Windwards - WC	
True WC legislation contemplated		
	Ceylon*	
	Kenya	
	St. Helena	
	Tanganyika	

*A WC Bill had been drafted before the 1930 despatch.

colonial governments were not totally unreceptive to a measure of social welfare. Passfield and Shiels were not being unrealistic or impractical when they proposed extending the benefits of WC in the dependencies at the CO Conference in 1930.

The Sierra Leone Model 1931

In November 1931 the East and West African sub-committee of the CLC met to 'clear up' WC, the last of the labour issues raised during Shiels' stay in Office.¹ The meeting began by reaffirming the earlier decision over Somaliland, that EL should be replaced by true WC. In order to enhance the prospects of that recommendation, the Committee agreed to replace the relative complexities of the Mauritius Bill with the simplified provisions in the draft labour code forwarded by Sierra Leone.² The sub-committee intended the Sierra Leone clauses to be incorporated in existing ordinances concerned only with native labour. It decided not to raise the other, and major, contentious issue of whether a separate ordinance for non-natives (similar to Northern Rhodesia) should be advocated. The issue of discriminatory as opposed to non-discriminatory WC legislation became much more important later and proved to be a major stumbling block in East Africa.

1. A minute by Paskin, 30 July 1931, stated that Shiels had decided workmen's compensation would be the next subject for discussion by the CLC because so many colonies had raised objections to enacting legislation along the lines of the Mauritius Bill. CO 323/1096/30/70967/3.

2. Minutes of the 10th CLC meeting, 30 November 1931, No.10 on CO 323/1117/31/80041/3.

The CLC met again in January 1932 after the HO advised removing the provisions from the Sierra Leone draft dealing with the complex subject of occupational diseases. At the same meeting members of the CLC admitted that little was known of the insurance facilities available in the colonies. It was decided that colonial governments preparing bills should be asked to insert a suspending clause to prevent legislation coming into force until reasonable insurance facilities and rates became available.¹ The question of rates was also to become a contentious issue.

At the more representative CLC meeting in January 1932 EL was recognised as continuing to have merit and to be acceptable as an alternative if a colony found true WC undesirable.² The reversal of policy was never actually conveyed to the colonial governments. However, that decision was symptomatic of the softer approach that followed the change in Government in the UK. Although the SoS's reversal of policy on pressing colonial governments to pass labour legislation did not come until the end of 1932, the Office recognised that the strong lead in labour matters given under the Labour Government was unlikely to be maintained under Cunliffe-Lister.

While the new acceptability of EL went against the spirit of the 17 September 1930 despatch it showed a certain realism. The Committee recognised that where simple WC was enacted it would

1. Minutes of the 11th CLC meeting, 14 January 1932, No.2 on CO 323/1172/32/90095.

2. Minutes of the 11th CLC meeting, 14 January 1932, *ibid.*

include only a very tiny proportion of the indigenous population, and that it would be difficult to persuade the African colonies to come into line on the question of WC.

With the assistance of comments from the HO, K.O. Roberts-Wray (Assistant Legal Adviser) and Paskin 'tinkered up'¹ the Sierra Leone draft to make it a suitable model for the primitive territories. At the same time, from the conclusions of the January CLC meeting, Paskin produced for HO concurrence a draft despatch containing a strong warning about the administrative difficulties in providing compensation for occupational diseases. It stressed the need to insert a suspending clause if insurance facilities were not adequate and included a request for information about existing insurance facilities, rates and problems.²

The new model did not go to Somaliland as the Governor had stated that because of the absence of insurance facilities in his primitive territory he did not intend to introduce the ordinance based on the Mauritius model.³ Vernon indicated that he would have preferred a new ordinance⁴ but Bottomley (Assistant Under Secretary) thought it was not time 'for a forward movement there' and left little room for argument by stating that EL was still the basis in

1. Minute by Paskin, 22 February 1933, CO 323/1211/33/10142/3.
2. Circular despatch, 6 April 1932, No.5 on CO 323/1172/32/90095.
3. Governor (Somaliland) to Passfield, 4 June 1931, No.10 (DUS) on CO 323/1096/30/70967/3/C2.
4. Minute by Vernon, 26 May 1932, CO 323/1173/32/90095/2.

other colonies.¹ This was contrary to his opinion of two years earlier when he had endorsed the views of Shiels and others that WC legislation should be adopted. His change of mind was further illustration of the softer line being taken by the CO in not pressing the issue in face of objections by colonial administrations. With Cunliffe-Lister showing no apparent interest in this or other labour matters, the Office was no longer under pressure to urge colonial governments to introduce legislation.

The lack of expertise and colonial experience in the CO had been a serious drawback in finding a suitable model ordinance, but most problems seemed to have been overcome by 1932. Paskin might have been forgiven had he thought he had sorted out the WC tangle fairly successfully and broken the back of the task. In fact, the General Department was to find that its work had barely begun. As the commercial interests and the insurance companies represented in the African colonies became aware of the move to introduce WC, they pressed to have their viewpoints considered. This added an unexpected new dimension to the task of evolving a suitable and workable model acceptable to all interests in the primitive territories.

1. Minute by Bottomley, 27 May 1932, CO 323/1173/32/90095/2: Paskin had earlier justified the CO's support for the limited and out-of-date EL principle by referring to the introduction of similar legislation in French West Africa. For developments in French West African territories, see ILO Geneva, Industrial and Labour Information, 2 April 1934, p.342.

The Commercial Interests: revision ad nauseam

An initial letter from the Joint West Africa Committee (JWAC) in February 1933 undisguisedly promoted the self-interest of its members by requesting that the proposed introduction of WC in West Africa be deferred indefinitely.¹ The CO dismissed that out of hand. To Vernon, the letter appeared 'thoroughly benighted'² and even Fiddian (Head of the West African Department) commented that he did not expect 'any very advanced ideas on the labour question from the JWAC.'³

Further evidence of opposition from the commercial world came when the Governor of Gambia asked how he should act toward a petition sent to him by the Bathurst Chamber of Commerce protesting against the possible enactment of a WC ordinance.⁴ Paskin, in his neutral fashion, proposed either the insertion of a suspending clause, or even deferment of the bill. Both Vernon and Fiddian thought the Governor should introduce the bill, though for quite different reasons. Vernon was anxious to see a beneficial but troublesome matter concluded, while Fiddian followed his normal inclination to support a governor and his actions without undue regard to any principle at stake.⁵

1. JWAC to Cunliffe-Lister, 9 February 1933, No.1 on CO 323/1211/33/10142/3.

2. Minute by Vernon, 23 February 1933, *ibid.*

3. Minute by Fiddian, 28 February 1933, *ibid.*

4. Governor (Gambia) to Cunliffe-Lister, telegram, 18 February 1933, No.2 (DUS), *ibid.*

5. Minutes by Paskin, Vernon, and Fiddian, February 1933, *ibid.*

Quick to counter the commercial interests, the ASAPS expressed its willingness to pass a resolution 'if HMG attributed any serious weight to the opposition organised by the West African section of the Liverpool Chamber of Commerce.'¹ The CO declined this offer, informing the ASAPS of its reply to the JWAC, but agreed later to the ASAPS publishing the correspondence concerning the issue.² This seemed a deliberate move by the CO to balance the pressure coming from the JWAC in opposition to the enactment of WC.

The commercial elements quickly changed their tactics once they realised they were receiving no sympathy from the CO or support from the colonial governments, and that their self-seeking approach might well arouse a public campaign against them by the influential ASAPS. The JWAC then set out to modify the kind of legislation to be enacted. In May 1933, it requested and received the Sierra Leone draft clauses for comment.³

In the same month the CO showed every sign of welcoming the interest of the insurance companies. Their approach followed the endeavours of the colonial governments to discuss the availability and rates for insurance in accordance with the instructions in the 6 April 1932 circular. In June 1933, G.F. Tyler, manager of the Motor Union Insurance Company, told Paskin that a number of their colonial agents had brought the proposals to the notice of the AOA

1. Resumé of content of letter from ASAPS to CO, 7 March 1933, No.9 (DUS), CO 323/1211/33/10142/3.

2. CO to ASAPS, 25 April 1933, No.14 (DUS), *ibid.*

3. JWAC to CO, 4 May 1933, No.17 (DUS), *ibid.*

who had set up a sub-committee to study them.¹ As a result of its experience with similar business in India and Trinidad the AOA hoped to be able to approach the CO to suggest minor alterations in the draft model. The fact that important amendments had already been made at the behest of the insurance companies in a further revision of the model provisions by Sierra Leone convinced Paskin and Roberts-Wray of the value of future contact with the AOA. Tyler emphasized very strongly at this meeting the need for uniformity in legislation on WC.

After receiving the amended draft of the model provisions from Sierra Leone² and before the CLC began yet another revision, the CO decided to ask the other African colonial governments for their observations on the clauses sent them on 6 April 1932.³ This time round the CO intended to act on a broad consensus of opinion by incorporating all colonial views, rather than forward a model developed in the isolation of Whitehall. Consequently during the remainder of 1933 and 1934 the CO took no further action.

This slowing down of activity, following the downgrading of the CLC, demonstrated the extent to which the CO was prepared to let the labour question slip quietly into the background again. However, as the world economic situation improved, and the demand

1. Record of conversation by Paskin after a visit from G.F. Tyler of the Motor Union Insurance Company, 28 June 1933, No.4 on CO 323/1212/33/10142/4.

2. Governor (Sierra Leone) to Cunliffe-Lister, 17 May 1933, No. 27 on CO 323/1211/33/10142/3.

3. These despatches were sent out to individual African dependencies, 20 September 1933, No.s 17-20 on CO 323/1212/33/10142/5.

for labour began to increase, events were soon to overtake its complacency on labour matters. The question of WC became a live issue in November 1934 following the Ariston mine disaster on the Gold Coast.¹ As a result of Parliamentary interest the SoS was impelled to tell the CO to treat the matter of WC as urgent, thereby producing a flurry of activity on an overdue matter.²

As well as a variety of observations from the colonial governments, the JWAC, and the Gold Coast Chamber of Mines, in December the CLC found it necessary to consider incorporating a further three principles into the new set of draft provisions. The first concerned the clause in the 1925 UK Acts that made provision for compensation in cases of permanent disablement or death caused by the serious and wilful misconduct of the workmen.³ Vernon again showed his more liberal attitude by arguing forcefully and knowledgeably for the principle to be incorporated in the model ordinance.⁴ His view prevailed despite Paskin's warning of possible opposition from colonial governments who had had no opportunity of presenting their view on this particular issue since it had not appeared in either the Mauritius or Sierra Leone models.⁵

1. In reply to a question in Parliament, 7 November 1934, asking if workmen's compensation was to be introduced into the Gold Coast after the loss of life at Ariston the SoS could only state that model legislation had been under consideration for a considerable time. P.D., Commons, v.293, c.1977-1979.

2. Vernon, 23 July 1936, noted that the SoS had pressed 'us several times to get on with it.' CO 323/1358/36/1762/4.

3. Minutes of the 14th CLC meeting, 7 December 1934, No.1A on CO 323/1254/34/30191/2.

4. Minute by Vernon, 30 November 1934, CO 323/1256/34/30202/12.

5. Minute by Paskin, 29 November 1934, *ibid.*

Paskin consistently supported the views and attitudes of the colonial governments. In contrast to Vernon, he did not show much interest in the principles at stake in labour legislation or express any sympathy for the native workforce or the concept of elementary social justice. Consequently, while he carried out his job efficiently, he never appeared to be personally committed to advancing the cause of labour legislation nor did he ever acknowledge that the indigenous peoples had a point of view. His attitudes, while not at odds with the majority in the Office, were not calculated to make for a dynamic labour section. Vernon showed a much greater perception of the rapidly developing economic and industrial situation in the Empire as well as a sound grasp of the major labour issues. But as the Head of the General Department, concerned with numerous facets of CO activity, he could give only sporadic attention to the labour question. When he did become involved his views frequently inspired a forward move calculated to improve labour conditions. Though a matter of conjecture, had his principal in the labour section been a less conventional thinker, it is conceivable that the General Department might have made more of an impact on labour matters in the first half of the thirties.

Vernon did not press the second principle, that all workmen should be covered by insurance. While he did believe that to be necessary,¹ he went along with the Committee's decision to give the governor the power to decide the occupations and areas to be covered by the ordinance. On this issue the Committee followed

1. Minute by Vernon, 30 November 1934, CO 323/1256/34/30202/12.

precedents established in the UK and India, and in Malaya and Palestine.¹

The third principle agreed upon by the CLC was that all workers, native and non-native, should be covered by the one WC ordinance. That decision reversed the earlier intention that the model Sierra Leone draft should apply to natives only. Most of the colonies who submitted bills had not explicitly restricted them to natives only but by setting relatively low wage limits they effectively cut out all Europeans.² This suited the commercial interests as they believed it meant lower costs. The European communities were also satisfied because it restricted the provisions of the bills to the native workers.

In its determination to introduce non-discriminatory legislation the CLC raised the wage limit to £350 to enable workers of all races to be included. In order to make for realistic compensation over the wide range of wage rates of the different racial groups, the Committee followed the precedent set in India, Malaya, British Guiana and elsewhere by setting maximum compensation of thirty and

1. The 1931 ILO memorandum, 'Accident Compensation for Native Workmen' supported this principle as a satisfactory method of introducing workmen's compensation legislation, p.28. No.1 on CO 323/1149/31/80975.

2. The wage limits inserted by the respective colonies were as follows:-

Nigeria, Kenya	£200 p.a.
Sierra Leone, Tanganyika and Joint West Africa Committee	£150 p.a.
Uganda	£120 p.a.
Gambia	£350 p.a.
Nyasaland	no limit

From a minute by Paskin, 5 December 1934, CO 323/1254/34/30191/2.

forty-two months wages for death and permanent injury respectively.¹ The unofficial bodies were never agreeable to these maxima nor to the inclusion of workers of all races in the same ordinance.

Once these major principles were determined the revision of the Sierra Leone re-draft passed to a small committee consisting of Paskin assisted by an experienced representative from each of two 'of the most important insurance companies transacting accident compensation business in East and West Africa.'² The ordinance emerged from their hands couched in the legal terms desired by the insurance companies. They argued that the use of the 'correct' terminology based on precedents set in England as well as India would save much time and money in litigation. This 'correctness' in terminology, to the surprise of the CO, proved to be the 'uniformity' insisted upon by the insurance companies.³ Until then the CO had understood that the economic administration of the insurance depended on uniform rates and compensation within the two regions. After a hectic two months Davies⁴ and Paskin finally initialled the draft ordinance on 2 February 1935. By working closely with the insurance companies and having benefitted from the observations of the colonial governments, they were confident that they

1. C.A. Cliffe (East Africa Department) minuted, 22 December 1934, 'The actual calculation of the rate of compensation is ... based on the Indian Act.' CO 323/1256/34/30202/12.

2. Minute by Paskin, 18 December 1934, *ibid*: The two experienced representatives were B.H. Davis (Phoenix Assurance Office) and G. F. Tyler (Motor Union Insurance).

3. Minute by Paskin, 18 December 1934, *ibid*.

4. E.J. Davies (formerly Crown Counsel, Gold Coast) who had been attached to the CO, devoted his full time to drafting the model ordinance.

had an acceptable and practical model.

Before the model was sent, two decisions were taken which increased the opposition and contributed to a delay of some years in the implementation of the ordinance. In the first case S. Robinson (West African Department) and Calder (Head of Tanganyika and Somaliland Department) argued that a £350 wage limit did not sufficiently take into account the higher wages of the Europeans in Africa.¹ Mellor (United Africa Company) saw Fiddian and Robinson over a proposed higher limit, urging that European workers should not receive any more compensation than they would receive in an equivalent job in England. But a special CLC meeting agreed with Robinson and Calder and raised the upper wage limit to £500.² This decision almost certainly stiffened the opposition of the commercial companies.

The higher figure of £500, though appearing grossly out of proportion with native earnings, did not increase compensation because that was based on the individual monthly earnings. But it did bring further classes of African non-manual workers into consideration. The unofficial bodies would have excluded these classes by the insertion of separate maxima for each racial group but the introduction of discrimination foundered in the face of the East African situation. The existence of not just two but four racial groups in Kenya made discrimination by separate maxima not only unmanageable

1. Minute by S. Robinson, 6 February 1935, CO 323/1254/34/30191/2.
2. Minutes of the 15th CLC meeting, 11 February 1935, No.15, *ibid.*

but also politically unthinkable. The clearest statement on the issue came from Bottomley:

The meeting was clear that a high limit was necessary for Europeans and that race-discrimination, though possible in West Africa, would not work in East Africa, with four communities to consider. Hence the choice of an all-round limit of £500 p.a., in spite of its being perhaps over-generous to a small body of Africans.¹

Bottomley made no specific mention of Indians in Kenya, Tanganyika and Uganda. Their presence made it certain that the Indian Government, which held a watching brief in the East African situation, would object to any attempt to discriminate.²

Because the importance attached to uniformity of legislation and the time required to arrange adequate insurance facilities made it impossible to enact legislation immediately in the Gold Coast,³ the Office decided to invite other representative commercial interests from East and West Africa to comment on the model ordinance.⁴ This second decision was to contribute substantially to further delay in sending out the model ordinance to the dependencies. But the Office had come to recognise that it would be desirable to reach a general agreement with various unofficial commercial bodies as they could prove more of a hurdle than when Vernon first spoke

1. This minute by Bottomley on 25 February 1935 stated a very important principle and became the point of reference in 1940 when discrimination became an issue for discussion. CO 323/1318/35/1762/4, Part 1: Cunliffe-Lister, 25 February 1935, agreed the higher limit was necessary because of the increasing number of Englishmen working in the East African mines. Ibid.

2. In 1938 and 1939 the CO received a number of letters from the India Office inquiring into the progress of workmen's compensation in Kenya.

3. Minute by Paskin, 22 February 1935, CO 323/1318/35/1762/4, Part 1.

4. Minute by Bottomley, 26 January 1935, CO 323/1256/34/30202/12.

disparagingly of the JWAC's 'benighted' attitude. These interests monopolised the ear of the colonial governments and their cooperation was needed if WC was to be successfully implemented.

The commercial interests were strongly resistant to the whole idea of WC. While it was not politic to oppose outright or to appear other than cooperative, they were quite prepared to promote delay by more subtle means. Their manoeuvres met with some success, especially in the short-term, because all the parties actively concerned found WC a tedious and highly technical matter to deal with.¹ The subject produced its own inertia.

In September 1935 the CO was forced to send an interim despatch to the African colonial governments informing them of further delay before the observations of the commercial interests would be available.² Although the General Department was clearly annoyed over these delays, Vernon was not prepared to go ahead on this important issue until all the observations of the commercial interests had arrived.³ However, in its neglect to press the slower of the unofficial bodies for their observations, the CO can not escape entirely some blame for dilatoriness.

After the impact of the Ariston mine disaster abated the question of WC in Africa gradually assumed a much lower profile. Eventually it was the Chairman of the Joint Committee of the East African Section of the London Chamber of Commerce and the Joint East African Board, Sir H.

1. Paskin minuted, 4 February 1935, that some of the clauses had been 'debated and re-drafted almost ad nauseum sic'. CO 323/1318/35/1762/4., Part I.

2. Despatches to the dependencies in East and West Africa, 10 September 1935, No.s 68-77, CO 323/1318/35/1762/4, Part II.

3. Minute by Vernon, 23 July 1936, CO 323/1358/36/1762/4.

Leggett, who made a forward move by inviting, through Bottomley, the appropriate CO officials to a meeting to discuss the whole question.¹ Paskin and F. Farmer (General Department) subsequently attended two meetings in January 1936 where they reported an atmosphere of moderation and reason.² The attitude of the Joint Committee proved to be misleading, however, as the commercial interests domiciled in East Africa proved to be much less amenable.

Once the Joint Committee observations arrived in March 1936 Hibbert, who had recently become responsible for labour matters in the General Department in place of Paskin, urged that a review of the situation should begin without waiting for the Nigerian Chamber of Mines reply.³ This was the first hint of the resolution that Hibbert was to bring to bear on the introduction of social welfare legislation. Because the observations expressed by the commercial interests diverged quite sharply from the provisions of the model, Hibbert thought there would need to be a good many meetings of a committee composed of the specialist rather than the lay members of the Office.⁴ By calling for specialist advice he followed the example set by Paskin and Farmer in December 1934 when they had worked closely with Tyler and Davis from the AOA. It showed an awareness that certain

1. Sir H. Leggett to Bottomley, 1 January 1936, No.1, CO 323/1358/36/1762/4.

2. Minute by Paskin, 10 January 1936, *ibid.*

3. Minute by Farmer, 6 June 1936, *ibid.*

4. There were 14 meetings altogether. See Sir A. Russell's 'Report of a Sub-Committee of the Colonial Labour Committee appointed to revise the model Ordinance', 30 July 1937, No.14 on CO 323/1427/37/1762/4.

aspects of the labour question required an expertise and practical experience not available in an ordinary administrative officer.

The permanent officials themselves recognised their shortcomings for dealing with WC. Nobody wanted to serve on the Committee called for by Hibbert. For one reason or another Vernon, Bushe, Shuckburgh, Flood, and H.H. Duncan (Assistant Legal Adviser) offered perfectly good reasons for not doing so, delegating their responsibilities to less senior officers in their departments.¹ The Office was able to persuade Sir Alison Russell, who had previously served as a CO legal adviser and as Chief Justice in Uganda for many years, to act as Chairman in an unpaid capacity. However, it was not until October 1936 that a restricted sub-committee of Russell, Hibbert and W.L. Dale (Assistant Legal Adviser) met. Early in 1937 observations arrived from the Northern Rhodesian mining companies² causing further delays so that it was not until April of that year that a full meeting of the Committee with all the interested commercial bodies took place. The model clauses were reviewed one by one and the CO reported a 'gratifying measure of agreement with the provisions of the draft'.³

Two and a half years had been spent by the CO in assembling the views of the commercial bodies and modifying the model ordinance in light of them. The CO believed this considerable amount of work,

1. CO 323/1358/36/1762/4.

2. Minute by Farmer, 24 March 1937, CO 323/1358/36/1762/4B.

3. Sir A. Russell's 'Report of a Sub-Committee ...', 30 July 1937, p.2, No.14 on CO 323/1427/37/1762/4.

especially by the sub-committee, had resulted in an acceptable and workable draft ordinance. This confidence was justified when the colonies who adopted the ordinance did so almost verbatim. Any opposition to enactment came not from flaws in the model but from opposition by unofficial interests to the principle of WC.

Seven years had elapsed since the original despatch calling for the introduction of WC. The colonial governments might well have been less than convinced of the pressing urgency now advocated by the CO.

Opposition to the model

Although the model ordinance emerged from the final meeting of the CLC as a satisfactory piece of legislation for the primitive territories, the unofficial interests in their observations on the published drafts showed themselves to be almost as unenthusiastic as they had been toward the 1934/35 model. The Sierra Leone Development Company did not favour the idea of WC, considering it to be in advance of development. While it agreed that the 1937 model was as good as could be expected under the circumstances it considered the cost of insurance would be a burden to the employers.¹ The Gold Coast Chamber of Mines thought there had been improvement but they, too, wanted discriminatory legislation with lower compensation to be paid to natives.² In keeping with the general feeling

1. Sierra Leone Development Company to CO, 26 May 1937, No.56 on CO 323/1358/36/1762/4B.

2. Gold Coast Chamber of Mines to CO, 2 June 1937, No.59, *ibid.*

for reducing the cost to the employers the JWAC had proposed that rates of maximum benefit for permanent injury should be reduced from 42 to 36 months wages and for death from 30 to 24 months wages.¹ The East African bodies continued to oppose the idea of non-differentiation.²

In spite of the considerable time spent on ascertaining and incorporating the views of the commercial interests, the CO model ordinance remained unpalatable to a large section of the European community, particularly in East Africa. The CO had stuck to its basic principles and retained the £500 upper limit for non-manual workers. It had been equally obdurate over the maintenance of non-discriminatory legislation. These were to prove to be the two biggest hurdles for the commercial and European interests.³

A first short reply concerning the model ordinance from the Governor of Tanganyika in 1938 cautiously mentioned that there would be few opinions of value coming from the commercial world.⁴ Then in May, a despatch from Nyasaland contained the disheartening news of a committee's unanimous opposition to the high compensation and to the non-differentiation between races in the proposed ordinance.⁵ The Labour Commissioner even reported the natives as satis-

1. JWAC to CO, 11 June 1937, No.60 on CO 323/1358/36/1762/4B.

2. Joint Committee of the East African Section of the London Chamber of Commerce and the Joint East African Board to CO, 14 June 1937, No.61, *ibid*.

3. Interview between Sir William Head (member of Tanganyika Legislative and Executive Councils) and A.C.T. Edwards (Tanganyika and Somaliland Department), 5 March 1940, No.1 on CO 691/179/40/42191/7 Tanganyika.

4. Governor (Tanganyika) to Ormsby Gore, 4 March 1938, No.3 on CO 323/1540/38/1762/4.

5. Governor (Nyasaland) to Ormsby Gore, 6 May 1938, No.7, *ibid*.

fied with the existing situation and opposed to the introduction of a scheme with high rates.¹ After all their work Hibbert and Farmer found this response 'disappointing'.²

The news from East Africa continued to be dismal. Uganda reported unofficial opinion as not against WC in principle but objections were raised to the high rate of compensation.³ However, the heaviest blow to CO hopes for early legislation came in a memorandum from Nairobi. A considerable number of organised trades, manufacturers, and chambers of commerce at a two day meeting in April had resolved that:

This Conference is of the opinion that no necessity or justification at present exists in East Africa for the application of the principle of Workmen's Compensation as outlined in the Model Ordinance and considers that the introduction of simple legislation confined to certain specific dangerous trades, providing for adequate safeguards and the payment of compensation, is all that is required.⁴

No communication arrived from the Kenya Government itself regarding WC as it did not feel emboldened to make any determined move in the face of massive and outspoken European opposition. According to the Governor of Uganda, the resolution of the Nairobi meeting opposing the introduction of comprehensive WC found a ready echo among

1. The Labour Commissioner reported the natives as saying 'if we are hurt badly our master gives compensation, and if it is not fair we go to the Boma and things are made right for us.' No.7 on CO 323/1540/38/1762/4.

2. Minute by Farmer, 28 May 1938, *ibid.*

3. Governor (Uganda) to MacDonalld, 22 June 1938, No.8, *ibid.*

4. 'Report of the Proceedings of a Conference held in the Council Chamber of the Nairobi Municipal Council, 20-21 April 1938', p.1, forwarded by the East Africa Section of the London Chamber of Commerce, 29 July 1938, No.32, *ibid.*

the commercial sections of his territory.

In October 1938 the full despatch arrived from Tanganyika detailing the opposition and containing a rather remarkable statement from the Governor:

It is quite clear that further consultation with members of the public will not lead to a satisfactory conclusion unless they are told that the application to the East and West African Colonies of a Workmen's Compensation Ordinance, in which there is no racial discrimination has been decided upon by His Majesty's Government as a matter of policy, and that pressure of public opinion at home would make it useless to attempt to defer its application indefinitely.¹

Considering the explicit nature of the request to introduce legislation in the August 1937 despatch these remarks from the Governor revealed his very difficult position in not being able to carry the articulate organised European opinion of the dependency. The CO despatch had not given any direction on what to do when the local interests were consulted but turned out to be hostile. Perhaps it was merely hoped that the major principles of the model would prevail in the colonies as they had done with the East and West African commercial interests domiciled in the UK. The Governor's reply dumped the problem back into the CO lap - a challenge which it failed to take up immediately. The CO had no ready answer. It did not have any 'leverage' in a situation where the vociferous and politically powerful white segment of the population refused to

1. Governor (Tanganyika) to MacDonald, 29 October 1938, No.41 on CO 323/1540/38/1762/4.

accept the sweet reason of the CO policy.

The lack of any tangible progress in introducing WC legislation brought criticism in Parliament,¹ and, finally, an explosion in the General Department. In June 1939 Hibbert, unwilling to contain himself any longer, decided to 'open the cupboard in which repose[d] one of [the CO's] less desirable skeletons: - Workmen's Compensation legislation in East and West Africa.' In view of the 'dilatatoriness and apparent inertia displayed by the East African Governments' he asked for the provocative action of a personal letter from the SoS to each of the governors.² Stung by this undepartmental forthrightness, the East Africa Departments countered his attack on their charges by pointing out that the General Department had not replied to the Tanganyika and Nyasaland despatches when both governors appeared to require advice and instruction.³ Official reminders and advice were sent⁴ but Hibbert threatened to bring the matter to the notice of the SoS at the end of the year if the dependencies did not get on with the job.

The determination of the Social Services Department was not

1. P.D., Commons,

22 February 1939, v. 344, c.387.

22 March, 1939, v. 345, c.1295.

29 March, 1939, v. 345, c.2028.

28 June, 1939, v. 349, c.410-2.

2 August, 1939, v. 350, c.2406.

2. Minute by Hibbert, 21 June 1939, CO 859/9/39/1762/4.

3. Minute by G.H. Creasey (Head of Tanganyika and Somaliland Department), 22 June 1939, *ibid.*

4. Despatches to East and West African dependencies, 14 July 1939, No.s 11-16, *ibid.*

blunted by the outbreak of the war. When Nyasaland sent a confidential telegram in September 1939 asking for concurrence in the withdrawal of controversial labour bills, including WC, from the Legislative Council Agenda,¹ the SoS replied that he was unable to appreciate the reason for this, adding

I am committed in principle to the [WC] Bill here and should be unwilling to agree that it should be deferred in Nyasaland.²

The Governor, faced with strong opposition from the unofficial members of his Legislative Council, sent two further telegrams expressing his extreme unwillingness to go ahead with the labour bills.

Hibbert, accepting the possibility of political trouble, reluctantly agreed to reduce the pressure in the circumstances, though his opinion was that

It would be most undesirable to allow Nyasaland to take advantage of the existence of a war, which can only have affected them very slightly indeed, to shelve indefinitely the introduction of legislation on an important question like this.³

The Governor's case was now to be immeasurably strengthened by the resolution passed at the East African Governors' Conference in November 1939 to drop all controversial legislation.⁴ This soli-

1. Acting Governor (Nyasaland) to MacDonald, confidential telegram, 18 September 1939, No.1 on CO 525/183/39/44259 Nyasaland.

2. MacDonald to Governor (Nyasaland), confidential telegram, 22 September 1939, No.30 on CO 859/9/39/1762/4.

3. Minute by Hibbert, 13 November 1939, *ibid.*

4. Extract from 'Proceedings of Conference of Governors of British East African Territories held at Nairobi', 1-3 November 1939, No.1 on CO 859/26/40/12255/4B.

curity put the CO in a difficult position especially when Kenya came much closer to being involved in hostilities with Italy's entry into the war. Tanganyika adopted the same stand and to those outside the Office it must have seemed that the CO once again had weakly capitulated in the face of opposition. But the CO was well aware of the previous battles lost against Kenya and was loathe to take on in wartime a united front of governors led by that territory.¹

When the East African governors gratefully seized on the advent of war to put all labour measures into cold storage Hibbert again reacted strongly, calling on his solid achievements in labour matters as giving him the right to assert his opinion.² He attacked both the very conservative members of the Office as well as the colonial governors for consistently putting up an effective barrier to innovations in the labour field. He particularly deprecated their stand in view of the statement made by the SoS, at the training course for labour officers, concerning the growth of class consciousness and awareness of their rights amongst native workers. In ar-

1. In a minute, 18 March 1940, A.J. Dawe (Assistant Under Secretary) said, 'Lord Swinton [Cunliffe-Lister] wanted to introduce income tax in Kenya: but after marching his forces up the hill he had to march them down again and to give way. Lord Passfield announced that the policy of the common electoral roll was to be adopted in Kenya. The settlers made it clear that they were prepared to push their opposition to the point of armed rebellion: and Lord Passfield was driven from the stricken field.' CO 859/26/40/12255/4B.

2. In a minute, 22 January 1940, Hibbert stated '... during the two years in which the present Secretary of State has been in Office, twenty times as much has been done towards ensuring that labour in the Colonies is employed under fair conditions and is properly looked after by Government than has been done by decades past for this encouraging state of affairs, I am going to be presumptuous

guing the right of Africans to social justice Hibbert brought out, in the case of WC, a point of view seldom expressed in the Office.

He wrote:

If Europeans choose to go and make their living in East Africa out of the labour of the African, the African in his turn is entitled to expect that he shall receive not only compensation, but adequate compensation, from the European employer for any injuries sustained in the course of the work he does for him, - except, of course, where it is deliberately self-inflicted, - and he is entitled to demand that he shall be protected in this way by law.¹

Dawe (Assistant Under Secretary), the chief protagonist in reply to Hibbert's outburst, spelled out in detail why it would be pointless to attack the East African governors as they were no different from their West Coast counterparts who were successfully implementing WC legislation. The governors in East Africa could not ignore the Europeans who were fearful of the black millions around them and who viewed 'with great distrust the pro-native and progressive policies of the Colonial Office.'² It was this restrictive and conservative viewpoint which Hibbert so much deplored and which, he said, prevented the CO saying 'boo to a Governor, even when he [had] been a goose.' And over this issue, he wrote, 'we appear to be dealing not with one goose but with a whole gaggle.'³

and say that I, personally claim a good part of the credit.' Creasy noted in the margin 'I think we would all gladly support this claim.' Both Shuckburgh and Malcolm MacDonald signified their assent. CO 859/26/40/12255/4B.

1. Minute by Hibbert, 22 January 1940, *ibid.*
2. Minute by Dawe, 18 March 1940, *ibid.*
3. Minute by Hibbert, 22 January 1940, *ibid.*

But Dawe had added that no wise Government in the UK would wish 'to arouse more than possible [sic] the antagonism of communities who are perfectly loyal to the Crown and are of our own blood.'¹ By implication Dawe was saying that loyalty to the wishes of the white minority should come ahead of social justice for the Africans. Put into the existing political context of a colony this made a certain amount of sense in the short term.

What Hibbert was arguing, and the reason for which he gained the ear of successive S'soS, was that the fast changing conditions brought about by the war no longer gave the accustomed leeway for manoeuvre for conciliation, consultation and tactful persuasion of a handful of politically dominant Europeans. Trying to balance the short-term against the long-term problems was akin to squaring the circle, making it very difficult to reconcile the different viewpoints. In preparing for the battle to institute a more vigorous approach, Hibbert pointed to the political expediency of ensuring social justice. He invited attention to the potential trouble from a growing and vocal trade union movement, pointing out that the governors had made no substantial case for delay. Their correspondence had recorded the opposition of the local European communities to WC because it was non-discriminatory and, Hibbert believed, because it touched their pockets.²

1. Minute by Dawe, 18 March 1940, CO 859/26/40/12255/4B.

2. Minute by Hibbert, 22 January 1940, *ibid.*

The East African Departments did not appear to be unsympathetic to Hibbert's request for more vigorous action in implementing WC legislation. However, they were unable to find an acceptable alternative to non-discriminatory legislation which they saw as the basic cause of the colonial dissent.¹ Higher authority in the Office, on the other hand, was more concerned to point out the incorrect and dangerous reading by Hibbert of the political balance in the dependencies and the difficult task faced by the governors. Dawe ably described a reality that he thought had been too easily glossed over by a 'simple minded but combative evangelist' seeing things in black and white or in terms of good and evil.² In contrast to Hibbert, who did not want a despatch too heavily 'sandpapered,' Dawe, supported by Shuckburgh, Sir George Gater (Parliamentary Under Secretary)³ and Dufferin,⁴ agreed to a cautious approach of sending out semi-official despatches merely asking the governors the reasons for postponement. A more aggressive approach, they feared, would weaken the position of the governors and the CO, reducing future opportunities to overcome the European opposition.

1. G.F. Seel and Boyd held a meeting with Hibbert on 16 February 1940. They decided a strongly worded draft should go forward to the East African Governments but Seel put up a separate note, 19 February 1940, advocating that if non-discrimination were one of the major obstacles it 'could be overcome by an Ordinance designed for non-Europeans only.' No.4 on CO 859/9/40/12255/4B.

2. Minute by Dawe, 18 March 1940, *ibid.*

3. Minute by Gater, 20 April 1940, who was not wholly convinced that the Governors had given their whole-hearted consideration over postponement and he suggested they may have taken the easy way out over a difficult matter. *Ibid.*

4. Dufferin, 22 April 1940, suggested the whole thing had been blown out of proportion as the Ordinance was only 'a useful little thing' affecting a tiny percentage of the Africans. This remark was unlikely to have cooled Hibbert's temperature. *Ibid.*

MacDonald adroitly picked his way over the very full discussion on the matter and decided a vigorously worded enquiry should be sent semi-officially to the governors. He asked them to consider whether there might not be more serious and violent contention if WC legislation were not passed and the employees were left with a grievance.¹

With the departure of MacDonald in May 1940 higher authority in the Office immediately clamped down, cancelling any communication to the governors on the grounds that a new SoS would not wish his initial correspondence to take such a strong tone.² Hibbert had to begin all over again and took the opportunity with the arrival of the Gambia ordinance to suggest the SoS might like to see it.³ Shuckburgh agreed but, for some reason not explained, the file was mislaid for six months. When it finally reached G.H. Hall (Parliamentary Under Secretary) in January 1941 he expressed regret that such an important matter should have been delayed and that Nyasaland, at least, should be asked to go ahead and introduce legislation.⁴ A despatch went to each of the East African colonies informing them of the decision that territories not in the actual theatre of war should begin to make some progress towards introducing legislation.

Although sluggish, the East African governments did take limited action. By 1943 Northern Rhodesia had drafted a single ordinance

1. Minute by MacDonald, 23 April 1940, CO 859/9/40/12255/4B.

2. Minute by Dawe, 15 May 1940, *ibid.*

3. Minute by Hibbert, 26 June 1940, *ibid.*

4. Minute by Hall, 15 January 1941, *ibid.*

to cover all races. In Uganda and Nyasaland the respective Labour Advisory Councils were considering the introduction of WC legislation. But Kenya still made no move.¹ During a visit to the CO in September 1942, the Kenya Governor, Sir Henry Moore (ex-Assistant Under Secretary, CO), had mentioned it might help if an official letter² were sent to the colony reminding it of the need to introduce WC legislation.³ The Governor parried the subsequent letter in January 1943 with the news that the officials required for investigation were pre-occupied with the food situation.⁴ This seemed to be the final shot and G.F. Seel (Head of East Africa Department) could not conjure up any 'heroic measure' to overcome the European interests who were determined to resist any move that threatened their standard of living.⁵

Just how difficult it would be to overcome European resistance was revealed during the visit of O.F.G. Stanley (SoS) to Kenya in October 1943. When the matter came up with the Governor, following his receipt of a Parliamentary question on WC in Kenya,⁶ which the CO had sent out as routine procedure, he argued it would be inopportune to introduce legislation for the principal reason that the natives were better protected under the existing system whereby

1. Minute by Hibbert, 24 May 1943, CO 859/50/43/12255/3.

2. Viscount Cranborne (SoS) to Sir H. Moore (Kenya), 5 November 1942, No.29 on CO 859/50/41-43/12255/3A.

3. Report of a meeting between Sir H. Moore and Dawe, 1 September 1942, *ibid.*

4. Moore (Kenya) to O.F.G. Stanley (SoS), confidential, 27 January 1943, No.1 on CO 859/50/43/12255/3.

5. Minute by Seel, 25 May 1943, *ibid.*

6. The question had been asked by Creech Jones. P.D., Commons, 22 September 1943, v.392, c.187.

employers paid compensation voluntarily. P. de V. Allen, the Kenyan Labour Commissioner, later wrote that he was not aware of a case in the previous two years when a native had not been compensated by his employer or from a small fund which he administered himself. He went on to claim that he too 'had the interests of the natives at heart just as much as Mr. Creech Jones'¹ and would be the first to clamour for legislation if the system did not work.² However arbitrary such a scheme might have been, Creech Jones, invited to visit the SoS on his return, was reported to have left the Office saying he was sufficiently satisfied not to pursue his inquiry further at that time.³ There was nothing more the CO could do. If a personal appeal on the spot by the SoS failed to achieve anything positive a long distance paper warfare between the colony and the CO had no chance of success. Unfortunately, the CO had no 'leverage' whereby it could move Kenya on the issue of WC and was clearly impotent in this situation where the European community refused to budge.

In so far as the West African colonies were concerned progress proved to be slow due, in the first place, to a request for interpretation of a minor point by Nigeria⁴ and, secondly, to the need for consultation between the four governments to achieve uniformity in their bills. Their willingness to enact legislation would not have

1. Note by Seel, 1 November 1943, No.30 on CO 859/50/43/12255/3.

2. Allen to Stanley, 15 October 1943, No.29, *ibid.*

3. Minute by Stanley, 30 November 1943, *ibid.*

4. Governor (Nigeria) to Ormsby Gore, 27 April 1938, No.5 on CO 323/1540/38/1762/4.

been unexpected as some mining companies had already set up their own compensation schemes in the Gold Coast, and Nigeria had been the one African colony to have had a simple WC scheme in operation from the start. As well, a further disaster at the Ariston mines in December 1938 had again underlined the need for adequate WC legislation. However the CO problems were not over. Some of the large commercial companies operating through the JWAC were determined to delay the introduction of enforcing legislation.

The JWAC had been consistently opposed to the introduction of WC since its first letter to the CO in 1934. Its chairman, J.G. Allanby, quite candidly admitted to Hibbert in 1940 that the commercial interests he represented saw no necessity for the introduction of WC in West Africa.¹ He had earlier threatened that the employers in Sierra Leone would agitate in the Legislature to prevent the enabling clause of the WC Ordinance coming into operation on 1 July 1940 if the JWAC were not provided in ample time by the AOA with the proposed rates of insurance.²

The JWAC along with the other commercial interests, had insisted from the earliest consultation that they should be apprised of the rates the insurance companies would offer before legislation was enacted. The AOA on its part had insisted that it be in possession of any ordinance, the schedule of rules and of the occupations

1. Minute by Hibbert, 30 November 1940, CO 859/26/40/12255/4A, Part II.

2. Conversation with J.G. Allenby reported by Hibbert, 28 November 1940, *ibid.*: Appropriately, Sierra Leone, who since the 1930 despatch had been the most forthcoming over WC, announced its intention of bringing the model ordinance into force on 1 July 1940 - the first of the British African colonies to do so.

to be covered before it could offer a rate. To meet both demands the colonial governments had been asked to enact legislation but to include in their ordinances a suspending clause of at least six months. During this period the AOA was to prepare proposed insurance rates for the governor's acceptance and the concurrence of the interested commercial bodies.¹

Part of the reason for the JWAC threat to oppose enabling legislation in Sierra Leone came after its offer to the AOA to help set the rates had been summarily rebuffed. The two bodies were no longer in direct communication and the AOA proposed sending the rates to the Governor only. The JWAC insisted that it must have a copy as the Governor needed to consult with the employers and the JWAC in order to judge if the rates were realistic. Sierra Leone inadvertently added to the imbroglio by the late despatch of its schedule of rules making it impossible for the AOA to meet the 1 January 1941 deadline. As a result the CO was forced to ask the Governor to delay the date of bringing the Ordinance into force until July 1941. The Governor feared further delay might provoke

1. The strength of feeling of the commercial interests over the question of rates to be offered by the insurance companies can be gauged by the suggestion of the Joint East African Section of the London Chamber of Commerce and the Joint East Africa Board that insurance facilities in East Africa should be arranged by the government or run on a mutual basis. Memorandum, 11 March 1936, No.6 on CO 323/1358/36/1762/4: This suggestion was later retracted at the behest of the insurance section of the London Chamber of Commerce which was indignant at the implications of this proposal, 18 August 1936, No.21, *ibid.*

sufficient agitation among the workers to bring on a political crisis.¹ Consequently the SoS agreed to a compromise date of 1 April in order to counter possible accusations that the CO was promoting delay at the behest of the commercial companies, and in particular of the United Africa Company,² which the CO recognised as being the most antagonistic body toward WC coming into force.³

In both East and West Africa the CO faced strong opposition from settler and commercial interests to the introduction of WC. In East Africa the opposition came from the European communities in the territories. In West Africa the opposition of the London based commercial companies was expressed through the JWAC, which candidly admitted that it saw no reason for the introduction of WC. However the determination of the CO prevailed and all the West African dependencies had WC ordinances by 1943. The CO was much less successful in East Africa and only Northern Rhodesia had passed an ordinance by 1943. The nature of the problem in that region was highlighted by the failure of a personal request from the SoS to the Governor of Kenya, Sir Henry Moore, to introduce WC legislation.

Throughout the thirties the attention given in the Office to WC focussed almost exclusively on the situation in Africa. It was

1. Governor (Sierra Leone) to Lord Lloyd (SoS), confidential telegram, 15 December 1940, No.113 on CO 859/26/40/12255/4A, Part II.

2. Minute by O.G.R. Williams (Head of West African Department), 18 December 1940, *ibid.*

3. Minute by Hibbert, 30 November 1940, *ibid.*

only belatedly extended to include the West Indies towards the end of the thirties. By then the urgent need for legislation of a social welfare nature resulted in pressure being brought to bear to extend the benefits of WC to the entire workforce.

Although the CLC at the end of 1931 had undertaken the task of producing a model WC ordinance for the primitive territories there appeared to be no similar delegation of responsibility for bringing WC into operation in the West Indies. In March 1932 both British Guiana and Grenada had to remind the Office of the draft bills they had forwarded the previous year.¹ After the HO examined these it was critical of a number of the provisions taken from the Mauritius Bill. This caused some consternation in the CO for when asked in 1930 for comments on the Mauritius Bill the HO had had none to offer.² The CO sent a memo to the West Indies pointing out the deficiencies and they were left with the 'patched up' Mauritius Bill to put into effect.³

Preoccupied with the preparation of a suitable model for Africa the CO continued to neglect the West Indies. Vernon, on his own initiative, finally called a meeting in 1935 because the AOA was 'digging in its toes over uniformity of legislation' as a number

1. See No.1, 4 March 1932, and No.2, 7 March 1932 (both DUS), CO 323/1173/32/90095/9.

2. Minute by S. Abrahams (Assistant Legal Adviser), 30 June 1932, *ibid.*

3. Despatch of 27 January 1933, No.20 on CO 323/1172/32/90095.

of the West Indian dependencies were planning to introduce bills based on different models. It was decided that the West Indian dependencies should be persuaded to model their bills on the Grenada adaption of the successful Trinidad Ordinance which had been in operation since 1926.¹ However the CO continued to be slow to act during Cunliffe-Lister's term in Office and despatches only finally went out toward the end of 1936 after Ormsby Gore had become SoS.²

The CO had shown a marked lack of interest in what happened in the West Indies and it was only after the Trinidad riots that it belatedly took the initiative in that region, with Hibbert vigorously pressing ahead while he had the West Indies 'on the run.'³ By the early years of the war all the dependencies had introduced legislation except Bermuda. The momentum was maintained with the Leewards Islands, St. Lucia and St. Vincent bringing the agricultural workers, the largest group of employees, within the scope of their ordinances. In 1943 there was a notable success when the Governor of Barbados, Sir G. Bushe (ex-CO Legal Adviser) piloted

1. Paskin to C.M. Reese (Attorney General, Grenada), s/o, 7 March 1935, No.6 on CO 323/1318/35/1762/5.

2. Ormsby Gore to Leewards and Bermuda, 30 November 1936, No.s 11 and 12 on CO 323/1359/36/1762/5: It had been decided earlier not to approach British Honduras because the Governor had thought WC legislation would be undesirable. Governor (British Honduras) to Cunliffe-Lister, 19 September 1934, No.13 on CO 323/1255/34/30202/4.

3. Marginal note by Hibbert, March 1938, 'I consider that everything possible should be done to stimulate the encouraging interest which [the West Indies] have recently displayed in labour matters, now that we have got them on the run.' No.14 on CO 866/29/37/1166.

a WC Bill through his Legislature which not only covered agricultural workers, shop assistants and domestic servants but also pioneered the introduction of compulsory insurance.¹ After the years of neglect, the CO, and in particular Hibbert, could point to a considerable degree of progress in the introduction of WC into the West Indies.

Conclusion

The leadership and drive to introduce WC legislation into the dependencies came almost exclusively from the political heads of the Office. Shiels had been the outstanding person in this regard. The permanent officials showed themselves to be far from convinced of the need to press colonial governments if the latter believed legislation was unnecessary and undesirable. The Office was pre-eminently concerned with the political rather than the social aspects and was predisposed to the views of 'the man on the spot'. The latter's views were influenced in turn by the widespread opposition of the politically dominant commercial and settler communities to the contentious issue of WC. Overcoming this opposition and suspicion proved difficult and time consuming whether it was in the West Indies, the Western Pacific or the African regions. There existed no effectively sustained force of similar magnitude to act

1. Hibbert minuted, 26 March 1943, 'It is indeed a triumph for Sir G. Bushe to have got his Bill through the Barbados Legislature.' CO 859/51/41-43/12255/5.

as a counterweight to this opposition. Public interest in the UK was limited almost entirely to spasmodic questions in Parliament. These drew attention to problems, but did not precipitate rapid solutions. The CO was unable to produce for the Governor of Tanganyika the evidence of informed public demand in the UK which he wanted to employ to overcome the opposition to WC by his Committee.¹ Nor had it any effective power to call on to force colonies to introduce legislation. It could only cajole and educate. The early lack of drive shown by the Office to introduce WC was overcome to a considerable degree through the establishment of the Social Services Department and by Hibbert's commitment to the task. The introduction of WC and other labour legislation speeded up markedly under his surveillance. By 1943 nearly all the dependencies had moved or were moving toward enacting comprehensive WC legislation, most commonly of a simple nature. Though a satisfying achievement this success did not disguise the relatively weak position of the CO when it came to persuading the colonial governments to introduce labour legislation.

1. Governor (Tanganyika) to MacDonald, 29 October 1938, No.41 on CO 323/1540/38/1762/4.

Chapter 6

The Indigenous Labour Conventions 1931 - 1943

I

1931 - 1934 Penal Sanctions

Growing international concern over the various forms of compulsion to labour led first to the adoption of the Anti-Slavery Convention by the League of Nations in 1926. The ILO then took up the cause of native labour. There was pressure, most notably from the ASAPS, to formulate a 'charter for coloured labour'.¹ However, the ILConference in 1926 decided that it was impossible to cover all aspects of compulsory labour at the one time and agreed that the first indigenous labour convention should deal with forced labour, to be followed by indentured or long-term contract labour. Some of the worker delegates very reluctantly agreed to the division but they accepted that it was impractical to make the extensive and varied forms of compulsory labour the subject of one convention.² Harold Grimshaw (Head of the Diplomatic Division of the ILO³) quickly came to recognise that a strategy involving the introduction of

1. G.E. and C.W. Newbury, 'Labour Charters and Labour Markets: The ILO and Africa in the Inter-War Period', Journal of African Studies (forthcoming).

2. ILO memorandum, 16 August 1932, G.B. 60/7/789, Section III, No.6 on CO 323/1169/32/90086/3.

3. Grimshaw became the chief of the "Native Labour Section" when it became a separate part of the Diplomatic Division in 1926, Industrial and Labour Information, Vol. XXXI, No.9, 26 August 1929, p.269.

separate subjects through international conventions would be a more effective method of raising minimum labour standards.

In 1929 some of the worker delegates at the ILConference pressed to have the subject of indentured or long-term contract labour brought into the discussion on the convention dealing with forced labour. The Conference again considered that it was too difficult to bring the very complex question of long-term contracts (incorporating recruitment, written contracts and penal sanctions) into the forced labour convention. The Conference resolved, however, that the question of contracts should be included on an early agenda.¹ That could be expected since the ILO, with the assistance of the Committee of Experts on Native Labour (CENL), was already X studying the question of contract labour.

When long-term contract labour had not come up for discussion X by 1932, the ILConference again asked the Governing Body of the ILO to place on an early agenda 'the question of the methods and conditions of recruiting labour and of the terms of labour contracts, the breaking of which involves penal sanctions.'² To facilitate the handling of the many complexities of long-term contract labour, the Director of the ILO in February 1933 suggested to the Governing Body that a second indigenous labour convention establishing sound

1. See Paskin's memorandum, 'A Note on the Committee of Experts on Native Labour and on various Resolutions relating to Native Labour adopted by the International Labour Committee' which went as Enclosure 2 in the circular despatch of 28 April 1933, No.12 on CO 323/1172/33/90094/3.

2. Resolution adopted at the 16th Session of the ILConference 1932, No.1 on CO 323/1169/32/90086/3.

principles of recruitment should be adopted first.¹ Splitting of recruitment from contracts and penal sanctions made it possible to bring it forward onto the Agenda for discussion in 1935. The CENL Recommendations on long-term contract labour (which included penal sanctions) became available in 1935 although it was 1938 before they came up for discussion at the ILConference. In that year the ILConference agreed to the suggestion of the UK delegates to separate penal sanctions from contract labour to form the basis for the fourth indigenous labour convention.²

Although recruitment, contracts and penal sanctions eventually came to be dealt with in separate conventions, they were integral parts of a system of finding and binding labour to an employer for a specified period of time. The terms 'recruitment' and 'contract labour' were more commonly used in Africa and the West Indies. In the Far East, the term 'indentured labour' covered a similar labour engagement.³ S. Caine (Far Eastern Department) illustrated the

1. W.L. Buxton to Paskin, 5 October 1933, enclosing ILO memorandum 'The Recruitment of Labour in Colonies and in other Territories with analogous Labour Conditions', No.1 on CO 323/1212/33/10143.

2. Report by the Colonial Office members of the United Kingdom Delegation at the 24th Session of the ILConference', para.4, and sent as an enclosure in the confidential circular despatch of 2 July 1938, No.s 7-17 on CO 323/1542/38/1763/11, Part I.

3. Although derived, in part, from the indenture system once common in Europe, the contract system in the Empire came into existence with the abolition of slavery. Tinker (p.383) contends that the contract or indenture system as it developed in the Far East came to resemble a new kind of bondage hardly less reprehensible than slavery itself. However under pressure from India the indenture system in British Far Eastern dependencies had changed radically and no longer constituted a major problem. The contract system continued mainly in the African Continent (according to the 1937 Grey Report on Contracts, p.16, probably more than one million workers were employed under some form of contract in South Africa alone). While it also existed in the Pacific and the West Indies, the relatively small numbers involved in the two regions never made it the same focus of attention.

difficulty of defining these terms and their exact relationship:

A preliminary difficulty is that I do not know of any exact definition of indentured labour. The picture the phrase most readily calls to mind is the recruitment in one place of labour to be employed in another. The labourers entering into a contract before embarkation to work for a stated period (generally three years) in return for fixed wages (including food and other indirect payments) and the payment of his passage out and repatriation by the employers; such contracts being enforced by penal sanctions rather than by civil process. Which if any of these characteristics are essential to the system is uncertain.¹

His definition fitted practice both in the Far East and Africa except in one respect.² In the Far East workers were transhipped by sea at the expense of the employer while in Africa they travelled mostly by land, the cost of which the employer deducted from the worker's wages. Under the Recruiting Convention of 1936 the employer became liable for the payment of travel costs. When this happened the practice of indentured labour in the Western Pacific and the Far East appeared to be essentially similar to that of contract labour in Africa.

The aspect of long-term contract labour which had come under increasing attack concerned the penal sanctions clauses in most masters and servants and native employment ordinances. Penal sanctions were used to discipline employees and to keep them to the terms of their contracts, both oral and written. For the employer penal sanctions acted as the cement of the system of employment. Fines and imprisonment were used for misdemeanours (abuse, disorderly

1. CLC (4). 'Indentured Labour: Note on recent divisions affecting the Far Eastern Dependencies', by S. Caine, 19 January 1931, No.4 on CO 888/1.

2. Minute by Vernon, 14 February 1931, CO 323/1125/31/80186.

conduct, drunkenness) and breaches of contract (fraud, desertion, and laziness). Thus the infractions by the native labourers were treated as criminal acts punishable by fine and/or imprisonment, rather than by dismissal or civil action for damages as in European countries.

To concerned world opinion penal sanctions stood out as a totally unacceptable aspect of the contract system of employing native labour in the dependencies. In the CO opinion was divided as to the need for their retention. On more than one occasion members of the Office expressed the view that penal sanctions preserved a system of near slavery.¹ On the other hand a number of the Office staff (and noticeably Orde Browne, the Labour Adviser from 1938) supported a colonial viewpoint which insisted that penal sanctions were essential for maintaining discipline and stability in the work force. East and Central Africa, along with the Western Pacific, were particularly insistent on the retention of these sanctions which also remained in force in certain of the dependencies in the West Indies. By 1929, when they became a matter for consideration in the General Department, penal sanctions were no longer a feature in West Africa or most of the Far Eastern dependencies.²

1. The minutes of the 1st CLC meeting stated that some of the masters and servants ordinances contained 'provisions ... which are relics of a stage of development almost approximating to slavery.' No.1 on CO 323/1117/31/80041/3.

2. The West African dependencies expressed their willingness to repeal penal sanctions after receiving the 6 August 1930 despatch.

The question of penal sanctions

Although the question of long-term contracts had come up before the ILConference on more than one occasion, the CO had not considered it necessary to formulate any views on the subject. However, this indifference came to an abrupt end immediately Shiels came into office in December 1929. While Shiels' aim was to formulate a policy for the whole subject of long-term contracts, it was the penal sanctions aspect that became a live issue over the next two years and was kept constantly before the Office.

In the fortnight preceding Shiels' appointment a letter from J. Maxton (MP - Labour) had drawn attention to the unsatisfactory labour conditions and labour legislation retaining penal sanctions in Antigua.¹ However, the Office had dismissed the allegations as being overstated.² On reading the files and looking over the Antigua Bill, Shiels quickly appreciated that the CO staff had been reluctant to deal with many of the objectionable features in the masters and servants legislation. He therefore called for information on the working of the respective ordinances in the West Indies with a view to introducing more enlightened legislation. R.C. Cade (West Indian Department) produced a memorandum showing legislation in the other West Indian dependencies to be similar to that in Antigua.

1. Maxton to CO, 24 November 1929, No.1 on CO 318/396/29/66707.

2. The discussion in the Office over Maxton's letter had concluded with Grindle (Assistant Under Secretary) and Wilson (Permanent Under Secretary), at the beginning of December 1929, proposing no action on what seems to have been a deliberately chosen non-issue, of whether or not it was an actionable offence even in Great Britain to entice a workman away from his existing employment. Ibid.

Consequently, the despatch sent to the West Indian dependencies on 14 May 1930 asked for a revision of the labour laws dealing with breach of contract by abolishing imprisonment and limiting heavy fines. A St. Vincent ordinance was enclosed to act as a model for the kinds of changes envisaged.¹

After the despatch to the West Indies, further unsatisfactory legislation, from North Borneo, Seychelles and Fiji, containing penal sanctions resulted in the issue of the August 1930 despatch calling for their abolition in all dependencies. Following that despatch the CLC, established by Shiels in 1931, spent the greater part of its time under his chairmanship on matters concerning the proposed convention on long-term labour contracts. Because written contracts and the practice of recruiting were not thought to pose any basic problems,² the CLC meetings concentrated on formulating guiding principles for the highly controversial penal sanctions. The questions of recruitment and written contracts did not reclaim the attention of the Office until each became a matter for discussion at the 1935 and 1938 ILConferences respectively.

The second CLC meeting on 5 June 1931 began with Shiels stating his objection in principle to penal sanctions. He wanted to bring

1. Confidential despatches, 14 May 1930, No.s3-10, CO 318/396/29/66707.

2. The CLC spent a part of two meetings (see 19 June 1931, and 10 July 1931, No.4 and No.6 on CO 323/1117/31/80041/3) discussing the question of recruiting. In a brief memorandum, CLC (16) 'Recommendations Regarding the Recruiting of Labourers in the more Primitive Territories' (No.1 on CO 323/1117/3/80041/5) the one conclusion of any substance suggested family recruitment 'wherever possible'. CLC (16) was sufficiently innocuous that it was not till February 1932 that Paskin remembered it still needed formal approval from the SoS. Because it contained no innovations Paskin eschewed a circular despatch, leaving it to the geographical departments to take action if they considered it necessary.

all breaches of contract under civil law. Because of the confusing variety of contracts the meeting decided to concentrate on the more primitive African and Pacific conditions before considering Malaya and the West Indies. The meeting brought out the sharp divergence of opinion over the necessity or otherwise of retaining penal sanctions in Africa. One side believed that sanctions were necessary as the only effective method of making the African labourer meet contractual obligations. The other favoured sufficiently attractive conditions of work to make penal sanctions unnecessary, as had happened without serious detriment to the employers in Malaya and Tanganyika. To resolve this divergence of opinion Shiels asked the representatives of the African departments to seek agreement on some general principles on contract labour and penal sanctions.¹

At the third meeting on 12 June 1931, Green (Chairman in Shiels' absence) and Paskin were asked to prepare a memorandum with provisional recommendations for abolishing penal sanctions. They were assisted when the meeting agreed to place certain misdemeanours (unspecified in the minutes) in the category of simple breaches of contract, to be dealt with on a civil basis. The more serious violations were to be classified as offences coming under the ordinary criminal law applicable to all within the community.²

1. Minutes of the 2nd CLC meeting, 5 June 1931, No.2 on CO 323/1117/31/80041/3.

2. Minutes of the 3rd CLC meeting, 12 June 1931, No.3, *ibid.*

When the CLC met at the end of June, the suggestion in the working memo (CLC 10)¹ that penal sanctions in labour contracts be abolished came under sustained attack. The opponents argued that the removal of penal sanctions in effect removed all sanctions. In their opinion the native was ordinarily too impecunious to pay any fine ordered by civil proceeding and so the offender 'would almost always get off scot free'.² They maintained that the employer needed some security for what could be a very heavy outlay for each individual recruited. Without penal sanctions to discipline labour the situation would be such as to make economic development unattractive and even impossible. No consensus was reached between the heads of the geographical departments. The meeting finally decided that certain senior colonial officials should be consulted 'about the demoralising effect of the abolition of penal sanctions' and members were asked to find the extent to which they were applied.³

At the meeting on 17 July a revised CLC (10) came under scrutiny.⁴ Mitchell (Secretary for Native Affairs, Tanganyika)⁵ and

1. CLC (10). 'Recommendations regarding penal sanctions for the enforcement of labour contracts in the more primitive territories'.

2. Minutes of the 5th CLC meeting, para.3, 26 June 1931, No.5 on CO 323/1117/31/80041/3.

3. Minutes of the 5th CLC meeting, 26 June 1931, *ibid*, para.13.

4. Minutes of the 7th CLC meeting, 17 July 1931, No.7, *ibid*.

5. CLC (21). 'Draft Provisional Recommendations regarding Penal Sanctions for the enforcement of Contracts in the more Primitive Areas', memorandum by P.E. Mitchell, M.C., in reply to a letter from J.F.N. Green, 31 July 1931, No.21 on CO 888/1.

Dobbs (Senior Commissioner, Kenya)¹ were reported by Green and Parkinson respectively as having agreed with the general outline. The only alteration of substance in the document entailed a simplification of the procedure for the recovery of damages by the employee and a number of practical limits to the various categories dealing with matters of dismissal or amounts of fines.

When it finally convened on 27 October 1931, three months after the fall of the Labour Government, the CLC adopted CLC (10) as agreed upon by the July meeting.² In a following despatch to the African colonial governments, Paskin began by informing them of Passfield's determination to replace penal sanctions with some means 'more in accordance with modern civilized usage'. However, reflecting the strong opposition to such a move among the CLC members, the despatch of 7 January 1932 gave a very lukewarm lead for the immediate implementation of the CLC (10) Recommendations. It expressed only 'general sympathy' with the Recommendations and simply asked 'in due course' for the views of the colonial governments on the suitability of the proposals for adoption. The despatch invited attention to the more severe penalties 'which might with advantage' be removed from ordinances relating specifically to the employment of natives.³

1. CLC (23). 'Draft Provisional Recommendations regarding penal sanctions for the enforcement of labour contracts in the more primitive territories', extract from a letter by C.M. Dobbs, C.M.G., O.B.E., in reply to a letter from A.C.C. Parkinson, nd, No.23 on CO 888/1.

2. Minutes of the 9th CLC meeting, 27 October 1931, No.9 on CO 323/1117/31/80041/3.

3. Confidential circular despatch, 7 January 1932, No.s3-12 on CO 323/1117/31/80041/4.

Green (assistant secretary) was the only permanent official to express dissatisfaction with this neutral approach. He believed that white opinion in Tanganyika, if pressed, would be more amenable than in Kenya and that there would be little difficulty in getting minor misdemeanours and indiscipline dealt with on a civil basis. He suggested:

We can have too much uniformity in these matters in East Africa. It means that, if one Government is frightened, the others kindly acquiesce in postponing some reform which, so far as they were concerned, they were quite willing to try. Whereas if two or three of the Govts had tried it, the timorous Govt would have the experience of its neighbours as a guide.¹

Green opposed the practice which in effect allowed those least inclined to innovation in labour matters in a particular region to set the pace. Far from responding to his advice to bring more pressure onto the East African governors, higher authority expressed satisfaction with a despatch which gave 'no orders'² or 'definite instructions'.³

Whatever the changes in policy that had arisen from the brief association with Shiels, it had not altered the basic approach of higher authority or the geographical departments of deferring to the 'man on the spot' over labour matters. However, it had provided an opportunity for such a man as Green to bring his views to the fore. Once Shiels had gone, Green, in particular, lacked

1. Minute by Green, 4 December 1931, CO 323/1117/31/80041/4.
2. Minute by Bottomley, 6 December 1931, *ibid.*
3. Minute by Shuckburgh, 9 December 1931, *ibid.*

supporting authority and his opinions were submerged. He had influenced the formulation of the Recommendations in CLC (10) which were eventually sent out as a matter of routine policy under the National Government. But the Office's unwillingness to press the matter showed in the obvious omission of any call for a commitment to the positive suggestions contained in the Recommendations.

After Shields' departure the Office did not come under any immediate pressure to give a more definite lead to the colonies over penal sanctions.¹ It took no further action when the West Indies made no move to amend the penal sanctions provisions in their masters and servants legislation. Then the CLC in 1933 agreed not to press the East African governments who believed that the abolition of penal sanctions 'would be premature and, indeed, most undesirable'.² As Green had predicted, the East African colonies had fallen into line with the most conservative. Kenya dominated the East African Governors' Conference and generally managed to impose the settler viewpoint.

While far from being a majority, members of the Office such as Shields, Vernon and Green³ recognised that the issue of penal sanctions had to be resolved if HMG were to be in a position to face

1. The ILO had not published any conclusions and the GENL was known to be deeply divided over the abolition of penal sanctions.

2. Minutes of the 12th CLC meeting, 5 May 1933, No.3 on CO 323/1209/33/10131/2.

3. On 3 July 1931, Green in his letter to P.E. Mitchell suggested that the question of penal sanctions was one of the chief difficulties the CLC was up against. He also mentioned, 'There is a good deal of feeling in this country on the subject and it appears likely to be taken up by the ILO at Geneva.' No.6A on CO 323/1117/31/80041/1.

with equanimity a convention on long-term contract labour which included the abolition of penal sanctions. With no progress towards their abolition in the West Indies, Western Pacific and East Africa there was a distinct prospect of the Office having to make extensive reservations. That would have provoked serious criticism, especially after the progressive attitude of the British Government to the earlier Convention on Forced Labour. Consequently, although penal sanctions was only one part of the proposed convention, they remained a focus of attention except during 1934 to 1936 when the ILO, by separating recruitment from long-term contracts, forced the CO to concentrate on preparing the instructions on recruitment for the UK delegates at the 1935 and 1936 ILConferences.

Contact with the ILO

Before the CO was forced to give further consideration to penal sanctions in the dependencies two separate but related incidents occurred which provided it with the opportunity to influence the shaping of the CENL Recommendations in the process of formulation at Geneva. The first occurred when Lord Lugard asked Vernon in July 1932 if he might be permitted to read the replies to the section on penal sanctions in the 6 August 1930 despatch.¹ Vernon supported making Lugard au fait with the point of view of colonial governments, adding that he had been consulted 'pretty fully' on

1. Minute by Paskin to Vernon, 26 July 1932, CO 323/1169/32/90086/6.

the replies to the Forced Labour Questionnaire.¹ There the matter rested while Vernon and Shuckburgh were on holiday.

During their absence a second letter arrived, this time from Weaver (ILO). He asked for a copy of CLC (10) after reading in the Gambia Gazette that it had been used as the basis of a bill to repeal penal sanctions. He thought that something approaching an official British doctrine would be of great value at the October 1932 meeting of the CENL.² Bottomley (Assistant Under Secretary) objected emphatically to the idea of sending the Recommendations and the associated correspondence. Consequently, Paskin's reply merely contained a summarized account of the nature and work of the CLC together with a brief statement on the substance of the replies received from East and West Africa to the 7 January 1932 despatch.³

On his return Vernon gave his opinion that the CENL was very likely to propose the abolition of penal sanctions. He argued:

I should like to put Lord Lugard in possession of the arguments - temperately and persuasively expressed - against such abolition which have influenced our officers in Uganda, Nyasaland, and Northern Rhodesia, [and, Vernon suspected, Tanganyika and Kenya when their replies arrived] in order that there may be a chance of his using his influence on the Committee of Experts to prevent any root-and-branch condemnation of penal sanctions in labour legislation anywhere in any shape or form. It is harder for us to speak against such a condemnation later on, if Lord Lugard has acquiesced in it in Committee.⁴

1. Minute by Vernon, 26 July 1932, CO 323/1169/32/90086/6.
2. Weaver to Paskin, 20 August 1932, No.4 on CO 323/1169/32/90086/3.
3. Paskin to Weaver, 5 September 1932, No.5, *ibid*.
4. Minute by Vernon, 14 September 1932, CO 323/1169/32/90086/6.

Shuckburgh (Deputy Under Secretary) found Vernon's argument convincing and overrode Bottomley's cautious advice. Vernon sent Lugard the replies to the 6 August 1930 despatch as well as CLC (10) and informed him of the good intentions of the colonial administrations and their desire 'to eliminate from the conditions of labour any unnecessary survivals from a time when compulsion was the ruling principle'. But he stated:

We are anxious that the International Labour Organisation should not be encouraged to draft a programme which might end in a Convention which we should find it impossible to ratify or impossible to apply in the Colonies without large scale reservations.¹

However, at the same time, the Recommendations in CLC (10) would have left Lugard in no doubt that CO policy called for abolition of penal sanctions. In the light of Vernon's attitude to the Forced Labour Convention there would seem to be little doubt that his recommendation to send the information to Lugard on this occasion was calculated to impress upon him the enlightened nature of CO policy, tempered though it might be by colonial opposition.

His curiosity whetted rather than satisfied by Paskin's letter, Weaver wrote again asking for fuller details because he wanted to put the situation 'fairly and squarely before the Committee [CENL]'.² This time Bottomley agreed to follow Vernon's advice and Shuckburgh explained it would save a lot of trouble if Weaver could guide his

1. Vernon to Lugard, 26 September 1932, No.1 on CO 323/1169/32/90086/6.

2. Weaver to Paskin, 18 September 1932, No.7 on CO 323/1169/32/90086/3.

Committee into channels that would cause the CO the minimum of embarrassment in the colonies.¹ Lugard had already been given the information but the CENL would be strongly and decisively influenced by the material presented from Weaver's Office (Native Labour Section of the ILO).

By taking the unusual step of making confidential material available to Lugard and Weaver the CO placed itself in a very favourable position to influence the Recommendations of the CENL. The rapport established at this stage by the close contact with Weaver continued through the thirties. The contact proved mutually beneficial. For the CO it meant the indigenous labour conventions were more likely to be of an acceptable nature to the colonial governments, and to the ILO it meant these conventions were likely to have the powerful support of the premier colonial power.

Vernon had managed in September 1932 to persuade higher authority of the value of acquainting Lugard and Weaver of the CO policy on penal sanctions. But it was not until Weaver had visited the Office early in 1933, and the Director of the ILO was pressing the Governing Body to bring native labour onto the Agenda in line with the 1932 Resolution, that Vernon and the General Department were able to grasp the initiative again in an attempt to restart the momentum begun by Shiels to eliminate penal sanctions.

1. Minute by Shuckburgh to Wilson, 27 September 1932, CO 323/1169/32/90086/3.

In April the General Department sent out a long memorandum informing the colonies of the origins and progress of the ILO investigation into the conditions of native labour.¹ This was a subtle use of pressure; the colonies were being shown that they stood to answer to world opinion, and not to the mere 'dictatorship' of the CO. The ILO represented the kind of 'leverage' which the General Department needed to employ to urge the more reluctant of the colonies into matching up to minimum standards of protection for native labourers and that included the abolition of penal sanctions.²

1. Paskin's memorandum 'A Note on the Committee of Experts on Native Labour ...', enclosure No.2 in the circular despatch of 28 April 1933, No.12 on CO 323/1172/32/90094/3.

2. As well as describing the ILO's continued interest in the native labour question, Paskin's memo outlined the token response to earlier ILConference Resolutions urging delegations from the member countries to include native representatives within their ranks. In order to overcome the absence of colonial representatives, the 1932 ILConference had passed a Resolution requesting the Governing Body to consider the possibility of a preparatory advisory conference composed of administrators, employers and workers from the colonies on issues dealing directly with their territories. This 'fantastic' proposal of Weaver's (Paskin, 9 October 1933, CO 323/1212/33/10143) appalled the CO. (The CO was already in the throes of trying to squash an ILO proposal to set up an Asiatic conference on labour matters. Cunliffe-Lister, 6 March 1932, opposed it because 'a more ill-timed waste of time and money it would be hard to suggest'. CO 323/1172/32/90094/1). Cunliffe-Lister indicated that he opposed any form of preparatory conference and declared that he would not have 'good men like Chief Native Commissioners taken off their proper work for native interests to listen to talk at Geneva'. (10 October 1933, CO 323/1212/33/10143).

Although the idea of a preliminary conference came to nothing, a conference of workers in Ceylon, acting on their own initiative, voted to send the Controller of Labour as an adviser to the 1935 Conference. (The CO first learned of this in a letter from Weaver to Paskin, 25 October 1934, No.33 on CO 323/1256/34/30205/1). As a result of the Ceylonese initiative, Cunliffe-Lister invited all dependencies at their own expense, to send a senior officer if their interests were seriously involved. (Circular despatch, 28 November 1934, No.2 on CO 885/45). As a result of the invitation

II

1934 - 1939 Recruitment

Although the problem of penal sanctions had not been resolved, the question of their abolition was set aside when the Office learned toward the end of 1933 that recruitment would come up for discussion at Geneva in 1935. Although the CO remained unfavourably disposed toward another indigenous labour convention it had no means of preventing it coming forward.¹ In July 1934 the CENL Recommendations on recruitment arrived in the Office and were sent out to the colonial governments for their observations.² They were followed in November by the almost identical Grey Report on Recruitment.³

In March 1935 Paskin and Farmer drew up some tentative conclusions on recruitment based on the replies of the colonial governments in East and Central Africa, the Western Pacific, and the Far East to the CENL Recommendations and the Grey Report. Before the CLC reviewed these conclusions Cunliffe-Lister informed the Office

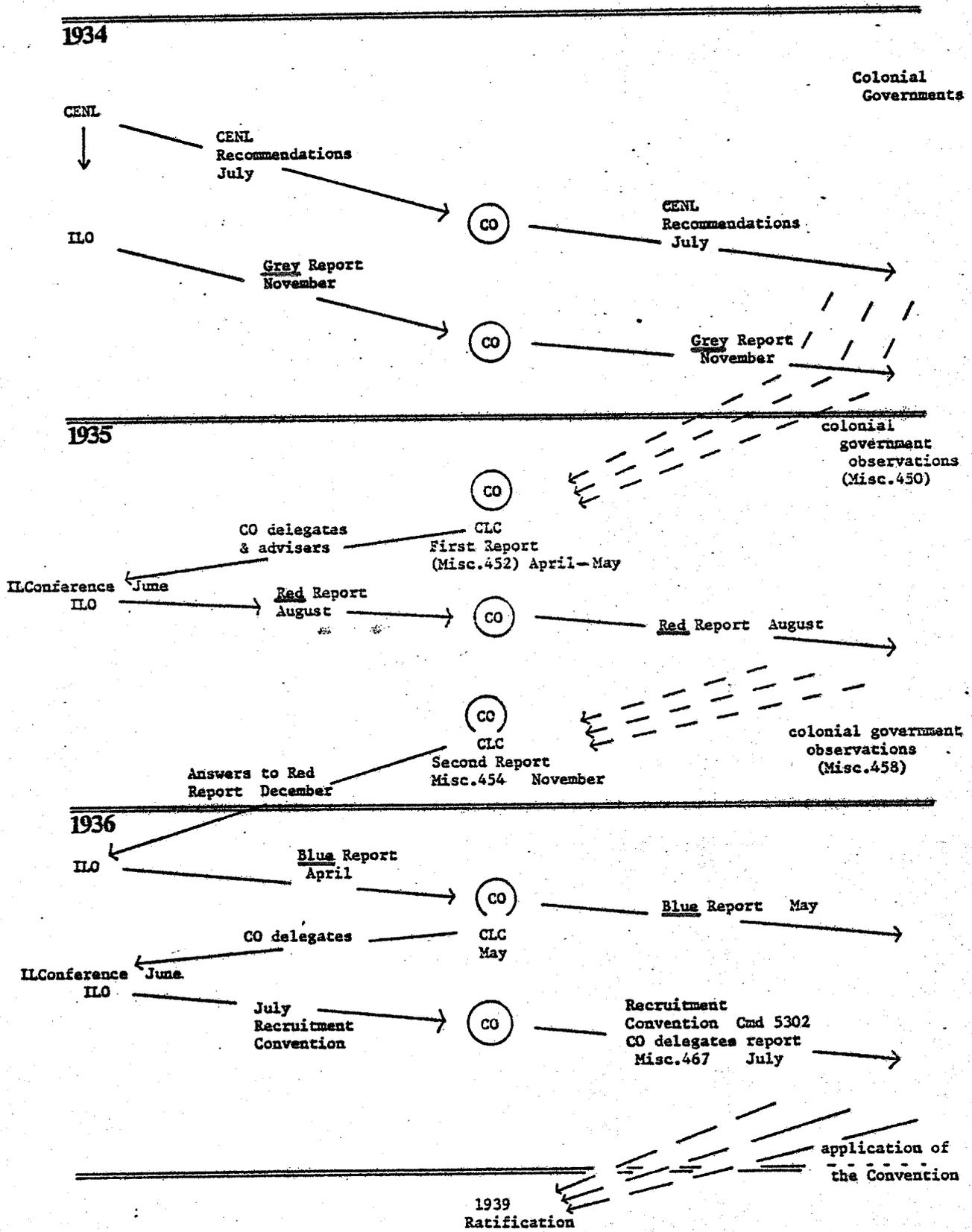
H.R. Montgomery (Chief Native Commissioner, Kenya, representing Kenya, Uganda and Tanganyika), W.E. Hobday (Controller of Labour, Ceylon, representing Ceylon and Malaya) and S.M.L. O'Keefe, High Commissioner for Southern Rhodesia, acted in the capacity of 'advisers' to the British delegation at the 1935 IL Conference (see p.2, CO 885/47).

1. Shuckburgh minuted, 6 November 1934, 'The International Labour Conference will take place, whether we like it or not; and that we have got to prepare ourselves for it as best we can.' CO 323/1256/34/30205/1: Flood, 13 May 1935, thought that in the case of Kenya, the proposed provisions 'represented a particularly vexatious type of grandmotherly regulation which can only give rise to annoyance... without any practical advantages whatsoever.' CO 323/1319/35/1763/3.

2. Confidential circular despatch, 20 July 1934, No.19 on CO 323/1256/34/30205/1: The full title of the CENL Recommendations was 'Text of the Principles Concerning Recruiting, adopted by the Committee of Experts on Native Labour'.

3. Confidential circular despatch, 28 November 1934, No.38 on CO

Diagram 4: The Recruitment Convention: Pattern of communications between the International Labour Organisation, the Colonial Office and the Colonial Governments 1934-1939.



that he did not wish the recruitment practices of the colonial governments to be hampered by the proposed convention.¹ His remarks also implied that spontaneously offered labour should not come under the provisions of the proposed convention as the CENL had intended.²

At the core of the CENL Recommendations were three general principles. The first stated that concessions for mining and industrial and agricultural undertakings should be granted only after considering the effects of the pressure on the people required to supply the recruited or spontaneously offered labour. The CLC in March 1935 went to some lengths to show that the welfare of the natives was given every consideration by explaining the measures undertaken in certain areas in Tanganyika and Uganda to prevent

323/1256/34/30205/1: The full title of the Grey Report was The Recruiting of Labour in Colonies and in other Territories with Analogous Labour Conditions.

1. Note by Boyd, 15 May 1934, 'The Secretary of State's only comment on the nature of the instructions was that it was essential that they should not be framed in such a way as to lead our delegates to agree to proposals which would hamper Colonial Governments unduly in the exercise of reasonable authority in matters affecting recruitment of native labour in the Colonial Empire.' No.8 on CO 323/1319/35/1763/3.

2. The ILO defined recruiting to be:

Any operation or operations undertaken with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services either at the place of employment or at a public emigration or employment office or at an office of an employers' organization under public supervision.

'Report of the Colonial Labour Committee: Recruitment of Native Labour', Confidential Print, Miscellaneous No.452 (Misc.452), p.5, CO 885/47.

over-recruiting.¹ But the majority in the Office would have agreed with Orde Browne on the inevitability of development, and the need for tropical products in Europe, as sufficient justification for pursuing economic development as a priority over the strict maintenance of traditional society.² It was not surprising, therefore, to find a remark from the Southern Rhodesian despatch at the centre of their argument:

It is inevitable that contact with Europeans should influence and alter native political and social organisation, and that is so whether the natives are recruited for work or offer their services spontaneously.³

The CLC did not believe that the existing recruiting arrangements would have harmful effects on native society in East Africa and the Western Pacific.⁴ It agreed with Northern Rhodesia that the CENL principles were unassailable theoretically, but highly controversial if they were to be applied at the cost of economic development. Any major restriction on acquiring labour in the case of Northern Rhodesia threatened the development of the fast-growing copper mines. A CO headed by Cunliffe-Lister was not likely to view the Northern Rhodesia copper mines, or other areas of signifi-

1. Misc. 452, para.s 37 and 38.

2. 'Some Disquietening Aspects of the African Labour Situation: An Address to the Royal Institute of International Affairs', by Major G. St. J. Orde Browne, 31 October 1929, Papers of Sir Granville Orde Browne, Box 2/2, f.46, MSS Afr. s.1117, Rhodes House.

3. Misc. 452, p.6, para.29.

4. Ibid., p.7, para.36.

cant economic development,¹ in doctrinaire rather than practical terms.

In June 1935 the CO representatives at the ILConference successfully defused the threat of the first principle by adding the all important qualification 'as may be necessary and practical'. This, together with the deletion of spontaneous labour from the provision,² removed potential barriers to obtaining labour for existing and future economic undertakings in a number of British tropical possessions. The CLC in its Second Report in December 1935 hoped to further reduce HMG obligations by proposing that the principle should be appended to the Convention only as a recommendation.³

On the second and important principle of setting a maximum percentage of able-bodied males to be recruited from a given area, the CLC in its Second Report thought a limit should be set but only 'where necessary'. It suggested that this provision too should be removed from the general text and be made a recommendation.⁴

1. In a minute, 19 July 1934, G.F. Seel (Tanganyika and Somaliland Department) had written 'If [the CENL proposals] had applied from the beginning of time, we should be back in the dark ages.': On the same day J.A. Calder (Head of Tanganyika and Somaliland Department) minuted 'it would be quite impracticable' to prevent the working of valuable minerals should they be discovered. CO 323/1256/34/30205/1.

2. See Question 5, ILO, ILConference, 20th Session 1936, The Regulation of Certain Special Systems of Recruiting Workers (Red Report), Geneva, 1935.

3. 'Recruitment of Native Labour: Papers June - October 1935', Confidential Print, Miscellaneous No.454 (Misc.454), Question 5, p.47, para.2, CO 885/49: Although an ILO recommendation represented an agreement in principle it did not incur a binding obligation, as did a convention once it was ratified, to put it into administrative or legislative practice. The CO policy on the application of recommendations had been laid in the circular despatch of 13 August 1921: 'In case of the [ILO] Recommendations no obligation appears to lie upon His Majesty's Government as regards the Colonies not possessing responsible Government and Protectorates.' CO 323/839/20/CO19210.

4. Ibid., Question 8, p.48.

Setting limits had not been policy in the British territories and the Committee made it clear that HMG would not accept any restrictions, as had been a feature of the legislation in the Belgian Congo.¹

The CLC expressed 'sympathy' with the policy underlying the third principle, that workers should be accompanied by their families - but only where feasible and desirable,² and suggested that it also become a recommendation.

The CLC suggestion to change the three general principles into recommendations to append to the Convention was not adopted by the 1936 ILConference. However, the articles finally adopted in the Convention merely provided generalised safe-guards. Article 4, dealing with the general sociological effect of recruitment on a community, gained an added proviso. It stated that the competent authority would have

(c) to deal with any other possible untoward effects of such development on the populations concerned.³

The original CENL objective had been to assess the probable effect of development before granting land, mineral or other concessions and to limit them if the indigenous society appeared to be threatened. Article 4 (c) now tacitly accepted that development would take place. The task would be to deal with the effects of this

1. See 'Report by Major G.St.J. Orde Browne on his Tour through French West Africa 1929', Colonial Office Confidential Print, Africa No. 1129. Papers of Sir Granville Orde Browne, Box 2/1, MSS Afr. s. 1117, Rhodes House.
2. Misc. 454, Question 9, p.48.
3. Cmd 5305, Draft Conventions and Recommendations adopted by the International Labour Conference at its twentieth Session 4 June - 24 June 1936, HMSO, 1936, p.5, Article 4(c).

development on traditional society as they occurred. The CO had been eminently successful in attaining the permissive provision it desired.

The ILO wanted to establish international principles to guide the practice of recruitment. But it also aimed to end the practice itself. Section 1 of the CENL Recommendations outlined the steps which would lead to its eventual abolition. The CO, however, was not convinced that progressive elimination would always be to the advantage of the indigenous peoples. The SAHC territories and those in the Western Pacific believed recruitment would be necessary for geographical reasons for many years to come. The Central African territories and Malaya added another dimension by mentioning situations where distinct advantages lay in regulating the size of the labour force by recruitment. Uncontrolled emigration brought about many problems especially when it resulted in an over-supply of males gathering after travelling long distances. In June 1935 the Committee of the ILConference agreed after much discussion that the principle of progressive elimination of recruitment should become a Recommendation and removed it from the main body of the proposed Convention. In framing its answer to this proposed Recommendation the Second CLC Report went into considerable detail to reaffirm the advantages of a properly conducted recruiting system. It cited recent Northern Rhodesian views on 'the serious consequences of the unregulated influx of large numbers of natives into the mining areas'.¹ In light of this, and other experiences, the CLC

1. Misc. 454, p.67, para.1.

put forward the view that it might be necessary to extend rather than contract recruiting operations. Indeed it went so far as to state that no useful purpose would be served by the ILConference adopting the Recommendation as properly regulated recruiting operations would be necessary for an indefinite time. This considered opinion ran directly counter to the expressed view of the CENL and promised a dilemma for the CO over ratification should the CENL view prevail at the ILConference.

In the event, the ILConference in 1936 did adopt the 'Recommendation [No.46] concerning the Progressive Elimination of Recruiting'.¹ But in keeping with a number of other articles in the Convention itself, the words 'where necessary and desirable' were included, diminishing further the commitment to the principle of elimination. Even then, although the principle had been seriously weakened, the CO was unable to ratify two of the provisions in the Recommendation. As the Red Report had expressed it, elimination remained 'an expression of hope for the future rather than as a proposal of immediate practical utility.'

In so far as the CO was concerned it had gained its major objective. According to international regulation recruiting need not be eliminated - even progressively - or made onerous by unwelcome attention to the severe limitation of numbers. The regulations were sufficiently elastic to accommodate existing practices in the

1. Cmd 5305, p.15.
2. Red Report, p.31.

dependencies without undue strain. But this successful conclusion had been won at the price of contributing to the making of a much more permissive Convention than originally intended by the CENL.

The CO policy of applying colonial conventions and recommendations without modification required a considerable degree of latitude within the articles of any convention to accommodate the varying degrees of economic sophistication and geographic diversity within the Empire. The CLC therefore had been concerned to see that the articles were, according to the viewpoint taken, sufficiently elastic or permissive to include the differences.¹ This pragmatic approach to their task came naturally to most members of the CLC because of their identification with the administrations for whom they were presenting the case at Geneva. In marked contrast, the Committee on Forced Labour in February 1931 had had to follow, albeit reluctantly, the lead given by Shiels and to adopt a less accommodating stance on controversial issues or questionable practice.

Applying the draft Recruitment Convention

Once the 1936 Conference adopted the Convention, the CO expected ratification to follow reasonably promptly. On 28 July the Office sent out a confidential circular despatch enclosing the report of the CO representatives at the ILConference together with

1. See Paskin's minute of the discussion with the SoS, 12 December 1935, CO 323/1319/35/1763/7.

the text of the Convention. Since CO policy as expressed in the two GLC Reports was in all essential aspects similar to the adopted Convention, the despatch stated in the strongest terms the intentions of HMG to apply the Convention without modification to all the dependencies.¹ However, some unexpected and time consuming problems in bringing colonial law and practice into line with the provisions of the Convention contributed to a lengthy delay in ratification.

(i) Nyasaland and Northern Rhodesia.

Both Nyasaland and Northern Rhodesia were vitally concerned in the outcome of the 1936 ILConference since Article 20² laid down that employers should pay travel expenses incurred by recruited workers.³ As the Rand mine-owners in South Africa refused to do this, the Central African Governments were unable to apply the Convention without modification because workers from their territories were being recruited for the South African mines. In the circumstances the CO had no alternative but to consider reservation.

1. 'I am accordingly of the opinion that the application of the Convention without modifications should not create serious difficulties in any part of the Colonial Empire. Under Article 25 provision is made whereby it may be applied with certain modifications, but, as in the case of the Forced Labour Convention, His Majesty's Government in the United Kingdom are anxious that recourse to this attitude should be avoided and they hope that Colonial Governments will find themselves able to effect the necessary administrative and legislative adjustments to enable the Convention to be applied without modification.' Confidential circular despatch, 28 July 1936, No. 12 on CO 323/1359/36/1763/8, Part II.

2. See Cmd 5305, p.10, Article 20(1).

3. A note by Farmer (General Department), 28 May 1936, recorded a meeting at the CO between H.E. Welby (Provisional Commissioner, Kenya), J.C. Abraham (Senior Provisional Commissioner, Nyasaland) and Bottomley. Abraham stressed his Government's concern over

But if the CO were to reserve the highly controversial Article 20 on behalf of Nyasaland and Northern Rhodesia, HMG would face certain criticism from the inevitable probing by the ILO 408 Committee of the annual reports on the working of the Convention in those territories. Once alerted the CO feared the 408 Committee might find a wider field for criticism.¹

Growing pressure within South Africa for recruited labour from the Central African territories led in turn to a strong stand being made by Ormsby Gore (SoS) to have the Rand mine-owners pay travel expenses. The Witwatersrand Native Labour Association (WNLA) had already reached agreement with Nyasaland and Northern Rhodesia over an experimental period of recruitment² and the CO was aware that the Rand mines were hoping eventually to be able to recruit 70,000 men.³ Following a meeting on 8 February 1937 with Sir P. Duncan (formerly Minister of Mines, South Africa) over the question of possible future recruitment,⁴ the CO later informed his Government that HMG was determined to ratify the Convention without reser-

the need for repatriation expenses to be paid to workers returning to their country of origin. No.16 on CO 323/1359/36/1763/7.

1. The CO was especially sensitive following the publication by the Nyasaland Protectorate of its 'Report of the Committee ... to enquire into Emigrant Labour 1935' (13 March 1936). No.1 on CO 525/161/36/44053 Nyasaland.

2. Known as the Johannesburg Agreement of September 1936, No.1 on CO 525/166/37/44053/3, Part 1.

3. Copy of correspondence with the Office of the High Commissioner for the Union of South Africa in London, regarding representation by the Transvaal Chamber of Mines on the subject of the shortage of native labour for the mining industry in South Africa, 26 January 1937, No.3, *ibid.*

4. Meeting in the CO, 8 February 1937, *ibid.*

vation. The letter went on to point out that any reversal of British Government policy which presently banned recruitment north of the twenty-second parallel would invite Parliamentary scrutiny. It indicated that Ormsby Gore was confident of handling Parliamentary opposition, if the Union agreed to the payment of travel expenses.¹

Throughout the period of three years before ratification the CO exhibited a pronounced sensitivity to possible scrutiny of its actions at national and international level. As always, one of the first tasks of the Office was to protect the SoS from adverse or damaging criticism. It was particularly vulnerable with so many colonial governments possessing varying degrees of independence. The CO was ever conscious of the chill of exposure.

In August 1937, when commenting on the Nyasaland Employment of Natives Ordinance, Hibbert observed that Geneva maintained a very close watch on the labour situation in that territory.² Farmer had earlier shown a similar awareness, advocating in a memo to Vernon (July 1937) the need to ratify the Convention before June 1938 to forestall criticism at Geneva.³ In February 1938, when Hibbert inquired of the Tanganyika Department whether the South African mining companies had yet agreed to pay full travelling expenses,

1. M. MacDonald (SoS, Dominions Office) to C.T. de Waters, High Commissioner for the Union of South Africa, 23 February 1937, No.3 on CO 525/166/37/44053/3, Part 1.

2. Minute by Hibbert, 9 August 1937, CO 323/1429/37/1763/9A.

3. Note by Farmer to Vernon, July 1937, No. 23A on CO 525/166/37/44053/3, Part 1.

he advised: 'I feel that to put the two territories in the "reserved category" will lead to an awful lot of suspicion and difficulty both at Geneva and in Parliament.'¹

A steady stream of questions from Parliament on ratification provided good cause for the CO to keep looking over its shoulder. After such a question in April 1937 Ormsby Gore made the significant declaration that he hoped to apply the Convention to all dependencies without modification.² Two months later he confirmed that intention.³ But although the SoS had announced officially that he aimed to ratify without modification, it was by no means certain that the Office would be successful in persuading all the dependencies to apply the Convention.

By July 1937 the CO had received all the replies to the August 1936 despatch and the CLC met to discuss ratification of the Convention. It was decided to put Northern Rhodesia and Nyasaland into the reserve category while negotiations continued between the representatives of the Gold Producers Committee of South Africa and the Central African Governments. The South African High Commissioner had indicated in May that the Rand mine-owners would defray an unspecified part of the travel costs but the CO could not accept that.⁴

Early in 1938 the Governor of Nyasaland was able to inform the

1. Minute by Hibbert, 24 February 1938, CO 323/1541/38/1763/8.
2. P.D., Commons, 14 April 1937, v.322, c.993.
3. P.D., Commons, 24 June 1937, v.325, c.1395.
4. Letter from the South African High Commissioner to M. MacDonald (DO), 10 May 1937, No.21 on CO 525/166/37/44053/3, Part 1.

CO that the Rand mine-owners had agreed to pay the travel expenses of the recruited labourers from his territory.¹ A belated telegram from Northern Rhodesia in July stated that recruitment for the Witwatersrand did not occur in that territory.² With the highly contentious matter of the payment of travel costs overcome the way was clear in that region for HMG to ratify the Convention without modification. However, the CO was unexpectedly faced with further difficulties in Zanzibar and the West Indies.

(ii) Zanzibar

For a relatively brief time Zanzibar presented a problem of how to deal with the seasonal recruitment of labour for clove picking. The CLC settled the matter quickly, though in the process some of the more reactionary attitudes in the Office towards labour matters came to the fore.

In reply to the circular despatch of 28 November 1934 (transmitting the ILO Grey Report) the deputy Resident of Zanzibar outlined the method under which 3,000 - 12,000 workers were engaged to pick cloves in Pemba. While he agreed that some aspects would come under the definition of recruiting he also thought that existing legislation provided adequate protection for the workers employed.³

1. Governor (Nyasaland) to Ormsby Gore, 19 February 1938, No.22 on CO 525/173/38/44053/3, Part 1.

2. Governor (Northern Rhodesia) to MacDonald (CO), 16 July 1938, No.13 on CO 323/1541/38/1763/8.

3. Despatch from the Deputy British Resident (Zanzibar), 17 April 1935, Appendix 1 on Hibbert's memorandum to the CLC, September 1937, No.59 on CO 323/1359/36/1763/9.

Nearly two years later the Resident pointed out that the Executive Council was unanimously of the view that the application of the Convention would 'merely place further difficulties in the way of efficient organisation of clove harvesting operations without conferring any benefit on the workers'.¹ He did not specify the difficulties but urged that the application to the Protectorate should be modified to exclude recruitment of clove pickers.

Initially the CLC agreed, though with misgivings, that the Convention was 'not applicable' to Zanzibar. W.L. Buxton from the MoL even agreed to defend that decision if necessary, before the ILO 408 Committee.² Later, the same meeting gladly accepted Paskin's solution of devising some method of setting up further employment centres to enable all clove pickers to offer their services spontaneously and thereby allow Zanzibar to remain outside the scope of the Convention.

To put Zanzibar in the inapplicable category seemed an odd and potentially embarrassing decision. The Office was fully aware of the pressure from Geneva and the obligation to comply with the provisions of the Convention. Nonetheless the reactionary opinion in the Committee had been sufficiently influential for the CLC to seriously consider arbitrarily exempting recruited labour in Zanzibar from the terms of the Convention.

1. Confidential despatch from the British Resident (Zanzibar), 17 November 1936, para.4, No.59 on CO 323/1359/36/1763/9.

2. Minute by Paskin, 28 October 1937, CO 323/1429/37/1763/9A.

The minutes of the meeting did not record the opinions of individuals, but Flood's comments in response to Paskin's draft despatch to Zanzibar revealed his outspoken opposition to any attempt to override the opinion of the Resident and his Executive Council:

I think we ought to show some "guts" and say the thing doesn't apply to Zanzibar and if anyone cavils tell him to mind his own business. Apparently Mr. Buxton is willing so to do and for the love of Mike let us support him.¹

In the face of HMG's obligation to apply the Convention his stand stretched the defence of the views of 'the man of the spot' to the limit. Flood's contempt for Geneva blinded him to the untenability of his attitude:

The idea of a central office to enrol all hired clove pickers is just Geneva. It will do no good. As had been said in Zanzibar it is the employers who need protection.

In making this statement, he ignored the existence of an office run by the District Commissioner in Zanzibar to engage clove pickers. It was all 'utter moonshine' to Flood. In his opinion, 'any lady in Bayswater wishing to engage a "tweeny-maid" was "recruiting" far more'.² The kind of analogy indulged in by Flood on more than one occasion indicated a rather frightening lack of knowledge of African conditions as well as a very narrow conception of the African labour problem.

Flood's attitude to pressing Zanzibar, and earlier in defence of the Kenyan settlers, was illustrative of some very conservative

1. Minute by Flood, 30 October 1937, CO 323/1429/37/1763/9A.

2. Ibid.

thinking which had helped shape the permissive character of the Recruitment Convention. However, the Office could not support Zanzibar on a relatively minor issue when the stated policy of the SoS was to apply the Convention without modification. Flood remained tenacious to the end, changing one of Paskin's statements in the despatch from 'it would have to be admitted that there is "recruiting" of labour as defined in Article 2', to the less precise 'it might be argued, with some show of plausibility, that there is recruiting of labour as defined in Article 2.'¹

The fact that Flood did not receive overt support from other members demonstrated that there had been a shift in Office thinking regarding the UK position in relation to the international conventions. In contrast to the deliberations at the time of the Forced Labour Convention, the Office now recognised that labour matters were much more open to scrutiny. The international bodies could not be ignored. Flood still seemed unable to perceive either the restrictions or the commitment entailed in the UK membership of the ILO.

(iii) The West Indies

Unlike the Central African dependencies where one particular regulation presented a difficulty, the problem over application of the Recruitment Convention in the West Indies arose for constitutional reasons. The CO had not anticipated the Convention applying

1. Draft despatch to the Resident (Zanzibar), 6 November 1937, No.23 on CO 323/1429/37/1763/9A.

in that region, and the West Indian Department together with the Mediterranean Department had been excused attending the 1935 and 1936 CLC meetings.¹ In October 1937 the CLC accepted Hibbert's proposal that Geneva be notified that the Convention was inapplicable in a number of the West Indian dependencies, on the basis that no recruitment occurred there as defined in the Convention.²

After the meeting Farmer pointed to the numerous references in the Grey Report of regulations in the West Indies dealing with recruiting abroad.³ In view of the likely reaction from Geneva Hibbert agreed that the West Indies would have to apply the Convention and suggested that the Bahamas, along with Barbados, should be put into the reserve category since the Governors did not think the local legislatures would pass the necessary amending bills. As he explained to the Office:

We should look rather silly if we informed Geneva that the Conventions would be applied without modification to these two dependencies and then had to admit afterwards that it could not be, because the local legislature would not pass the necessary legislation.⁴

The CO knew from past experience that it would be very difficult to persuade certain of the elected West Indian legislatures to pass labour legislation.

1. Note by Paskin to Heads of Departments, C.L.C. (R.1), 15 March 1935, No.5 on CO 323/1319/35/1763/1.

2. CLC: 'International Convention concerning the regulation of certain special systems of recruiting workers,' September 1937, p.10, No.59 on CO 323/1359/36/1763/9.

3. Minute by Farmer, 25 October 1937. He referred to pp.12, 181, 194, 215, 230, and 272-275 in the Grey Report. CO 323/1429/37/1763/9C.

4. Minute by Hibbert, 26 October 1937, *ibid.*

Beckett (Head of the West Indian Department), regretting that Hibbert's 'inapplicable' solution had turned out to be inapplicable, reluctantly agreed to reservation. Along with the General Department he realised the suspicion which inapplicability invited, and the likelihood of probing questions from Geneva and Parliament over the evasion of obligations incurred by HMG under the Convention. However, he was consoled by the thought that

If any of them are refractory for so many years as to excite unfavourable comment from the ILO that will be a nuisance, but it will also provide a stick to beat them with.¹

This comment by Beckett was indicative of the more positive attitude in the Office to labour matters. Those members who wished to meet international obligations or who were keen to implement a more forward labour policy were ready to seek opportunities to 'lever' reluctant colonies towards an acceptance of HMG obligations and CO advice.

To help overcome opposition in the West Indies Hibbert asked the legal advisers to draw up a simple model ordinance. In reply British Honduras forwarded a draft bill but the Governor observed that there would be trouble getting it through the Legislative Council. He asked whether he should use his overriding powers to do so.² Although Poynton showed that the Governor did have the power under the British Honduras Constitution Ordinance (1935) to

1. Minute by Beckett, 30 October 1937, CO 323/1429/37/1763/9C.

2. Governor (British Honduras) to Ormsby Gore, 10 May 1938, No. 4 on CO 323/1541/38/1763/9C.

force a bill through the Legislature, the CO was loathe to sanction such an extreme measure.¹ The decision to allow matters to wait was justified when the bill passed the legislature later in the year.²

To add to the impasse, Sir Charles Dundas wrote to Parkinson (Permanent Under Secretary) arguing at length that the ILO Conventions did not really apply to the Bahamas.³ After being told firmly by Parkinson that the Recruiting Convention did apply,⁴ Dundas wrote again with an account of his problems in getting labour legislation through the Legislative Council. He said that a series of labour bills about to be presented would almost certainly be referred by the Legislative Council to a select committee which would then either never meet or never report.⁵ In a semi-official letter to Beckett (Head of West Indian Department) he gave his personal opinion that 'sooner or later power must be taken to apply International Conventions and the necessary implementing legislation by Order-in-Council or other such means'.⁶ Hibbert, commented that the Governor was about to be 'put up a tree' through the select committee game, and asked the Office to have some idea how to get him down again.⁷ It was at a loss to offer any easy solution.

1. Minute by Poynton, 30 June 1938, CO 323/1541/38/1763/9C.

2. Governor (British Honduras) to MacDonald, 28 October 1938, No.15, *ibid.*

3. Dundas to Parkinson, s/o, 18 June 1938, No.12 on CO 323/1541/38/1763/6A.

4. Parkinson to Dundas, s/o, 28 July 1938, No.13, *ibid.*

5. Dundas to Parkinson, s/o, 24 August 1938, No.14A, *ibid.*

6. Dundas to Beckett, 5 September 1938, No.33 on CO 318/431/38/71107 West Indies.

7. Minute by Hibbert, 25 October 1938, *ibid.*

Calder (Head of General Department) expressed the Office reluctance to initiate an immediate confrontation:

We can put by for the present, but if the Bahamas House of Assembly hang up the Bills in Select Committee, we shall have to consider the Governor's hint of effecting our purpose by other means.¹

Bushe, the Legal Adviser, drily observed that it would need a little thought.² 'Quite a bit',³ Moore added. The point of these latter remarks lay in Calder's failure to recognise the legal problem involved. The '3 B's' (Bahamas, Barbados, Bermuda) all possessed representative government and the Governor had no power to 'certify' a measure which the Legislature was unwilling to pass. The sole means of effecting a measure in the face of outright defiance would have been by an Act of the UK Parliament.⁴

The only course open to the CO was to continue to press the governors to introduce the necessary amending legislation. Fortunately for the CO that eventually proved effective, and the Barbados Legislature passed a bill early in 1939.⁵ When the Bahamas followed suit in 1940⁶ the CO was finally in a position to claim to have applied the Recruitment Convention to the dependencies without modification. Though its persistence on this occasion had been rewarded, the problem faced by the CO of getting labour legislation passed in the West Indies was by no means resolved.

1. Minute by Calder, 1 November 1938, CO 318/431/38/71107 West Indies.

2. Minute by Bushe, 7 November 1938, CO 323/1541/38/1763/6A.

3. Minute by Sir Henry Moore (Assistant Under Secretary), 8 November 1938, *ibid.*

4. CLAC.3. 'Note regarding the extent to which Colonial Legislatures are in a position to reject labour legislation sponsored by the local Government', No.3 on CO 888/2.

5. Telegram from Barbados, 30 December 1938, No.22A on CO 323/1541/38/1763/9C.

6. Governor (Bahamas) to Lord Lloyd, 24 August 1940, No.15 on CO

III

1936 - 1943 The Contract and Penal Sanctions Conventions

After the CENL Recommendations on contract labour (which included a section proposing the abolition of penal sanctions) became available in 1935 the ASAPS suggested that the CO take the initiative and press for the inclusion of long-term contracts on an early agenda at Geneva.¹ The CO was definitely opposed to that suggestion as it expected to be fully occupied with the Recruitment Convention and its application. In November the colonies were sent the CENL Recommendations and the ASAPS letter but only as information and as a strong hint to bring legislation into line with the enclosures.² Although the General Department hoped the question of contracts would stay in the background until 1938³ the CO came under attack in 1936 over the penal sanction provisions remaining in West Indian legislation.

Problems with penal sanctions

Although it became CO policy under Shiels in 1931 to abolish

859/27/40/12256/9C.

1. Sir John Harris (secretary, ASAPS) to MacDonald, 12 June 1935, No.5 on CO 323/1319/35/1763/6. The ASAPS based its letter on the summary of the CENL Recommendations printed in Industrial and Labour Information, Vol.L., No.8, 1934, pp.260-261. The ASAPS wanted the CENL Recommendations to be a preliminary text for an international convention, though they felt the proposals in some important aspects fell short of the measures which should be advocated at Geneva by a representative of the British Government.

2. Confidential circular despatch, 1 November 1935, No.30 on CO 323/1319/35/1763/6.

3. Paskin to Weaver, personal, 13 January 1936, No.39, *ibid.*

penal sanctions progressively, little progress had been made by 1936. The question of abolition in the West Indies had not been followed up after the unfavourable response to the May 1930 despatch calling for a reduction in the severity of the provisions in their masters and servants legislation. The CO had also accepted that the time was 'not ripe' in East Africa and the Western Pacific after those dependencies had responded unfavourably to the positive suggestions in CLC (10) enclosed in the 7 January 1932 despatch. Indeed, in East Africa as late as 1937, by increasing the penalties for harbouring, Kenya drew unwelcome attention at Geneva and in the House of Commons to practices with which the CO members themselves were becoming increasingly impatient.¹

Although the CO sensitivity to the problems of penal sanctions was increased by the CENL call for their abolition, it was only when Susan Lawrence (MP - Labour) returned in 1936 from a visit to the West Indies that Vernon was able to persuade the Office to press again for their abolition in that region. At a meeting in the CO, Susan Lawrence scathingly criticised the 'hopelessly out-of-date' Masters and Servants Ordinance in Antigua 'only made use of by scoundrels.'² Her visit precipitated Parliamentary questions in May³ over the continued existence of penal sanctions in Antigua.

1. Penalties for harbouring, which Calder regarded as reminiscent of slavery (10 December 1938, CO 323/1542/38/1763/12) were still extant in the legislation of twelve dependencies. (These included Northern Rhodesia, Tanganyika, Kenya, Uganda, Zanzibar, Mauritius, Seychelles, Fiji, North Borneo, and the South African High Commission Territories): If penal sanctions were slightly less reprehensible, K.O. Roberts-Wray (Assistant Legal Adviser) still considered them as a 'survival of slavery' (2 August 1938, CO 318/431/38/71107 West Indies).

2. Excerpt from notes on the meeting, nd, (the original on 71091/36 DUS) No.1 on CO 318/423/36/71107.

3. P.D., Commons, 20 May 1936, v.312, c1186.

Before these questions were asked Vernon had seized the opportunity, after a decision in the West Indian Department to leave the question on Antigua 'to sleep',¹ to pungently criticize the existing arrangements in the West Indies. Penal sanctions in the West Indies, he said, were

an inheritance from the period immediately following the abolition of slavery. They are absolutely out of date now; cannot possibly be justified by the British Government at Geneva, and I think it is time to tell the West Indies to get rid of them once and for all before the question of the terms of contracts of employment comes up for consideration before the International Labour Conference at Geneva.²

Whereas he had earlier been prepared to qualify his remarks on penal sanctions in East Africa he condemned them outright in the West Indies, not bothering to conceal his exasperation with the various pretexts found to postpone the introduction of the necessary amending legislation. With Geneva committed to a definite timetable Vernon knew sterner warnings were necessary if the CO were not to be placed in an indefensible position.

Finally, in June, after the questions in Parliament, Beckett (Head of West Indian Department) heeded Vernon's warning and agreed that a further despatch should go to the West Indies.³ Beckett's apparent slowness to bow to this combination of pressure came not from any disagreement with the justice of Vernon's remarks but from an appreciation of the futility of pressing upon the West Indies

1. Minute by Sidebotham, 21 April 1936, whose attitude was consistently one of leaving things as they were. CO 318/423/36/71107.
2. Minute by Vernon, 24 April 1936, *ibid.*
3. Minute by Beckett, 6 June 1936, *ibid.*

legislation which they had so far been unwilling to pass. In the confidential despatches of 4 August 1936 the colonies were informed that there was no justification for further delay.¹ The Leewards were told that the political reasons given for delay in 1933 were no longer acceptable and a bill which had been forwarded at the time was rejected because it still contained provision for penal sanctions.

The problem facing the CO over pressing desirable changes in labour legislation in the dependencies was revealed in the very first reply to the despatches. The Bermuda House of Assembly rejected the amending bill put forward in response to the despatch. The Governor advised against pressing the matter in order to save the executive embarrassment should the bill be refused a second time.² Then in December 1937, in answer to the despatch enclosing the Grey Report, Bermuda said that it had no penal sanctions to be abolished.³ Although Hibbert pointed out the actual instances,⁴ the West Indian Department advised leaving the matter as a number of other important labour issues were coming up.⁵

To the indignation of Beckett, Bermuda shortly afterwards forwarded the Apprenticeship Bonus Act containing a number of the ob-

1. Confidential despatches, 4 August 1936, No.s11-17, CO 318/423/36/71107. It did not go to Grenada who had abolished penal sanctions in response to the November 1935 despatch, and to Leewards who had been sent a confidential despatch on 30 June 1936, No.6, *ibid*.

2. Governor (Bermuda) to Ormsby Gore, confidential, 3 December 1936, No.1 on CO 318/426/37/71107.

3. Governor (Bermuda) to Ormsby Gore, confidential, 22 December 1937, No.1; and 22 March 1938, No.10 on CO 323/1541/38/1763/6A.

4. Minute by Hibbert, 20 January 1938, *ibid*.

5. Minute by Beckett, 11 February 1938, *ibid*.

jectionable penal sanctions which the CO was currently urging the dependencies to abolish.¹ Despite the provocation of this move, Sir Henry Moore (Assistant Under Secretary) believed further despatches would have little effect as far as the House of Assembly was concerned. Nor did he think that 'the Secretary of State would be prepared to press the "penal sanction" question to the length of a constitutional crisis in Bermuda, which is what our insistence might mean.'² Lord Dufferin (Parliamentary Under Secretary) expressed the exasperation and relative helplessness of the CO in the situation:

It cost Samuel Pepys 2/6 out of his own pocket to have his charity girl whipped for leaving his employment, but I see that Bermuda has progressed since then, and the state will now defray all the charges.

I don't really see why these people shd rely on our cruisers for their security & our tariffs for their prosperity, and yet ignore our very reasonable requests in this way. But when we strike, it must obviously be decisively, & I suppose this should simply be put on record, against the day of reckoning.³

As has already been seen in connection with the application of the Recruitment Convention, Bermuda's intransigence was not an isolated instance. Sir Charles Dundas (Bahamas) and Sir Alan Burns (British Honduras) felt as frustrated as the CO over the problem of enacting labour legislation. In addition to the difficulty over the Recruitment Convention the Governor in the British Honduras

1. Governor (Bermuda) to Ormsby Gore, 2 December 1937, No.1 on CO 37/285/37/67669 Bermuda.

2. Minute by Moore, 30 March 1938, *ibid.*

3. Minute by Dufferin, 2 April 1938, *ibid.*

faced stiff opposition to his bill to remove penal sanctions from the Masters and Servants Ordinance.¹ A series of minutes in August 1938 indicated considerable support in the General and West Indian Departments for the Governor in his request to use his reserve power to force the bill through. Only Orde Browne's suggestion that they wait until he had visited the colony appeared to stay the hand of the CO at this time.²

The refractory West Indies legislatures were a warning, if that were necessary, of the futility of trying to push the colonies faster than they were prepared to go. Whatever CO policy might be there would be no point in supporting a convention with which the colonies did not basically agree. Apart from the known problem in the West Indies the CO recognised that the East African colonies were likely to be recalcitrant as well.³ Such difficulties tempered the approach of the CO to the proposed convention on long-term contracts.

The Contract Convention

The CO expressed itself satisfied with the ILO Grey Report on

1. Governor (British Honduras) to MacDonald, confidential, 27 May 1938, No.13 on CO 318/431/38/71107: Burns forwarded an Editorial from the Daily Clarion of 15 August 1938, which strongly opposed the suggested removal of penal sanctions in the case of employees who failed to fulfil obligations incurred when accepting an advance in wages in the mahogany trade. Confidential despatch, 17 August 1938, No.25, *ibid*.

2. Minute by Orde Browne, 5 August 1938, *ibid*: After Orde Browne visited the West Indies the CO accepted the recommendations in his Report advocating the abolition of all penal sanctions except those relating to the advance of money to men to be employed in the seasonal and highly important mahogany trade. See 'Major Orde Browne's Report: British Honduras', 24 November 1938, para.s 35-39, No.3 on CO 318/437/39/71107/1.

3. Minute by Beckett, 16 March 1938, CO 37/285/37/67669.

the Regulation of Contracts of Employment of Indigenous Workers which arrived in November 1937.¹ Hibbert let it be known that most indigenous workers in the dependencies would not be affected as they were employed on short-term oral contracts of 30 days or so. He did not expect that the section calling for the phasing out of penal sanctions would rouse strong opposition except in East Africa.² Predictably, Flood raised objections on behalf of Kenya over the question of limiting the length of the written contract and the proposed elimination of penal sanctions. However, he resignedly supposed it would be impossible to alter the provisions at that late stage.³

At the meeting of the CLC, convened in May 1938 to decide on the brief for the CO delegates at Geneva, the members began by proposing to divide the projected convention on contracts into two. Their argument that separation would prevent any undue delay in adopting a convention on written contracts, if penal sanctions proved difficult, was accepted by the 1938 ILConference.⁴ As expected, once separated, a Convention concerning the regulation of written contracts for indigenous workers posed few problems.

Although the CLC suggested a number of amendments to the written contract provisions it was generally in agreement with the principles laid down. It accepted the proposed length of the contract;

1. Hibbert to W. Benson (ILO), 4 November 1937, 'Opinion here is that generally speaking the position has been fairly and comprehensively stated.' No.21 on CO 323/1428/37/1763/6.

2. Minute by Hibbert, 21 October 1937, *ibid.*

3. Minute by Flood, 26 October 1937, *ibid.*

4. 'Report by Colonial Office members of the United Kingdom Delegation, twenty-fourth session, International Labour Conference', para.5. Enclosure to confidential circular despatch, 23 August 1938, No.21 on CO 323/1542/38/1763/11, Part I.

the particulars to be included in the contract;¹ the fact that a contract had to be attested before a public officer; that the worker should have the right to decide on whether or not to accept free repatriation; and that there should be a contract on re-engagement. It proposed that medical examination should be a matter for local regulation and though it agreed in principle with the worker returning home for a period after a contract this was weakened by the proviso of 'wherever practical and necessary'. It opposed the proposal which the ILO had included in the Grey Report, at the behest of the ASAPS, preventing women from signing contracts unless accompanied by their husbands. Hong Kong and Zanzibar were particularly opposed to the proposal, as were a number of women's organisations in the UK.²

The CLC continued to support the principle that the cost of travel expenses should be borne by the employer, as had been written into the contentious Article 20 of the Recruiting Convention. At the 1938 ILConference the South African representatives remained strongly opposed. They made it clear that their Government would not ratify any Convention which retained such a provision.³ As Vernon had done

1. For proposed contents of the contract document see the Grey Report, p.206.

2. Minutes of 25th and 26th CLC meetings, 12 and 13 May 1938, No. 1 on CO 323/1536/38/1751/1.

3. H.C. Wellbeloved (South African Employers' Adviser) said that if the ratification of any future Convention was desired that an account of South Africa's position was necessary. ILConference, 24th Session 1938, Committee on Indigenous Workers' Contracts, C.C.T./P.Y.7/8 June 1938 (afternoon), p.VI/2: The next day B.J. Martin (South African Government representative) said his Government would probably approve the Convention if the proviso permitting a permissive exception were to be included. C.C.T./P.V.7/9 June 1938 (morning), p. VII/4.

at the 1936 ILConference, Calder supported the South African case for a permissive exception to the payment of travelling expenses where the competent authority (the Government) was satisfied that the wage rates included an adequate allowance for the worker to pay his own travel expenses.¹ It was pointed out in the Conference Committee that the position of South Africa as a state member of the ILO prevented her from making modifications when applying a convention.² For that reason the full Conference accepted the permissive exception and it was retained in the Convention of 1939.³ While UK policy may have been consistent in supporting the South African case, it placed the CO in the peculiar position of advocating one policy in its own territories while supporting the opposite policy in South Africa.⁴

Orde Browne particularly regretted the changed provision. He had recommended lifting the ban on South Africa recruiting north of the twenty-second parallel after the SoS had won the case from the Chamber of Mines in the Transvaal in 1938 for the payment by the employers of travel costs of recruited workers. Immediately the provision was reversed by the 1938 ILConference, the South Afri-

1. Calder drew attention to p.163 of the Grey Report which suggested Governments might be consulted on an exception of this nature (C.C.T./P.V.6/8 June 1938 (afternoon), p.VI/3) and suggested a question be put on these lines. C.C.T./P.V.6/8 June 1938 (afternoon) p. VI/4.

2. The representative of the General Secretary of the ILO drew attention to South Africa's position. C.C.T./P.V.6/9 June 1938 (morning), p. VII/6.

3. The permissive exception became Article 14 (d(i),(ii)): See Cmd 6141, Draft Convention [No.64] Concerning the Regulation of Written Contracts of Employment of Indigenous Workers p.20.

4. Calder said the British Government attached the greatest importance to free repatriation and expressed the opinion that few British territories would take advantage of the permissive exception. C.C.T./P.V.7/9 June 1938 (morning), p. VII/6.

can Chamber of Mines approached first Nyasaland then Northern Rhodesia to arrange terms of recruitment which did not include the payment of travel expenses. Orde Browne wrote:

This seems most unfortunate for the point is one of great importance to the natives concerned, and the need for the labour from the North is so great that the Chamber of Mines would, I feel sure, be prepared to fall in with such a provision, were they faced with no alternative.¹

No really serious differences of principle existed between the ILO (and CENL), the CO, and the colonial governments in regard to the proposed provisions for the draft Convention on Written Contracts. Few changes were made in the draft Contract Convention either at the 1938 or the 1939 ILConferences. In so far as the CO was concerned, the proposed Convention catered for the needs and diversity of the UK dependencies and contained the permissive safeguards on those issues likely to arouse opposition in individual colonies.²

The Convention on Written Contracts proved to be less controversial than the Recruiting Convention since written contracts (once penal sanctions became a separate issue) were seen as serving a useful purpose. Indeed the ILO accepted that it would be inexpedient to do away with contracts completely,³ because of the protec-

1. Note by Orde Browne, 9 September 1940, CO 859/27/40/12256/11L.

2. Minute by Calder, 23 June 1938, 'We carried all the amendments we proposed except the small one on point 29.' CO 323/1542/38/1763/11, Part 1: C.J. Jeffries to Sir F. Leggett, 15 April 1942. In this letter drafted by Hibbert, he referred to the Contract Convention and mentioned that the ILO draughtsmen clearly recognised the diversity of the Empire and that it could not be treated as a single unit. No.14 on CO 859/52/42/12256/11.

3. ILO. International Labour Conference, 24th Session, Regulation of Contracts of Employment of Indigenous Workers (Grey Report), Geneva, 1937, p.7.

tion they afforded the worker, though it did not go as far as Orde Browne who saw in them the basis for collective bargaining by the African native.¹ The ILO aimed to regulate the contract system by means of international agreement. It was concerned to remove the more onerous conditions and to make the contract a much more reciprocal agreement between employer and worker. The essential task had been one of balancing the rights of the worker to freedom and social justice against the need of the employer for a regular and disciplined work force.

The Penal Sanctions Convention

The section covering penal sanctions in the 1935 CENL Recommendations and the 1937 ILO Grey Report were written after due consideration had been given by Lugard and Weaver to the British colonial governments' observations on the August 1930 despatch as well as to the recommendations in CLC (10). Weaver admitted that these documents sent to him in 1932 by the CO, had helped him to 'steer' the CENL on the penal sanctions issue.² Given this background it was not surprising that the CLC in 1938 and 1939 felt obliged to recommend that breaches of contract should, where practicable, be dealt with by special jurisdiction and procedure as a transitional means to eventually placing them under civil process. As their own

1. Major G. St. J. Orde Browne, The African Labourer, International Institute of African Languages and Culture, 1933, pp.73-75.

2. Minute by Paskin, 19 December 1935, CO 323/1319/35/1763/7.

recommendations in 1931 proposed that breaches of contract should no longer be treated as criminal offences, the CLC could hardly have been opposed despite the strong objection of the East African Governments to eliminating penal sanctions.

On the other hand the CLC felt constrained by the replies of the colonial governments to press for the permissive formula of progressively eliminating penal sanctions but only 'as soon as feasible'. The Committee explained that it would be impossible to abolish them immediately 'in view of the various stages of development of indigenous populations in the different countries'.¹ More to the point, the CO had found it impossible to persuade certain colonies to abolish penal sanctions even when the stage of development might be judged as advanced. It also had little choice other than to oppose the suggested proposals for the removal of penal sanctions in re-engagement contracts and for their elimination from a gradually increasing percentage of new contracts.

Despite the strong opposition at the 1938 ILConference from the South African Government and employer groups, and the reluctance of the other colonial powers for a convention on penal sanctions no changes of substance occurred in the points as they had first appeared in the Grey Report. On his return from the Conference Hibbert drafted a despatch to apprise the dependencies of the unchanged penal sanction provisions, and included paragraph 5 exclu-

1. 'Reply of His Majesty's Government in the United Kingdom to the questionnaire in the International Labour Office "Red Report" on the subject of the Regulations of Contracts of Employment of Indigenous Workers', 23 December 1938, p.22, No.49 on CO 323/1542/38/1763/11, Part II.

sively for the East and Central African territories, asking them if they were prepared to modify their opposition to the 7 January 1932 despatch and CLC (10).¹

The General Department was sufficiently concerned over the problem of penal sanctions in East Africa to call a special CLC meeting on 29 July 1938. When it ended inconclusively Hibbert set out the various and conflicting considerations to be kept in mind, particularly in providing a lead to East Africa. The lack of progress in East Africa contrasted unfavourably with the abolition of penal sanctions from 'several important foreign countries having colonial possessions', the British West African colonies and India. The situation invited increasing criticism of the CO 'by informed or uninformed opinions in Parliament and elsewhere'.² In spite of Orde Browne's memorandum attached to CLC (36)³ supporting the retention of penal sanctions, Hibbert expressed his growing respect for the principles incorporated in CLC (10) to bring breaches of contract under civil law. He thought the CO should endeavour to 'obtain the maxima of concessions from the East Africa governments'.

The only objection to Hibbert's draft despatch came from Orde Browne who still thought penal sanctions useful. He saw the CO commitment to their abolition as a result of pressure from Geneva

1. Confidential despatch, 2 July 1938, No.1 on CO 885/89.
2. Minute by Hibbert, 30 July 1938, CO 323/1542/38/1763/11.
3. CLC (36), 'Regulation of Contracts of Employment of Indigenous Workers', 26 July 1938 which also contained a memorandum by Orde Browne, 'Certain Aspects of Penal Sanctions', No.36 on CO 888/1.

and considered that an inadequate reason.¹ As Paskin (East Africa Department), Dawe (Head of East Africa Department) and Acheson (Head of Pacific and Mediterranean Department) raised no objections, the despatch went out in August 1938, giving a very strong lead for definite action. It asked the territories other than East Africa and the Western Pacific to eliminate or reduce penal sanctions to an absolute minimum immediately. While the despatch acknowledged the primitive nature of the indigenous communities in East Africa and the Western Pacific it stressed that it was difficult to justify the continuation of penal sanctions when they had been abolished in areas with similar problems including the whole of West Africa. The final paragraphs referred to the minor nature of certain of the breaches of contract in the ILO Red Report and the governments were asked whether they agreed that 'these breaches, at the least, should not be treated as "penal" offences, but as affording valid grounds for dismissal.'²

The response to the very strong lead given by the CO to reduce, if not eliminate, penal sanctions proved disappointing. That was particularly the case in East Africa, over which the CO expressed most concern. Kenya, along with the Solomon Islands, did not even support the proposal to eliminate penal sanctions progressively. While Uganda and Nyasaland,³ Fiji and the Western Pacific were pre-

1. Minute by Orde Browne, 5 August 1938, CO 323/1542/38/1763/11.

2. Circular despatch, 23 August 1938, para.8, No.2 on CO 885/89.

3. Nyasaland was prepared to abolish 'lack of diligence' as a breach of contract.

pared to see them progressively eliminated, none accepted the CO proposal to treat certain breaches as cases for dismissal and not as criminal acts. The table next page shows the extent to which the dependencies that had not abolished penal sanctions were prepared to fall into line.¹

The CO received some encouragement from the apparent readiness of the Bahamas to meet the CO demand, though it remained doubtful if the Governor could convince his House of Assembly to comply. Zanzibar and Tanganyika along with Northern Rhodesia were prepared to eliminate some breaches of contract, but not all as requested. As Green had predicted in 1931, given a stronger lead, Tanganyika, and in this case Northern Rhodesia, were likely to take a more enlightened attitude.² Because the opportunity to apply pressure had not been taken then, seven years had elapsed before a breakthrough could be made.

The activity at Geneva and the two circular despatches in 1938 brought pressure to bear with some result. But the advance had not been sufficient to achieve the declared policy of the CO to bring about abolition of penal sanctions in the Empire. After the

1. Barbados (1938), Leewards (1938) and Windwards (1939) had abolished penal sanctions. Trinidad (1939) and Jamaica (1940) were promising to do so, while Bermuda did not admit to having any.

2. Green had minuted, 18 April 1931, 'In fact the whole question turns on the extent to which we are prepared to deal with Kenya. Tanganyika white opinion will, I am sure, go as far or further than Kenya if pushed. And I do not believe that there would be any real difficulty in getting drunkenness, disobedience and failure to report dealt with on a civil basis by summary process in Tanganyika if neighbouring territories were to be brought into line.' CO 691/117/31/30082A. Tanganyika.

Table 4: to show the extent to which colonies were prepared to abolish immediately from their Masters and Servants Legislation the 6 breaches of contract listed in the Red Report of 1938: From replies to the confidential circular despatch of 23 August 1938¹

(x willing to abolish immediately).

	a	b	c	d	e	f
Bahamas	x	x	x	x	x	x
British Honduras	x	x	x		x	x
Northern Rhodesia		x	x		x	x
Somaliland		x	x		x	x
Zanzibar			x		x	x (i)
Tanganyika			x		x	x (ii)
British Guiana					x	x (iii)
Nyasaland						x (iv)
Uganda	} do support progressively & as soon as possible.					
Southern Rhodesia						
Fiji						
Western Pacific						
Kenya	} do not support progressively & as soon as possible.					
Solomons						
T.U.C. opinion	x	x	x	x	x	x

- (i) as soon as civil procedure simplified
(ii) c,e,f, as long as dismissal permissible - all eventually
(iii) a-d to a minimum
(iv) a-e progressively and as soon as possible.

The 6 breaches of contract were:-

- a) refusing or failing to commence the service stipulated in the contract
b) refusing or failing to perform the service stipulated in the contract
c) absenting himself without valid reason or without permission
d) deserting
e) neglect of duty
f) lack of diligence

1. CLC (37), 'Regulation of Contracts of Employment of Indigenous Workers. Memorandum summarizing the replies received from Colonial Governments to the fifty-seven questions submitted by the International Labour Office in the "Red Report" on the above subject', General Division, Colonial Office, 28 November 1938, No.46 on CO 323/1542/38 1763/11, Part II.

experience in East Africa and the West Indies, the CO was bound to be very cautious over any commitment which did not give it considerable leeway in time. There had been some shift in opinion in Tanganyika and Northern Rhodesia. But there must have seemed, even so, a distressingly large 'hard' core who looked to the future rather than to the present for the elimination of penal sanctions.

Dufferin told the CLC meeting in December 1938 that after reviewing the replies from the colonial governments, MacDonald had concluded that HMG should assent to a Convention on Penal Sanctions. However, he added:

Our spokesman at the International Labour Conference should make it quite clear that such sanctions could not be abolished immediately in the Colonial Empire, and could not be eliminated for a considerable time in the African Dependencies.¹

To have agreed to any earlier timetable would have meant running headlong into colonial opposition. The CO faced a difficult task if the 1939 ILConference continued to insist on the early abolition of penal sanctions. Although the SoS appeared to have taken a very cautious line it seemed less so when compared with the Belgian, French, and South African Governments who were opposed to any convention at all. These Governments had not been able to make any effective changes at the ILConference in 1938, but they decisively influenced the draft Convention subsequently drawn up by the ILO

1. Minute by Farmer, 21 December 1938, CO 323/1542/38/1763/11, Part II.

and published in the 1939 Blue Report.¹

The arrival in April 1939 of the Blue Report containing the observations of the metropolitan governments, together with the proposed draft Conventions, dispelled most doubts about whether the British Government would be in a position to apply the Convention on Penal Sanctions. Hibbert wrote:

The "Blue Report" recently issued by the I.L.O. shows that the somewhat ambitious proposals of the I.L.O. for an International Convention relating to penal sanctions have been boiled down to a mere skeleton, owing to the adverse comments made by several important Governments.²

There were now only two Articles of substance: the first amalgamated the original six listed breaches of contract and these were to be abolished 'progressively and as soon as possible'; the second made the abolition of penal sanctions for non-adults obligatory.³ Even so the 1939 ILConference Committee at Geneva agreed to adopt these minimum proposals only after G.L.M. Clauson (Head of the Social Services Department) pointed out that the draft Convention, as set out in the Blue Report, steered a middle course between those who totally opposed any Convention and those who wanted much

1. ILO, ILConference, 25th Session, Regulation of Contracts of Employment of Indigenous Workers (Blue Report), Geneva, 1939, pp. 74-76: The Governments were able to influence the ILO drafting of the proposed Convention through their very negative observations on the provisions which had been adopted by the 1938 ILConference. The ILO had to be guided by these observations when drawing up the Convention if there was to be any hope of the colonial powers eventually ratifying it.

2. Minute by Hibbert, 18 May 1939, CO 859/9/39/1755/1.

3. Blue Report, Article 2(1), p.118.

more in the draft.¹

The 1939 ILConference eventually adopted the much truncated Convention. Those who ratified it incurred minimal obligations - a moral commitment rather than an obligation to immediately repeal existing practices. Even Kenya had little difficulty in making the token gesture to fall within the category of progressively abolishing penal sanctions. Nonetheless, the CO had to face some stiff opposition over application of the Convention on Penal Sanctions.

Applying the Conventions

On receipt of the two Conventions from Geneva, the CO informed the colonial governments in August 1939 that the SoS was of the opinion that application without modification should not cause serious difficulties in any part of the Empire.² The despatch spelt out yet again the CO anxiety to see penal sanctions eliminated or, where that was not practicable, reduced to an absolute minimum. In ten years the CO had made slow progress toward the abolition of penal sanctions. Nor did the Convention on Penal Sanctions promise to bring about any real change in the situation since to claim 'progressively' was only a gesture and any substantive elimination

1. 'Report by the Colonial Office members of the United Kingdom delegation to the International Labour Conference, 25th Session, June 1939' (G.L.M. Clauson, G. St. J. Orde Browne, F. Farmer), p.3, para.10, in 'The Regulation of Contracts of Employment of Indigenous Workers', Confidential Print, Miscellaneous No.502 (Misc.502), CO 885/99.

2. Confidential circular despatch, 28 August 1939, No.46 on CO 859/10/39/1763/11, Part II.

could be left under the umbrella term 'as soon as possible'.

The advent of the Second World War seemed to make the CO intention of early ratification a matter of academic interest only.¹ While the future of the ILO and the League of Nations remained uncertain many in the CO considered the ILO conventions to be incidental during wartime.²

By July 1940 Hibbert could note with satisfaction the progress made by the dependencies in agreeing to apply the Conventions without modifications. Only Zanzibar in East Africa,³ and the Bahamas, Bermuda and British Guiana⁴ had not agreed to abolish penal sanctions progressively and as soon as possible. Barbados had abolished penal sanctions but refused to apply the Contract Convention. Although Hibbert doubted whether the League of Nations would continue to function, he expressed the opinion that HMG had a moral obligation to bring the provisions of the Conventions into effect. He believed the sanctity of international undertakings operated not only in the wider sphere but also in this more restricted matter.⁵

1. Minute by Hibbert, 4 July 1940, CO 859/10/39/1763/11H.

2. However a further confidential circular despatch, 5 January 1940, which enclosed Cmd 6141, included a reminder to those dependencies who had been slow in replying to the circular despatch, No.71 on CO 859/10/39/1763/11, Part II.

3. Minute by Hibbert, 1 July 1940, CO 859/10/39/1763/11K.

4. Minute by Hibbert, 4 July 1940, CO 859/10/39/1763/11H.

5. Memorandum by Hibbert, 'I.L. Conventions concerning penal sanctions for breaches of contract of employment by indigenous workers and its application to Zanzibar', 17 July 1940, No.13 on CO 859/10/39/1763/11K.

(i) Zanzibar

When Hibbert brought up for consideration in 1940 the decision of Zanzibar not to apply the Penal Sanctions Convention the resulting discussion revealed among the permanent officials an overwhelming consensus to do nothing. Zanzibar wanted to retain penal sanctions in the contracts of the clove pickers, the major occupation in the Residency, but was willing to abolish them in every other case. Hibbert argued that, as HMG had pushed for limiting the repeal of penal sanctions to 'progressively and as soon as possible', Zanzibar should be induced to comply at least as far as the obligatory abolition of penal sanctions for non-adult workers in all occupations.¹ Boyd (Head of the Tanganyika and Somaliland Department) agreed with Paskin in opposing Hibbert's proposal to press Zanzibar to come into line with the other East African territories. They suggested that the Resident might think the SoS had lost his sense of proportion and were certain that 'the man in the street' would not countenance preoccupation with such matters in wartime. Shuckburgh (Deputy Under Secretary) did not think a busy Resident should be bothered at such a time.³ Dawe (Assistant Under Secretary) readily agreed that it should go 'into cold storage' for a few months⁴ and while no other evidence exists it seems the strong opposition

1. Memorandum by Hibbert, 'I.L. Conventions ... application to Zanzibar', 17 July 1940, No.13 on CO 859/10/39/1763/11K.

2. Minute by Paskin, 3 July 1940, *ibid.*

3. Minute by Shuckburgh, 20 July 1940, *ibid.*

4. Minute by Dawe, 22 July 1940, *ibid.*

may have been directed more at Hibbert than the issue. Finally, Parkinson (Permanent Under Secretary) approved no action unless it were deemed necessary for political reasons.¹

Despite the line-up against Hibbert's proposal,² Hall (Parliamentary Under Secretary) accepted that Zanzibar should at least go as far as Kenya and abolish penal sanctions for juveniles in all occupations. That would clear the way as far as East Africa was concerned for ratification to go ahead.

A number of factors contributed to the absence of any immediate move to ratify, although both the MoL and the SoS had indicated in replies to Parliament that ratification would be expedited as soon as possible. Among the reasons given at a later date, Hibbert mentioned the fall of France and the uncertainty over the immediate continuance of the ILO.³ During this time the Office was also involved with other labour questions which must have absorbed a great deal of time and which took precedence once the bulk of the colonies had agreed to application of the Conventions. There were, too, a few loose ends in the case of the West Indies, which the CO knew to be practically unsolvable without a major confrontation.

The Zanzibar incident showed once again that the Office was over-solicitous of the opinion of 'the man on the spot.' Quite

1. Minute by Parkinson, 29 July 1940, CO 859/10/39/1763/11K.

2. On this occasion, Orde Browne weighed in on the side of removing archaic legislation in favour of organising clove picking on modern lines which suggests Hibbert did indeed have a sound point of view, 5 July 1940, *ibid.*

3. Minute by Hibbert, 15 September 1941, CO 859/59/1941-42/12281.

apart from ignoring questionable labour practices, the Office had been persuaded that the added wartime pressure on the Resident justified disregarding an international commitment. Unlike Hibbert, a number of the permanent officials appeared curiously blind to the moral obligations incurred as the trustees of dependent peoples and as members of the ILO. It could be argued that Hibbert was better placed than those in the geographical departments to appreciate the significance of international opinion. But it may be noted that Paskin had spent many years dealing with the ILO and he opposed 'bothering' the Zanzibar Resident. Among those in higher authority Dawe, Shuckburgh and Parkinson had been associated with the labour question for many years and Shuckburgh had headed the CLC which had been responsible for formulating the CO policy over the ILO conventions. While not participating to quite the same degree in the events concerned with the labour question, these men were open to the same influences as Hibbert. However, their interpretation of the situation was often at variance with his.

Enough evidence exists in these minutes on Zanzibar alone to suggest that Hibbert's determination arose from a genuine conviction and not merely from doing a job. The fact that Zanzibar fell quickly enough into place demonstrated that his expectations were not unreasonably based. Far from being an impractical or radical idealist, Hibbert was in accord at least with his Parliamentary Under Secretary and SoS, who acted on his advice, and with Ernest Beyin (MoL) who wanted ratification without any reservations. Rather, it would seem the Office continued to be slow to move on labour matters and individuals warranted the criticism Hibbert

heaped upon their heads on more than one occasion.

(ii) Ratification and the West Indies

The move to ratify came as an indirect result of the ILO decision to hold a meeting in May 1942 in New York. When the ASAPS learned of this in September 1941 they asked the CO to assure the colonial workers that they would share 'in plans for social justice after the final destruction of the Nazis', and among other specific requests they called for early ratification of the Conventions.¹ Although no evidence is to be seen in the CO documents, the British Government was anxious over the negative attitude in the United States towards the British Empire.² This may have played some part in the concern over the contents of the ASAPS letter, since initially the CO had said that it had no interest in the ILO meeting. In response to the ASAPS demand for ratification Hibbert said that no reason existed for further delay and he intimated to the MoL that they could go ahead and announce at the ILO that HMG would comply.³ This became public knowledge when Lord Moyne (SoS 1941-42) spoke of early ratification in the House of Lords in November 1941.⁴

1. C.W.W. Greenidge (secretary, ASAPS) to the Under Secretary of State, 2 September 1941, No.15 on CO 859/59/1941-42/12281.

2. Towards the end of 1942 the Cabinet became involved in formulating a strategy to try to overcome the hostility to the British Empire believed to exist in the United States. See 'Declaration of Colonial Policy', CAB 123/239/178 and CAB 66/33 (D.P. (43) 9).

3. Hibbert to Sir F. Leggett, 19 September 1941, No.18 on CO 859/59/1941-42/12281.

4. P.D., Lords, 26 November 1941, v.121, c.132.

In December the CLC (at its thirty-first and last meeting) adopted Hibbert's memo CLC(40) classifying the territories for purposes of ratifying the Conventions.¹ This included the reservation of four of the West Indian dependencies, Bahamas, Barbados, Bermuda, and British Guiana. The Legislatures in these dependencies refused to amend their legislation to conform with the Conventions in spite of HMG's wish to ratify the Conventions without reservation or modification.

Early in 1942 Harold Macmillan (Parliamentary Under Secretary 1942-43) commented on the activity of the CLC, and of Hibbert's involvement in sorting out the position preceding ratification, as unreal in the existing world situation - if for no other reason than that the Conventions 'might prove hampering in war conditions.'² Hibbert, apparently never fearful of speaking his mind, and as one whose vision of the future ranged further than most associated with labour matters in the Office, argued strongly against putting the matter aside. He conceded that it did seem a bit unreal at that particular moment, but pointed out that the ILO would be far from unreal at the end of the war when it would be 'a great force in reshaping standards of life and conditions of employment throughout the world.'³ He was in strong agreement with Sir Charles Dundas

1. CLC(40). 'Application to the Colonial Dependencies of the International Labour Conventions concerning (a) the Regulation of Written Contracts of Employment of Indigenous Workers (b) Penal Sanctions for Breaches of Contract of Employment of Indigenous Workers' (Conventions No. 64 and No. 65), November 1941, No.40 on CO 888/1.

2. Minute by Macmillan, 24 February 1942, CO 859/52/42/12256/11.

3. Minute by Hibbert, 27 March 1942, *ibid.*

(Governor, Uganda) who argued that the war gave no excuse for delay in getting rid of the 'outmoded and objectionable' penal sanctions.

Dundas wrote:

It is poor policy to delay progress until it is demanded and in my opinion the time has come when we must be careful to avoid the impression that in these matters the dominant consideration is the advantage and convenience of the employer.¹

On Dundas's observation Hibbert commented:

I should like to see these views circulated to every single Governor in the Colonial Empire, and I should be perfectly prepared to volunteer to defray the expenses of having several illuminated copies made and framed, - one to be hung in the Nairobi Legislative Council Chamber and one or two to be placed on certain large desks.²

Over the issue of penal sanctions in Uganda he vilified 'the awful oafish attitude' adopted by one section of the community over any proposals made for the benefit of those regarded as 'an inferior class'.³

In Hibbert's opinion the labour question could not be left until 'the appallingly difficult period that[would] follow upon the end of the war'.⁴ He emphasized the good impression that would ensue politically from the premier colonial power ratifying first as it had done with the previous colonial conventions. Parkinson, in a minute to

1. Governor (Uganda) to Lord Moyne, confidential, 12 December, 1941, No.53 on CO 859/52/41/12256/11C. Dundas went on to say, 'I think that advance made in Uganda should be helpful rather than embarrassing to other East African territories as setting a precedent and dispelling, one may hope, mistaken notions of the injurious effects of more liberal practices.'

2. Minute by Hibbert, 4 February 1942, *ibid.*

3. Minute by Hibbert, 29 August 1942, CO 859/52/42/12256/11C.

4. Minute by Hibbert, 26 February 1941, CO 859/52/42/12256/11.

Macmillan, agreed with Hibbert that they had little option. He expressed regret that the whole thing had not been better explained on Macmillan's arrival. Macmillan could only comment, 'I see.'¹

Although the CLC had agreed to ratification of the Convention, the CO came under pressure from Bevin (MoL) over the reservation of the four West Indian dependencies and the Recommendation[No.58] originally proposed by the British Worker Delegate (W. McGregor Ross), to grant a weeks holiday with full pay on the completion of contracts of over one year.² The Office bowed to his argument that the UK had an obligation to ratify the Recommendation, but explained that it was not possible to dictate to the four West Indian dependencies.

Bevin consulted with Cranborne (SoS 1942) and C.R. Attlee (SoS - Dominion Affairs) over constitutional reform in the West Indies (the CO suspected the inspiration for this had come from Creech Jones) and the extent to which the dependencies came under the control exercised by the SoS and the UK Parliament.³ To please Bevin the CO agreed to send out telegrams to the four 'hard cases'.⁴ It

1. Whatever he meant he 'saw', in February after reading minutes concerning future relationships with the ILO and the future membership of the Colonial Office Labour Advisory Committee, Macmillan left no doubt of his impatience with these particular labour matters, when he minuted, 'I have read this. Oh dear! Oh dear! Do let us also try to win this war.' CO 859/59/1941-42/12281.

2. Cmd 6141, p.26. 'Recommendation[No.58] concerning the maximum length of Written Contracts of Employment of Indigenous Workers', Article 4.

3. Minute by Hibbert, 9 June 1942, CO 859/52/42/12256/11: The idea of a wider franchise with a view to making the Legislatures more responsive over labour matters had been mooted by Shiels twelve years previously at the 1930 CO Conference. See Cmd 3628, p.99.

4. Confidential telegrams, 20 June 1942, No.s 18-21, CO 859/52/42/12256/11.

believed he would be satisfied when British Guiana agreed to pass the necessary amending legislation to make it possible to apply the Penal Sanctions Convention without modification.

In January 1943, despite the war, the UK sent forward its ratification of the Contract and of the Penal Sanctions Conventions, with reservations, to the Secretary General of the League of Nations.

Conclusion

Strong pressure existed during the twenties for the League of Nations and the ILO to bring to an end all forms of compulsion to labour. The League's Anti-Slavery Convention of 1926 and the ILO Forced Labour Convention in 1930 were the first steps towards accomplishing that objective. In 1929 the ILConference adopted a resolution calling for the subject of long-term contracts (which later divided into separate conventions dealing with recruitment, with written contracts, and with penal sanctions) to be placed on an early agenda. Although the Office had not actively responded to previous ILConference resolutions, the Colonial Labour Committee which Shiels set up in 1931 to deal with a review of colonial labour legislation, came to grips with two of the aspects under consideration in Geneva - recruitment and penal sanctions.

The CLC in 1931 did not formulate any substantial conclusions on recruitment but spent a considerable proportion of its time formulating a policy directed towards the elimination of breaches of contract as criminal offences. The poor quality of much of the colonial legislation dealing with breaches of contract particularly aroused Shiels' concern, and threatened to be a major problem in any

future convention dealing with contract labour.

Before sustained pressure could be brought to bear on colonial governments to bring legislation into line with the CLC recommendations on penal sanctions, a change of Government in the UK brought a reversion to the earlier CO attitude of leaving decisions over labour matters in the hands of the local administrations in each territory. Only the West African territories had agreed that 'the time was ripe' to abolish penal sanctions. The West Indies, the Western Pacific, and East Africa opposed repealing or making any modifications in the existing legislation dealing with the matter. Under Cunliffe-Lister the Office made no further move over the question of long-term contracts and did not press the dependencies to come into line with the CO policy of abolishing penal sanctions. The only exception was the initiative taken by Vernon in 1933 to send out a memorandum outlining the persistent pressure at the ILConferences to bring long-term contracts onto the Agenda and which persuaded one dependency, Grenada, to abolish penal sanctions.

When recruitment, the first section of long-term contracts, came on to the Agenda at Geneva in 1935 and 1936, the CO aimed to ensure that the provisions in the Convention were acceptable to the colonies. It did so again in 1938 and 1939 with the Conventions on Written Contracts and on Penal Sanctions. In essence that meant preserving the status quo. Therefore the CO strove to make the various provisions in the Conventions sufficiently permissive to incorporate the range of practices in the diverse dependencies. It opposed the ILO objective of eliminating recruitment and was spared possible embarrassment, particularly over East Africa, when the other colonial

powers in 1939 successfully reduced the Penal Sanctions Convention to a single general principle which merely called for future elimination. From the point of view of the dependencies the CO had very successfully represented them at Geneva.

Although the dependencies were not threatened with any fundamental changes as a result of the three Conventions, the General Department was faced, nonetheless, with two major problems in overseeing their application. First, there remained strong opposition in the Office to the aims of the ILO, as well as to pressing reluctant colonies over labour legislation. But although that attitude had contributed to the conservative policy in regard to the three Conventions it did not prevent first Ormsby Gore and then MacDonald pressing for their application without modification to all the dependencies.

Second, and potentially more serious, was the opposition within certain of the West Indian dependencies to applying the Conventions. While the majority had come into line with CO policy on abolition after the 1936 despatches, the Office could do nothing in face of the intransigence of the 'three B's' as it possessed no power to override their elected legislatures. The question of overcoming their uncooperative European-dominated and independent legislatures had surfaced on more than one occasion in the thirties. Although the CO expressed frustration at the situation it was quick to check an anticipated move by the MoL in 1942 to press for franchise changes calculated to make the legislatures more responsive to labour questions. The CO recognised that the situation in the West Indies

needed to change but the emergency of wartime and the importance of preserving loyal support in the colonies made 1943 an inopportune time to bring about political confrontation.

Although indigenous labour conditions assumed much less importance in the eyes of the world during the war, it would have been desirable to have shown the application of the Conventions without reservation to all the colonies in the British Empire. While that was not achieved with the Written Contracts and Penal Sanctions Conventions, HMG remained well in advance of the other colonial powers who were in no position to make any move.

Chapter 7

Labour Supervision 1935 - 1943

Although Hibbert in 1943 claimed the setting up of labour departments to be 'one of the most striking developments' in the British Empire¹ the CO had played no part in their early development. The Office first began to take an interest only in 1935 and to seriously press the issue in 1937. Previous to that time a number of inspectorates and departments had grown up in the dependencies as a result of Indian initiative in particular. Departments in Malaya (1911)² and Ceylon (1923)³ had been established in response to pressure from India to protect her immigrant labourers. Similar pressure from India brought about some provision for the supervision of Indian labourers in Jamaica, Trinidad, and British Guiana.⁴

In East Africa pressure of a quite different kind had resulted in the establishment in 1919 of a labour inspectorate in Kenya as a section in the Native Affairs Department.⁵ The Government hoped an inspectorate might help alleviate 'peacetime labour oppression'.⁶ In a somewhat similar situation in Tanganyika the unwillingness of the natives to seek employment led to Orde Browne's investigation

1. Colonial Office, 'Labour Supervision in the Colonial Empire, 1937-1943', Colonial No.185, London, May 1943, p.1.

2. J.N. Parmer, Colonial Labour Policy and Administration, New York, 1960, p.253.

3. ILO (New Delhi Branch), 'Labour Conditions in Ceylon: 1', International Labour Review, Vol. LX, No.6, December 1949, p.573.

4. P.D., Commons, 26 June 1935, v.303, c.1083-1086.

5. A. Clayton and Donald C. Savage, Government and Labour in Kenya 1895-1963, London, 1974, p.111.

6. Ibid., p.108.

and in 1926 to the establishment by the Governor, Sir Donald Cameron, of a full labour department.¹ In 1924 Uganda had set up a small inspectorate by administrative order.² When the depression came these departments were either severely reduced or, as in the case of Tanganyika, abolished.³ For similar reasons of economy the Governor of Northern Rhodesia abandoned plans for the establishment of a department notwithstanding the growth of a large labour force in the copper fields.⁴

Because of the interest shown by Parliament the CO eventually became active in the question of labour supervision. In 1934, W. Lunn MP (former Parliamentary Under Secretary of State for the Colonies, 1929) raised the matter of cuts in labour departments brought about by the depression but his concern did not evoke any response from Cunliffe-Lister or the CO.⁵ In the following year, after a series of disturbances in mining areas as far apart as the Gold Coast and Northern Rhodesia, Lunn and others questioned Malcolm MacDonald at some length over the provision of adequate channels for natives to air their grievances.⁶ In July 1935, although having taken up Office only a month earlier, MacDonald indicated in his maiden speech as SoS for the Colonies that he had instructed his

1. Colonial Office, Report by Major G. St. J. Orde Browne, O.B.E., upon Labour in the Tanganyika Territory with a covering Despatch from the Governor, Colonial No.19, London, 1926, p.14.

2. B.C. Roberts, Labour in the Tropical Territories of the Commonwealth, London, 1964, p.206.

3. P.D., Commons, 26 June 1935, v.303, c.1083-1084.

4. E.L., Berger, Labour, Race, and Colonial Rule, O.U.P., 1974, p.26.

5. P.D., Commons, 12 July 1934, v.292, c.580.

6. P.D., Commons, 26 June 1935, v.303, c.1081-6.

staff that the situation regarding labour departments should be reviewed and that he was personally interested in seeing that they were established or re-established.¹

Although the geographical departments finally produced a list of existing facilities for the supervision of labour to enable MacDonald to answer Lunn's question, they had experienced considerable difficulty in doing so. The difficulties arising from the lack of information, and of the necessary organisation in the dependencies to provide it, contributed to MacDonald's awareness of the growing problems to be faced over labour matters generally, and he pressed for a meeting to discuss labour supervision.

Bottomley (Assistant Under Secretary) decided that the meeting called by MacDonald should consist of himself, Vernon, and Paskin as the question at issue was primarily concerned with the African Departments. Before any decisions were taken he thought the various governors should first be asked for their views.² That was standard procedure, employed to maintain harmony between the CO and the dependencies. In this case his advice could be interpreted as a move to minimize the effect of an over-energetic SoS, who, after one month in Office, thought of putting a comfortable world to rights. Bottomley wanted to move cautiously and stated:

I very much doubt whether in any Dependency labour has suffered

1. P.D., Commons, 25 July 1935, v.304, c.2133.

2. Minute by Bottomley, 12 July 1935, CO 323/1319/35/1766.

from the absence of any special organisation to look after its interests.¹

By strongly implying that all was well, Bottomley was making a case for not moving ahead of colonial opinion which was known to be against any special organisation to deal with labour. He went on to say:

In the case of mines, however, it is to be remembered that the Health and Mines Departments are both at work, and it may be found that there is little opportunity for a labour department as well.²

These remarks indicated that the Office was not in favour of taking any special action as a result of the Parliamentary questions.

Administrative facilities to deal with labour in the colonies may have been accepted as adequate by the CO but that was due to its relative ignorance of labour conditions. No machinery existed in the CO or the colonies to monitor adequately the complex problems associated with the employment of native labour.³ The level of unrest was the only barometer the CO had to assess the situation. In 1935 disturbances had not reached the stage of eroding away the complacency expressed by Bottomley. Even when unrest did become

1. Minute by Bottomley, 10 July 1935, No.3, CO 323/1319/35/1766.

2. Ibid.

3. Bottomley's minute of 10 July 1935 had failed to take account of the weaknesses inherent in a divided responsibility for labour supervision as the Gold Coast Deputy Governor's reply (28 May 1937) to the November 1935 despatch revealed:

Power is taken under a number of Ordinances (such as the Master and Servants Ordinance, the Mining and Health Areas Ordinance, the Mining Rights Ordinance, the Wages Regulation Ordinance, 1932, and the Labour Ordinances of 1935) to regulate conditions of employment in various respects, but the weak point is that no arrangements are in existence to ensure that this power is utilized in a regular and systematic manner. In particular, the right to make inspections and to survey conditions of labour employed by Companies, firms, and private individuals is not always clearly defined.'

No. 53 on CO 323/1319/35/1766/2.

more serious many in the Office were slow to recognise a changing situation.

The meeting called for by MacDonald in July finally met in October, presumably because of the summer Parliamentary recess. However, the despatch which issued as a result of the meeting reflected as much the general caution and lack of enthusiasm of the permanent officials as it did the growing awareness of the SoS. Its mild tone can be gauged from Paskin's remark that it should go to the West Indies, if only to get a record of why they thought labour departments would not be suitable there.¹

The despatch informed the dependencies of Parliamentary interest in the arrangements for supervising labour conditions.² They were asked to provide information on these arrangements and any remedies considered necessary. Apart from these requests the despatch laid out what the SoS considered to be suitable organisation for the supervision of labour. He did not press for separate labour departments if these were judged not to be necessary. Rather, it was suggested that existing organisation, whether in the shape of the district officers in the case of agriculture, or other 'professional' departments such as the Mine or Health Inspectorates, should be extended and coordinated (paragraph 6) to make continuous review (paragraph 3) and adequate supervision (paragraph 8) possible. A

1. Minute by Paskin, 22 October 1935, CO 323/1319/35/1766.

2. Circular despatch of 9 November 1935, No.1 in 'Supervision of Labour Conditions in the Colonial Empire. Papers 1935-1940, Part I', Confidential Print, Miscellaneous 487 (Misc.487), CO 885/82.

major theme of the despatch was the need for continuous supervision of labour conditions in order to pre-empt complaints.

The general vagueness of a despatch merely asking for a review of existing arrangements reflected the predilection of the geographical departments for leaving judgement of the most desirable course of action to the colonial administration. It did not even go as far as to ask for a restoration of abolished or reduced labour departments with the return of prosperity, which had been one of MacDonald's initial concerns. The dependencies were not being asked to do any more than was already being done - just more thoroughly where needed. Nevertheless, the despatch did represent a definite departure because it announced that the CO had decided, as a matter of general policy, that conditions of labour should be adequately supervised. It was the first step in the chain of events which lead to labour becoming a specialised subject in the colonies and in the Office.

In the CO itself it meant that another aspect of the labour question had come, to some extent, within the purview of the General Department since it was to collate the replies from the colonies. However, by asking that the correspondence arising from the despatch should be seen by the geographical department, Bottomley made sure that they were not to be superceded.¹ As the spheres of

1. Minute by Bottomley, 23 October 1935, CO 323/1319/35/1766.

responsibility in the matter of labour supervision were, therefore, not clearly defined, and as further pressure did not come from Parliament to maintain the impetus it had engendered, nothing further was done. When J.H. Thomas and then Ormsby Gore¹ did not take up the matter of labour supervision after MacDonald's departure in November 1935, the Office made no move to review the replies or to remind the laggards to send in the information requested.

In 1937 the quiet shelving of the question of labour supervision ended abruptly when the SoS came under strong criticism on the subject during the 2 June debate on the Colonial Vote.² The reverberations of the debate were immediately felt in the CO even before they were magnified manyfold by the riots in Trinidad on 19 June.³

In terms reminiscent of MacDonald two years earlier, Ormsby Gore expressed to Vernon his view that with an improvement in the financial position in the colonies, the 'reinstatement of Labour Departments was one of the first things which ought to be looked into.'⁴ He went on to state that enhanced prices should benefit labourers as well as employers and stated that he wanted something a good deal more specific than MacDonald's rather vague despatch of 1935.

1. J.H. Thomas was SoS for the brief period between MacDonald's departure (November 1935) and Ormsby Gore taking up Office in May 1936.

2. P.D., Commons, 2 June 1937, v.324, c.1025-1142.

3. Governor (Trinidad) to Ormsby Gore, telegram, 19 June 1937, No.1 on CO 295/599/37/70297, Part 1 Trinidad.

4. Minute by Vernon, 14 June 1937, after talking to Ormsby Gore, CO 323/1319/35/1766/2.

Vernon, on the basis of his long experience with labour matters, and in the shelter of his pending retirement, made some very positive suggestions on a number of labour issues. In line with the June debate in the House, Vernon agreed that the major issue was the establishment or re-establishment of labour departments 'in most of the Colonies.'¹ His view contrasted sharply with the 1935 MacDonald despatch which had accepted the use of the existing administration to provide adequate supervision.

It was decided to call a meeting of the CLC to discuss Vernon's minute as the geographical departments were opposed to general policy decisions being taken over a number of the issues that he had raised. However, Ormsby Gore did not intend that his permanent officials exercise any option over giving a strong lead on labour matters to the dependencies. This was made clear to them when Hibbert indicated at the CLC meeting of 27 July 1937 that Vernon's 'suggestions had received the provisional approval of the S of S.'² The meeting therefore was left with little choice other than to approve the drafting of a circular despatch covering the issues brought up by Vernon. But the comments by the geographical departments on the subsequent draft despatch showed them out of sympathy with the contents, or even its issue. However, the strong criticism in the UK after the Trinidad riots made it difficult for the geographical departments to check the momentum engendered by the SoS

1. Minute by Vernon, 14 June 1937, CO 323/1319/35/1766/2.

2. Minutes of 22nd CLC meeting, 27 July 1937, No.1 on CO 323/1424/37/1751/1.

and the General Department.

The major theme of the despatch originated from Vernon's criticism regarding the inability of the existing administrations to deal efficiently with relations between employers and employees. After stating this in the draft despatch, Hibbert went ahead to lay down in the very strongest terms what the SoS wanted done:

I therefore desire that in all territories where these conditions obtain Colonial Governments should forthwith consider the desirability of setting up a labour organisation consisting of officers whose sole duty shall be to inspect and examine labour conditions generally and make suggestions for their improvement, and whose services can be called upon when necessary by the district administrations.¹

On the insistence of Flood (East Africa Department), supported by the African departments, as well as the West Indian Department, this very strong lead was reduced by the less definite beginning 'I am therefore anxious ...'. The original draft by Hibbert had then continued by stating that the SoS 'consider[ed] it desirable' that labour officers should come under a chief inspector who would in turn act as an adviser to the government. Again at Flood's behest, in recognition of the Kenyan situation, Hibbert altered 'consider[ed] it desirable' to the less demanding 'it would generally be advisable'. According to Flood, these alterations reduced the likelihood of giving 'a great deal of offence'.² Although the

1. Draft of the 24 August 1937 despatch written by Hibbert, 28 July 1937, No.3 on CO 323/1429/37/1766.

2. Minute by Flood, 4 August 1937, *ibid*: Flood further objected to the circular on the grounds of it being 'a bit too much modelled upon the Daily Herald' and demanded the removal of the words 'class' and 'worker' because the natives in his opinion did not work. Another of his objections concerned Vernon's addition to the draft

despatch was couched in less forthright terms as a result of the alterations, the colonies were left in no doubt that the CO wanted the establishment of effective labour organisation to be given urgent attention.

Hibbert did not hesitate to express his 'surprise' at some of the departmental minutes. He particularly deprecated the response of the West Indian Department who argued that either the smallness of the islands or their insolvency made the despatch unsuitable. In his opinion, relatively speaking, they were 'amongst the most backward Dependencies' and he was not disposed 'to let them off lightly'.¹

The despatch issued in August 1937 signified a notable advance in a number of ways. By calling for separate government labour departments in each colony the CO showed that it realised that piecemeal and ad hoc solutions to specific problems were unlikely to result in a stable or satisfied wage earning class. Pressure from the CO had led to the enactment of labour legislation in many colonies, but there were a number of reasons why enforcement of that legislation had not automatically followed. In the case of minimum wage fixing legislation a lack of statistical knowledge

expressing dissatisfaction with the retention of penal sanctions 'which are no longer in accord with public opinion.' Flood believed civil remedies for breaches of contract were 'nothing less than ludicrous' and expressed an opinion, bordering on the indiscreet, that the abolition of penal sanctions 'will bring the Secretary of State into considerable disrepute on the grounds that he must have taken leave of his common sense.'

1. Minute by Hibbert, 11 August 1937, CO 323/1429/37/1766.

and the organisation to gather data on labour conditions meant that the regulations remained inoperative despite the best intentions of the colonial governments. It was recognised that until there was adequate inspection by trained labour officers, factory legislation also remained a dead letter. With the growing UK interest in colonial labour conditions, such matters could not continue to be ignored. In order to satisfy public interest the CO needed accurate information, often of a highly technical nature which could be supplied only by trained and specialist labour officers. A very definite need for labour departments existed and the move to create new administrative machinery in the colonies had been complemented by the willingness of the ministers to appoint a labour adviser to the CO itself. Ormsby Gore's determination to tackle the labour question ran into opposition from the permanent officials who were against the CO taking the initiative. However, the Trinidad riots made their arguments largely academic and the August 1937 despatch strongly pressed colonial governments to set up labour departments staffed by trained labour officers.

Labour departments: staffing

Only gradually did the CO come to realise that the policy of establishing labour departments or inspectorates required the recruitment and training of a considerable number of men. Poynton (West Indian Department) first alerted the CO to the particular problem of staffing labour departments in those dependencies where district administrations were non-existent and budgets were small. When Orde Browne wrote back from the West Indies of the urgent need

for the appointment of labour officers and advisers, the efforts of the CO to find suitable men took on an air of desperation as it clutched at every possible source of recruitment hopeful or otherwise. Members of the Social Services Department, the Personnel Division, and the geographical departments, together with higher authority, attended a number of meetings and taxed their ingenuity for solutions to the problem of finding suitable personnel.¹

Although he had no brief, on returning from service with the Trinidad Commission in 1937, Poynton took the initiative and wrote a memorandum warning the Office that it could not afford to wait upon events to force the issue in the serious matter of staffing colonial labour departments.² The Trinidad Commission had concluded that the absence of suitable machinery to regulate employer-employee relationships had seriously exacerbated labour unrest in that colony.³ In Poynton's view, finding staff with the competence to undertake such duties as conciliation, compiling cost of living indices, and preparing unemployment returns would prove very difficult. As he knew of no source of such skilled personnel he proposed approaching the MoL to ascertain whether it could provide the training to produce specialised labour officers.

1. Two meetings were held in 1938 (13 May and 28 July) and five in 1939 (26 January; 14 February; 17 March; 8 June and 21 July).

2. Memorandum by Poynton, 'Colonial Labour Departments', 4 January 1938, No.1 on CO 850/135/38/20657.

3. Cmd. 5641, Trinidad and Tobago Disturbances 1937: Report of Commission, HMSO, 1938, p.75 and p.87.

Already, in reply to the 24 August 1937 despatch, a number of the African and West Indian colonies had indicated their intention of inaugurating some kind of labour organisation. In the first of numerous summaries Hibbert expressed satisfaction at the encouraging response¹ and came down firmly on the side of the numerous governors who proposed seconding local administration officers to fill the new departments.² But the CO as a whole still had not conceived of the number of recruits required or the lack of suitable candidates.

The first problem faced by the CO had been to find a 'mediator' for Trinidad.³ In response to the urgency of the situation the MoL promptly seconded A.G.V. Lindon, one of their conciliation officers, to go as labour adviser for one year.⁴ The rapidity with

1. In a minute on 5 January 1938 Hibbert reported encouraging replies from Nyasaland, Trinidad, Northern Rhodesia (investigation underway by Orde Browne), Gold Coast, Mauritius, Bahamas, British Guiana, St. Lucia, Jamaica, and Trinidad. CO 850/135/38/20657: For a fuller analysis, see 'The Progress Report on various activities affecting Labour conditions which have been undertaken in Colonial Dependencies since the issue of the Secretary of State's circular despatch on the subject (24 August 1937)', submitted by Hibbert, 1 March 1938, No.1 on CO 323/1542/38/1766.

2. Although staffing roused a good deal of discussion the Office always accepted that the local administrations would be the major source of recruitment in line with the practice in the Eastern dependencies.

3. Governor (Trinidad) to Ormsby Gore, telegrams, secret, 18 and 19 October 1937. The Governor agreed with a local delegation on the desirability of acquiring a 'mediator' from England with the aim of improving employer - employee relations. No.1 and No.2 on CO 295/600/37/70307/2 Trinidad: Ormsby Gore fully concurred with this request after seeing J. Forster (Chairman of the Trinidad Commission of Inquiry) on his return from the West Indies.

4. Press announcement, 25 January 1938, CO 295/606/38/70307/2: For a brief report on A.G.V. Lindon, see 'N' on CO 295/606/38/70307/8B.

which Lindon had been found and sent to Trinidad tended to obscure from the CO, and the colonies, the very limited number of skilled conciliation officers available.

Shocking labour conditions reported by Lord Dufferin (Parliamentary Under Secretary) in March 1938, after a visit to Mauritius, brought home to the CO for the first time the nature and extent of the problem ahead of it in meeting up with the 24 August proposals.¹ Dufferin had pointed out that the dependencies with efficient district administrations offered no long-term problem. They were in a position to staff their labour departments through the secondment of senior specialist officers. The real difficulty lay in finding staff for dependencies with no district administrations. The Mauritius experience had a profound effect on Dufferin and opened his eyes to some of the limitations of British administration. He realised the Office had a formidable task ahead in dealing with alienated and detribalised work forces. A situation which, he bitingly explained, occurred in those colonies

in which there is no ['district' added later] administration and in which we have allowed limited companies to maintain as far as possible the rights, while disclaiming completely the responsibilities, of slave owners.²

He advocated a close network of labour officers to overcome the kind of unsatisfactory situation to be found in such places as

1. Minute by Ormsby Gore, 10 February 1938, No.2 on CO 850/135/38/20657.

2. Minute by Dufferin, 18 March 1938, *ibid.*

Mauritius, Trinidad and Jamaica.

Unable to suggest a source of personnel, Hibbert, in May 1938, called an Office meeting to assist in finding a solution. It confirmed appointments already made but could only suggest that Jamaica try for a seconded officer from the district administration of a larger dependency; that Barbados hope for a retired officer from the Eastern colonies,¹ and that the other West Indian colonies await the visit of Orde Browne before making any decision. Dufferin minuted to Ormsby Gore afterwards that he accepted the lack of action only very reluctantly.² But on this occasion the Office was not just delaying an issue. It was genuinely stumped.

A fresh start was made on the problem when a meeting was called in July 1938 with the new SoS, Malcolm MacDonald, attending. The meeting registered no progress in the vexatious quest of finding potential recruits, but the discussion did provide the basis for a despatch. MacDonald stressed the urgency of the situation and the need for efficient labour departments to deal with the incipient causes of unrest arising out of the 'revolutionary changes in native opinion regarding social conditions'.³

1. The CO had written to the Governors of Malaya, Ceylon and Hong Kong, s/o, 30 April 1938, asking for names of retired officers capable of establishing labour departments. No.7-9 on CO 850/135/38/20657: Orde Browne, 29 June 1938, was not impressed by the names forwarded. Ibid.

2. Minute by Dufferin, 16 May 1938, *ibid.*

3. Comment by the SoS noted by Jeffries, 28 July 1938, in a discussion concerning the recruitment and training of labour officers. No.15, *ibid.*

The despatch which issued in September 1938 re-iterated the policy calling for the establishment of 'Government organisations consisting of officers whose sole duty it should be to inspect and examine labour conditions generally, and make suggestions for their improvement.' As justification for this further exhortation the despatch repeated MacDonald's warning of the 'far reaching changes in the economic and social sphere' in the Empire which 'may lead to acute disturbances' if not properly handled. Even in very small territories the governors were told they should frequently investigate to ensure that 'the existing machinery for the supervision of labour conditions [was] efficient and adequate.'¹

After an introductory note stressing the urgency caused by the gathering momentum of change and awareness among indigenous peoples, the despatch tackled the problem of staffing the proposed labour organisations. It cannot be said that it resolved the immediate problem. The African colonies were told that in general the best source from which to draw officers would be the Colonial Administration Service in line with the Malayan precedent. Some argument occurred over that avenue of recruitment. Hibbert, Lloyd, Calder and Jeffries² were all convinced of the need to produce a full-scale civil service in line with Ormsby Gore's speech at the 1937 Corona Club dinner:

1. Circular despatch, 5 September 1938, No.16 on CO 850/135/38/20657.

2. Calder was Head of the General Department. C.J. Jeffries and T.I.K. Lloyd were Head and a member of the Colonial Services Department respectively.

We want to get away from the idea that the administrative officer is necessarily a District Officer, and to develop the idea of a civil service, which takes on whatever work which has to be done.¹

Orde Browne had leaned toward recruiting experienced local outsiders. Although the CO members were opposed to that they conceded that it would be necessary in certain cases until increased recruiting to the Colonial Administration Service provided sufficient staff for the labour departments. The despatch suggested the West Indies employ officers on transfer from other dependencies. The chances of that occurring were remote, as was the likelihood of suitable local men being found. The despatch did not offer realistic solutions for obtaining the number of urgently needed recruits that Dufferin and Orde Browne considered necessary for the dependencies without district administrations.

Pressure on the CO to find labour officers increased as a result of further serious disturbances and from Orde Browne's urgent call for labour staff while conducting his investigation in the West Indies in early 1939. The Office was in a difficult position and forced into a frantic search for labour officers to head off future unrest. It had to change its policy and employ men who had no knowledge of local conditions.

A request from Jamaica for an adviser experienced in conciliation²

1. Reported in a minute by Jeffries, 1 October 1937, CO 691/158/37/42191/5 Tanganyika.

2. Governor (Jamaica) to MacDonald, telegram, 16 September 1938, No.1 on CO 137/830/38/68972 Jamaica.

revealed the difficulties facing the CO.¹ At first it seemed a young assistant district officer from Uganda, E. Twining, might be a suitable candidate. However, Jamaica let it be known that for political reasons it was not prepared to accept officers from Africa. It wished to have somebody with English experience, similar to Lindon.² But outside a very few officers in the MoL such people just did not exist. The MoL was not prepared to let any more officers go and was, in fact, very reluctant to contemplate Lindon's continued employment in the Caribbean.³

Early in 1939, Dufferin, using a report got out by Hibbert, informed the SoS that the CO was 'desperately short' of reserves for such places as the West Indies and Cyprus. Jamaica and Barbados presented the most urgent problems.⁴ Jeffries minuted that little chance of transfer existed and that advertising for suitable candidates was the only possible solution.⁵ Orde Browne's letters from the West Indies did nothing to relieve the gloomy picture. In March he summarised the situation:

1. Poynton in a minute, 28 November 1938, reported that the MoL was not happy with Lindon continuing in Trinidad and was not prepared to offer anyone for Jamaica. CO 137/830/38/68972.

2. Orde Browne to MacDonald, confidential, 18 October 1938, No. 4 on CO 137/830/38/68972.

3. In November 1938, Poynton and J.H. Emmens had been told by the MoL that it could spare no more officers. CO 295/606/38/70307/7 : G.H. Ince (MoL) to Poynton, 3 December 1938, suggested the MoL might consider releasing Lindon for a further period if his services were made available for a wider area than just Trinidad. No.1 on CO 318/440/39/71190 West Indies.

4. Minute by Dufferin, 6 February 1939, CO 850/135/38/20657: The CO (9 December 1938) had suggested that Molesworth of the Jamaica museum might be a suitable labour adviser but the Governor (13 December 1938) firmly turned that down. No.11 and No.14 on CO 137/830/38/68972.

5. Minute by Jeffries, 16 February 1939, CO 850/135/38/20657.

The most urgent problem in my opinion is that of Jamaica, matters there being more likely to entail serious trouble than in the other Colonies, while furthermore the population concerned is by far the largest. At the same time, I feel that the claims of the other Colonies should not be overlooked; British Guiana has just exploded in a riot with fatal conclusions, while Trinidad presents various live problems, though there has been a welcome absence of disorder during the past year. Barbados, again, is in great need of an officer, and the Legislature there made provision for this appointment as long ago as last June in response to advocacy of this step in London. Local leaders, therefore, in conversation with me were insistent in their claim for the appointment of an officer at an early date. I further propose to recommend the appointment of an officer for St Kitts and also two Labour Officers and an Inspector for Jamaica.¹

He recommended that these posts be speedily filled. In another note he explained the need for an officer to be established in Jamaica before June because of the serious situation with the growing unemployment of plantation labour.

In an attempt to head off the anticipated trouble in Jamaica, Dufferin, in January, put forward the suggestion that Orde Browne be appointed to the colony for six months to set up a labour department.² When contacted on his tour of the West Indies Orde Browne agreed. However, he asked first:

With reference to Jamaica would it be possible to go outside the Government Service and find a good type of moderate trade unionist or experienced industrial negotiator for early appointment.³

1. Orde Browne to MacDonald, 3 March 1939, No.30 on CO 850/135/38/20657.

2. Minute by Poynton of a meeting called by Dufferin, 26 January 1939, CO 318/440/39/71190.

3. Governor (Barbados) to MacDonald, secret and personal, 31 January 1939, No.6 on CO 137/837/39/68972.

The CO decided against using Orde Browne as a stop-gap. No attempt was made at that time to follow up his suggestion of a suitable trade unionist. Orde Browne had modified his former opinion and now realised the importance of labour officers with a sound knowledge of trade union organisation and industrial negotiations. The possibility of trade unions becoming a field for recruitment was not taken up until eighteen months later.

At a discussion on 16 February 1939 on the ways and means of obtaining suitable candidates for the West Indian vacancies it was decided to contact the ILO semi-officially with a view to determining the availability of any of its members.¹ Nothing came of that because of the conditions of employment of ILO members. At one stage it was even mooted that an attempt be made to recruit Frenchmen to fill some vacancies.² Calder thought they should draw the line at nationality.³ The CO received a further disappointment in March when Sir James Baillie (previously chairman of the Trinidad Oilworkers Arbitration Tribunal) withdrew at the last minute after Sir Henry Moore had lined him up as labour officer for Jamaica.³ At the end of March the MoL suddenly offered one of their conciliation officers, F.A. Norman (assistant secretary) for the Jamaican

1. Minute by Hibbert, 15 February 1939, CO 850/135/38/20657.

2. Hibbert's draft letter to Weaver (17 February 1939) after a meeting in the Office (14 February 1939) to discuss vacancies in the Mauritius. But Calder and Dufferin later agreed with Hibbert to delete it. No.27, *ibid.*

3. Minute by Hibbert, 17 March 1939, *ibid.*

position.¹ Within a week the CO had snapped him up.

In June 1939 Orde Browne estimated that there were twelve vacancies in the West Indies.² Although a number of these were filled by local appointments³ the CO continued to be under pressure to find suitable candidates. Following the September 1938 despatch the Office sent another appeal, in June 1939, to the colonial governments in Africa and the Far East to forward the names of officers who might be interested in secondment as labour officers.⁴ A number of names came forward but nothing eventuated because of the growing shortage of administrative staff due to the war. At a meeting on 8 June it was decided to approach the Appointments Branch with the suggestion of contacting the Dominions.⁵ Again the war intervened to prevent anything developing from that source. Rear-Admiral A. Bromley (Ceremonial and Reception Secretary, CO) looked into the possibility of retired naval officers being interested, but without success.⁶ Nothing came from correspondence with the Royal Navy and Royal Marines' Employment Committee in July and August.⁷ In July Dr. A.J.R. O'Brien (Assistant Medical Adviser,

1. Sir F. Leggett to Sir H. Moore, 18 March 1939, No.23 on CO 137/837/39/68972.

2. Minute by Poynton, 8 June 1939, CO 850/153/39/20657.

3. Minute by C.E.F. Benson, 19 September 1939 and 28 October 1939, CO 877/16/38/27223.

4. Confidential despatch, 13 June 1939, No.1 - 10A on CO 850/153/39/20657/4.

5. Minute by Hibbert, 9 June 1939, CO 877/16/38/27223.

6. Minute by Clauson (Head of Social Services Department), 17 July 1939, CO 850/153/39/20657.

7. Letters from the Royal Navy and Royal Marines' Employment Committee, 1 August 1939, 4 August 1939, 24 August 1939 and 9 September 1939, No.9, 10, 13 and 15 (all DUS) on CO 877/16/38/27223.

CO) compiled a list of retired doctors as a possible source of labour officers.¹ These inquiries all proved unproductive. The CO had thrown its net very wide in the attempt to find suitable candidates. After the secondment from the MoL of J.W. Howieson to British Guiana and W.J. Hull to Cyprus, the CO had to accept that no more officers were available from that source.² An approach to the HO produced E.F. Smith who initially went as deputy to Norman in Jamaica.³ But the HO was an unlikely source of further recruits.

Labour officers: training

When Poynton wrote his memorandum in 1938 bringing attention to the urgent need of recruits for colonial labour departments he also expressed an equal concern over the training needed to produce specialist labour officers.⁴ He proposed that the MoL be asked to provide the specialised knowledge required in conciliation work, and in preparing cost of living indices and unemployment returns. Although the problem of selecting enough officers came to overshadow the training side, that was not neglected. Ormsby Gore and Macdonald recognised its importance and both insisted that prospective officers be given the opportunity to take courses.

1. Minute by Sir Henry Moore, 31 July 1939, CO 850/153/39/20657.

2. Minute by Hibbert, 12 June 1940, CO 137/844/40/68972.

3. E.F. Smith was appointed after an interview in the CO on 6 September 1940. Ibid.

4. 'Colonial Labour Departments', 14 January 1938, No.1 on CO 850/135/38/20657.

After Poynton's warning, D.L.P. Tovey (Personnel Department--Appointments Branch) contacted the MoL in February 1938 and found Sir F. Leggett very willing to cooperate in the matter of training.¹ Leggett promised individual courses to suit the background of the officer and the particular problems he had to deal with in his colony. He believed that the wide differences between colonies, and the almost entire dependence on the personality of the officer in work associated with labour relations made set group courses of limited benefit.² Orde Browne expressed reservations about the possible worth of the specialised knowledge of the MoL to the prospective African labour officer.³ But the CO had little choice as no other institution appeared to offer relevant instruction. At a meeting in the CO in July 1938, MacDonald attached considerable importance to training being made available before the officer took up his specialised duties.⁴ In the despatch which followed, although the major part dealt with the selection of officers, the colonial governments were advised that various facets of the work of a labour officer could be observed at the MoL, and were invited to arrange courses to suit individual needs through the CO.⁵

The question of courses did not arise again until October 1938 when the CO proposed that W.S.G. Barnes, a retired district officer from Tanganyika, should take a short course in preparation for his

1. Telephone call to Leggett by D.L.P. Tovey, 23 February 1938, CO 850/135/38/20657.

2. Leggett to Jeffries, 19 July 1938, No.2, CO 877/18/38/27573.

3. Minute by Orde Browne, 29 June 1938, CO 850/135/38/20657.

4. Note of meeting by Jeffries, 28 July 1938, No.15, *ibid.*

5. Circular despatch, 5 September 1938, No.16, *ibid.*

work as labour officer in Antigua.¹ Afterwards neither Hibbert nor Tovey was impressed by the five day course provided by the MoL but decided to see what eventuated before taking further action.

Apart from Orde Browne, none of the permanent officials in the Office showed any clear idea of what the requirements of a colonial labour officer might be. It seemed to be assumed that a knowledge of United Kingdom practice was transferable to the varied colonial settings, and the CO left the MoL to decide on the nature and length of the proposed course. It was a very haphazard arrangement with no attempt made to call for advice from the experienced labour departments that existed in the Far Eastern colonies, or from the labour inspectorate in Kenya.

In February 1939 Dufferin minuted on the need to include in the courses elementary instruction in statistics for purposes of calculating cost of living indices.² Along with Hibbert's and Tovey's early reservation, this observation increased the doubts within the Office as to the suitability of the MoL course. By May about a dozen colonial labour or administrative officers had attended the MoL 'course' and Hibbert summed up his impressions:

The course is a somewhat perfunctory and rather makeshift affair and merely consists of a series of visits to various specialist officers of the Ministry, e.g. those dealing with

1. Hibbert to Leggett, 12 October 1938, No.4 on CO 877/18/38/27573.
2. Minute by Dufferin, 12 January 1939, CO 877/19/39/27573.

conciliation, cost of living statistics, trade boards etc, who give the Colonial Officer a general idea of how the different machinery operates in this country and hand him certain literature to read.¹

While officers dealing with labour matters in the West Indies gained from these contacts, Hibbert felt colonial officers in Africa received little benefit. Orde Browne shared these criticisms and stated that to be really useful the course needed to be widened in time and in scope to cover further topics such as tropical diseases, diet, housing, detribalisation, migrant workers, and labour legislation with especial reference to primitive peoples.²

Faced with the apparent inadequacies of the MoL courses, MacDonald asked Orde Browne to produce a paper suggesting improvements. In his subsequent memorandum Orde Browne proposed that a course for both labour and administrative officers should be held every six months.³ Since it was accepted that the bulk of the staff of the labour departments in Africa should come from the Colonial Administration Service,⁴ it was imperative to design a course to give all administrative officers a basic grounding in labour matters. Although there had been discussion of a separate labour service it was felt that the supervision of labour was an integral part of the general

1. Minute by Hibbert, 23 May 1939, CO 877/19/39/27573.

2. Memorandum by Orde Browne, 'The Labour Officer's Course', 9 June 1939, No.1, *ibid*.

3. *Ibid*.

4. Minute by R.D. Furse (Head of the Recruitment and Training Department), 28 June 1939, 'I gather that we are all agreed that the right policy would be to second serving Administration Officers to fill Labour appointments, giving them appropriate training before they take up their new duties.' CO 877/16/38/27223.

administration and that the two should remain linked.¹ Orde Browne's memorandum received immediate endorsement from Hibbert and Tovey. Dufferin welcomed the opportunity to provide a really competent statistical course and MacDonald commented favourably on the proposal.² The meeting on the 21 July 1939 decided that the Appointments Department, in consultation with Orde Browne, should be responsible for the first course in October.³

The eventual attendance of forty-two officers surpassed the greatest hopes of the CO and justified holding the course despite the declaration of war. The response encouraged the Office to hold another course in July 1940. These two courses were indicative of the changed attitude in the Office to the labour question, and the new importance attached to it. After the October course the Social Services Department issued a despatch stressing the importance attached by the SoS even during wartime to at least maintain, if not expand, the vitally important services provided by the labour departments.

The CO had been slow to come to grips with the problem of providing a basic training for prospective staff for labour departments. It was not geared to deal with recruitment and training of labour officers and the permanent officials were plainly lacking in essen-

1. Minute by Hibbert, 9 June 1939, '... it is our policy that the Labour Officers should have the status of administrative officers and eventually should form a branch of the Administration.' CO 877/16/38/27223.

2. Note of meeting, 21 July 1939, No.3 on CO 877/19/39/27573.

3. Circular despatch (2), 15 December 1939, No.64, *ibid*.

tial knowledge of what was required. Inspired guesswork could take them only so far. Their lack of first-hand knowledge left them very much at the mercy of events and their own preconceived notions. It was noticeable that Poynton, Dufferin and Orde Browne were all able to make significant contributions in helping to set up the organisation for supervising labour after visiting one or more colonies. It was not until the appointment of a Labour Adviser (1938) and the establishment of the Social Services Department (1939) that the Office began to acquire the kind of expertise and positive attitude needed to handle the labour question adequately.

Tanganyika

Establishment of the labour departments went ahead quickly. The West African and West Indian dependencies were willing to come into line and the latter were pressing the Office for trained personnel. In East Africa there was less agreement with CO policy and Tanganyika, in particular, continued to resist the pressure to establish a labour department.

In April 1940 Hibbert criticized the Tanganyika refusal to establish a labour department after its Annual Labour Report revealed a wide range of disturbing labour conditions.¹ In contrast to Hibbert's wish to pursue a vigorous line the Tanganyika Department,

1. 'Report of the Labour Inspectorate, Tanganyika Territory, for the year 1939' (E.G. Howman, Chief Inspector of Labour), No.1 on CO 859/29/40/12260/A.

with the support of Dawe (Assistant Under Secretary), was unwilling to press the Governor to come into line. Hibbert argued that the Governor's plea for non-publication of the Report should be ignored.¹ In fact he urged publication on the grounds of public interest in colonial labour conditions. Eastwood (Social Services Department) said that that 'would surely be a gift to Herr Goebbels.'² Then, when the CO learnt that the Governor had acted on the advice of his Labour Advisory Board to turn the inspectorate into a labour department, Hibbert promptly intimated that he did not intend to press for publication any longer.³ While his motive had been to pressure the Governor into making improvements he had no wish to bring embarrassment upon him or the territory.

The Office showed obvious relief on receipt of the favourable despatch. Dawe commented 'the yeast is working'⁴ and Orde Browne expressed approval for a long overdue measure. Dawe's comment demonstrated the passive acceptance of those in the Office who were prepared to leave colonial governments to put CO policy into effect in their own good time. That attitude contrasted with Hibbert's

1. Minute by Hibbert, 16 April 1940. As well as the disturbances in Tanga (which Hibbert expected would bring questions in Parliament if a report were not published. See 6 March 1940, CO 691/179/40/42191/3 Tanganyika) and Dar-és-Salaam, these included non-payment of workers in new mining areas, highly unsatisfactory housing and sanitary conditions, uneven distribution of labour, large numbers of accidents in mines and factories, and a huge number of strikes. CO 859/29/40/12660/A.

2. Minute by Eastwood, 9 April 1940, *ibid.*

3. Minute by Hibbert, 2 May 1940, CO 859/29/40/12660/A: On the same day Hibbert minuted that he believed the Governor had changed his mind after the disturbances as Sir Henry Moore in Kenya had been forced to do after the riots in Mombasa. CO 859/28/40/12259/3A.

4. Minute by Dawe, 6 May 1940, *ibid.*

willingness to take a vigorous line in order to make long-standing Office policy operative.

The difference in approach became even more apparent when the Tanganyika Gazette of August 1940 arrived, announcing the decision not to set up a labour department.¹ Hibbert immediately submitted a strongly worded telegram which was fully endorsed by Orde Browne who feared further outbreaks of fatal rioting, as had already occurred at Tanga and Dar-es-Salaam. Boyd (Tanganyika and Somaliland Department) also initialled his approval. In complete contrast, higher authority advised caution and delay. Dawe thought Hibbert's telegram should be more moderate in tone and ought simply to ask for information. 'Otherwise', he counselled, 'we may expose the Secretary of State to "come back" from the Governor' due to the strain on the Tanganyika administration with so many officers seconded to the armed services.² Shuckburgh (Deputy Under Secretary) followed with the classical piece of advice for avoiding confrontation with the 'man on the spot' and proposed that consideration be given to the question in perhaps three months time. He argued that the governors generally were as anxious as the CO to take a progressive view and to move forward as quickly as circumstances permitted. The Tanganyika administration, he admonished, should not be bothered 'when their hands [were] full with other urgent anxieties, on what may well seem to them to be (for the time being, at any rate) purely

1. Tanganyika Territory Gazette (No.45), 2 August 1940, No.42 on CO 859/28/40/12259/3A.

2. Minute by Dawe, 18 September 1940, *ibid.* In a telegram, 4 October 1940, the Governor indicated that 42 officers had been released for wartime duties, No.47, *ibid.*

academic points.¹ Shuckburgh's concern to avoid overtaxing the colonial administration failed to take into account the urgent reasons for the establishment of a labour department to protect the native workers. Nobody denied the problems facing the administration but, as Orde Browne later warned, conditions were such that, unless remedied, labour disturbances were inevitable with the very real likelihood of the King's African Rifles firing on the natives instead of on the enemy.²

Because of the widely differing attitudes towards Tanganyika's decision, G.H. Hall (Parliamentary Under Secretary) called for a discussion with Shuckburgh, Orde Browne, Boyd, Paskin, and Hibbert. Hall favoured firm action and the Governor was informed:

In such circumstances I feel that I can only request that the decision announced in the Notice shall be reviewed so that the new department with a full time Labour Commissioner at its head may be established as early as is conveniently possible.³

Even this near command - unprecedented in pre-war labour matters - failed to move the Governor. He informed the Office that he had neither the staff nor the need, as he could detect no deterioration in employer - employee relations. Hibbert had learnt to be wary

1. Minute by Shuckburgh, 19 September 1940, CO 859/28/40/12259/3A.

2. Note of a meeting between Hall, Shuckburgh, Orde Browne, Boyd, Paskin, and Hibbert, 20 September 1940, *ibid*.

3. Telegram to the Governor (Tanganyika), 2 October 1940, No. 44, *ibid*: Hibbert's note of the meeting was couched in even stronger terms. '[Hall] thought ... it was imperative that the original project of the Governor to maintain a full time Labour Department should be proceeded with, and that Major [W.E.H.] Scupham should resume immediately his former full time duties of Labour Commissioner.'

of such observations after the recurrence of labour trouble in similar circumstances in Northern Rhodesia.¹ Although awaiting a despatch from the Governor he got Hall's permission to send a telegram asking for the names of the existing inspectorate.

The prompt return of seven names led Hibbert to observe that he could not understand why the inspectorate could not be turned into a labour department.² Nor did the arrival of the despatch give any satisfactory reason for the reluctance to inaugurate the change.³ At a further meeting - this time without Shuckburgh present - it was decided that the labour inspectorate could, by simple ordinance, be turned into a labour department. To coat the pill to some extent, Boyd suggested the CO replace the official who was appointed permanent head of a Tanganyika labour department.⁴ It was hoped that suggestion, together with a personal telegram from Parkinson, 'might turn the scales in favour of our proposal.' The Office was not completely convinced that it could force the issue. Finally a telegram in December brought the 'most excellent news' of the passing of a new Master and Servants Ordinance which provided for a Labour Department, Labour Commissioner and a Labour Board.⁵ The CO had prevailed and Hibbert's persistence had been vindicated.

1. Note by Hibbert on the 'Northern Rhodesia Labour Department', 9 April 1940, No.6 on CO 859/28/40/12259/3A.

2. Minute by Hibbert, 16 October 1940, *ibid.*

3. Governor (Tanganyika) to Lord Lloyd, 19 September 1940, No.5 on CO 691/179/40/42191/7.

4. Lord Lloyd to Governor (Tanganyika), telegram, 20 November 1940. The telegram put the CO viewpoint strongly. 'I therefore trust that you will be able to see your way to introduce at an early date a short ordinance creating the Labour Department and defining the powers of inspection etc. to be conferred upon its officers.' No.52, *ibid.*

5. Governor (Tanganyika) to Lord Lloyd, telegram, 12 December 1940, No.6 on CO 691/179/40/42191/7.

Cooperation with the TUC

Although the CO was successful in persuading the colonial governments to establish labour organisations, it continued to experience difficulties in finding suitable staff to man them. The problem was critical in those dependencies without district administrations, and worsened for all territories with the outbreak of the Second World War and the drain on administrative staff for active service. The problem was further accentuated by the CO policy of encouraging the growth of trade unions. That development was crucial to labour relations and needed careful guidance by trained labour officers to overcome the tendency for trade unions to become politically orientated. The need to provide adequate supervision was underlined by MacDonald's statement in the introductory address at the training course for labour officers in October 1939 warning that 'the dangers of a policy of laissez faire in labour matters could scarcely be exaggerated.'¹

The anxiety felt by the CO over the nascent trade union movement in the colonies was matched by the acute awareness of certain of the colonial governments of the need to provide the trade unions with leadership and guidance. Mauritius had been a case in point. After the labour unrest in 1937, Clifford Bede, one of the more progressive governors, had proposed government training for pros-

1. See the enclosure, 'Course of Instruction in Labour Problems in the Colonial Empire, October 2 - 13, 1939: Record of Proceedings', in the circular despatch (2), 15 December 1939, No.64 on CO 877/19/39/27573.

pective trade union secretaries.¹ The CO was understandably cautious of the Mauritius scheme and approached the TUC for its reactions.

After the TUC became interested in colonial labour conditions in 1937, the CO cooperated with it on a number of projects and actively sought to enlist its aid in trade union development.² Hibbert wrote of 'the desirability of our enlisting the help of the Trades Union Congress in assisting the difficult early development stages of trade unionism in the Colonies.'³ At a meeting initiated by Hall with the TUC Colonial Advisory Committee in July 1940, Citrine (General Secretary - TUC) responded favourably to the proposal to send an experienced trade unionist from the United Kingdom to the West Indies to help trade unions there become established on sound lines.⁴ Orde Browne believed that colonial trade unionists would be prepared to take advice from fellow unionists where they would not listen to colonial governments, to the CO, or to him.⁵ Hall's second scheme involved the rather daring proposal of sending out United Kingdom trade union leaders as full time labour officers.⁶ If his proposal were accepted by the colonial ad-

1. Minute by Hibbert, 2 April 1940, CO 859/25/40/12254/7.

2. Hibbert minuted on 2 November 1939 of the favourable exchanges with the TUC over its (the TUC's) scheme to sponsor two West Indian trade union leaders on scholarship to Ruskin College, CO 859/11/39/1790: On 5 July 1940 Hibbert minuted of the mutual cooperation in the preparation of a pamphlet dealing with the setting up of trade unions in the dependencies. CO 859/29/40/12268.

3. Minute by Hibbert, 22 June 1940, CO 859/24/40/12254/A.

4. Note of discussion, 4 July 1940, CO 859/29/40/12268.

5. Minute of Orde Browne, 24 June 1940, CO 859/24/40/12254/A.

6. Note of discussion, 5 June 1940, No.20 on CO 859/29/40/12268.

ministrations expert advice would be available on trade union development. In addition, labour departments would have a staff skilled in industrial conciliation and arbitration, which was considered invaluable in a labour officer.

Nothing was heard from the TUC on either scheme even after an inquiry by Hibbert in August 1940.¹ The CO feared the schemes might not have been well received as there had been some feeling that Citrine was moving faster on colonial labour questions than the TUC was prepared to follow.² After Citrine's return from America in November, Farmer, at Hibbert's urging, contacted the TUC again. Suddenly, at the end of December, the scheme for sending out trade unionists as labour officers became headline news after a leak to the national press of the confidential memorandum that the TUC had sent out to its branches.⁴

The press announcement provoked a great deal of interest. Besides a stream of inquiries from people desiring positions,⁵ the MoL made known its indignation at not being given prior warning of the part it was expected to play in providing training. An inquiry arrived from the American Embassy asking if the scheme 'really represented the intentions of the British Government.'⁶ After some hesitation the CO

1. Minute by Hibbert, 9 August 1940, CO 859/22/40/12019.

2. Minute by Sir George Gater (Permanent Under Secretary), 12 April 1940; CO 859/25/40/12254/7.

3. Note by Hibbert, 26 October 1940, No.30 on CO 859/29/40/12268.

4. Minute by Hibbert, 1 January 1941, *ibid*: Cuttings from the Daily Herald, Daily Mirror, and Daily Telegraph of 27 December 1940, and Manchester Guardian, 28 December 1940, appear at No.38, *ibid*.

5. Minute by Toyey, 4 January 1941, CO 877/21/41/27223.

6. Minute by Hibbert, 4 January 1941, CO 859/29/40/12268.

decided to ride out the initial excitement and press ahead with the scheme.¹ Inquiries to various bodies including the TUC, the MoL, the Joint University Council, and the Cooperative Unions Movement brought to light a considerable list of candidates.² Hibbert later expressed delight at the excellent material that had become available.³

In February 1941, following the disclosure by the press, the colonies were hurriedly informed that the scheme was only experimental. They were asked if they were interested in employing British trade unionists as labour officers.⁴ With a promising source of labour officers at last available, the CO wasted no time in arranging interviewing sessions.⁵ By 1942 the first six trade unionists had been appointed to the colonies either as advisers or labour officers.⁶

1. Minute by Farmer after a meeting between Hall and H.V. Tewson of the TUC on 10 January 1941, CO 859/29/40/12268.

2. See CO 877/21/41/27223.

3. Minute by Hibbert, 18 August 1941, CO 859/50/41/12254/5.

4. Confidential circular, telegram, 17 February 1941, No.17 on CO 877/21/41/27223.

5. Interviewing sessions were held on 5 August 1941, 14 August 1941 (No.64) and 16 October 1941 (No.121), *ibid.*

6. The trade unionists appointed to the colonial service were:

J. Stirling	Labour Officer, Trinidad
I.G. Jones	Labour Officer, Gold Coast
H.E. Chudleigh	Inspector of Labour, Palestine
W.M. Bissell	Deputy Commissioner of Labour, British Guiana
E. Parry	Labour Officer, Sierra Leone.
P.H. Cook	Industrial Welfare Officer, Nigeria

Trades Union Congress, Report of the Proceedings of the Seventy-Fourth Annual Trades Union Congress, London, 1942, p.75.

Within the relatively brief period of the five years following the germinating despatch of 1937 labour departments or inspectorates had been set up and staffed in nearly all the colonies.¹ Through the cooperation of the MoL and the TUC in particular, the CO had been given a great deal of assistance in recruiting the necessary specialists to provide the nucleus of a very essential service. In 1943 Hibbert could justifiably claim that 'remarkable progress' had been made in establishing a full-time staff in separate labour departments to aid colonial governments in the efficient supervision of labour conditions.

Conclusion

While the CO had no expressed policy for dealing with labour supervision, by 1930 a number of labour departments had come into existence in the dependencies. That their primary role was to ensure a sufficient supply of labour was evident when the labour departments in East Africa, the Solomon Islands, and the West Indies were either abolished or reduced during the depression. They could not be so easily reduced in Malaya and Ceylon for fear of upsetting the Government of India and completely cutting off a future supply of Indian immigrant labour.

With the return of prosperity after the depression MPs began pressing through Parliament for labour departments to be established

1. The number of dependencies with special labour departments or staffs had increased from 11 in 1937 to 33 in 1943, Colonial No. 185, p.4.

in the colonies to protect the interests of the natives. At the same time disturbances in the colonies made the establishment of labour departments increasingly imperative. Against a background of unrest and concern, first Malcolm MacDonald (1935) and then Ormsby Gore (1937) initiated moves in the CO to overturn the traditional attitude of leaving labour matters to the local administrations. Although attitudes were slow to change, the Trinidad riots proved to be a seminal event which seriously called into question the reluctance of the geographical departments to press colonial governments unwilling to do anything effective for native labour.

The despatch issued under Ormsby Gore in 1937 gave the colonies little choice other than to comply with the introduction of adequate means to supervise labour. Most of the dependencies went ahead readily enough and the West Indies in particular accepted this addition to their administrations as overdue. The West African colonies also responded promptly to the CO lead but, while the Governor in Nyasaland recognised the necessity for adequate supervision, further pressure had to be applied to Northern Rhodesia and Tanganyika.

Once the initiative had been taken the CO was confronted with the problem of staffing the new departments. It was decided that labour officers should not form a separate service but should remain a part of the administrative service. That decision successfully solved the problem of finding recruits for the position of labour officers in the African dependencies as they had extensive administrative services on which to call. But those areas without district administrations, as in the West Indies where some of the

most urgent problems existed, experienced great difficulty in finding suitable personnel. Many avenues were explored and, as well as the MoL proving a fruitful source, the beginnings of co-operation with the TUC were fostered by selection of TU officials as labour officers for certain colonies. After initially sending prospective labour officers to the MoL for training the CO took the responsibility and it became Orde Browne's task to set up suitable courses. The first of these courses was held in 1939 after the war had started and this was followed by another in July 1940.

The only resistance to setting up labour departments came from East Africa, most notably from Tanganyika. Despite the urgent and widespread labour problems in that territory, the Governor's right to decide not to set up a labour department continued to receive support in the Office. But the appointment of a labour adviser and the establishment of a Social Services Department, together with the new attitude of the Secretaries of State toward labour matters, all combined to make it easier to press successfully for compliance with Office policy.

Chapter 8

Trade Union LegislationIntroduction

In the dependencies, no less than in other parts of the world, the emerging industrial work force was concerned to organise itself to improve work conditions. Before the First World War most dependencies had very little in the way of a wage earning force and organisations featuring some elements of trade union objectives had only a shadowy existence in Trinidad, Jamaica, British Guiana, Sierra Leone, Nigeria, Ceylon, and Hong Kong.¹ Although the upheaval of the war did not directly affect the majority of the dependencies, the much increased need for manpower, led to renewed attempts in the post-war period to organise to improve working conditions. As well as a revival of organisations in the territories already mentioned, attempts were made to form unions in the Gold Coast, Mauritius, and Malaya.² The most successful of these, the British Guiana Labour Union under H. Critchlow and a militant movement led by E.A. Goonesinha in Ceylon, gathered sufficient following to gain some recognition by the respective colonial governments and the employers. However, the hostile attitude of colonial governments and

1. B.C. Roberts, Labour in the Tropical Territories of the Commonwealth, London, 1964, Chapter I (pp.3-27); V.K. Jayawardena, The Rise of the Labour Movement in Ceylon, Duke University, 1972, p.XV.

2. Roberts, Chapter I.

employers toward extending recognition to any combination for protecting essential rights made the existence of trade unions all but impossible. In the twenties only Jamaica (1919), British Guiana (1921), and Malta (1929) introduced very simple legislation to give a minimum of legal recognition to trade unions.¹

After the First World War it became Labour Party policy to encourage and assist trade unionism in the dependencies.² When the Party became the Government in 1929 it lived up to the expectation that it would give a lead to trade union development, and it set out 'to smooth the passage of such organisations, as they emerged, into constitutional channels.'³ The recognition and guidance to be given to trade unions in the dependencies became the subject of a confidential circular despatch in September 1930.

Little headway was made toward introducing legislation following the despatch because of the opposition from colonial governments. Although trade unionism was a matter of high controversy in the UK itself⁴ it was not a live issue in the dependencies, apart from Ceylon. In 1929 militant trade unionism was at its height in Ceylon but thereafter unemployment caused by the depression seriously depleted the strength of the movement and it faded away as a political force.⁵

1. Minute by J.H. Thompson (CO-Library), 19 March 1930, CO 323/1077/30/70218.

2. 'Points which should be made clear in speeches by the PM [Prime Minister]..', June 1928, LP/Imp.AC/2/62A, Labour Party Archives.

3. Confidential circular despatch (trade unions), 17 September 1930, No.3 on CO 323/1077/30/70218.

4. H. Pelling, A History of British Trade Unionism, Pelican Books, second edition, 1971, p.187.

5. Jayawardena, pp330-331.

Promotion of trade union legislation became the responsibility of the CO General Department in 1930. By the end of 1932 higher authority in the Office had decided that colonial governments should not be pressed to introduce legislation. Consequently little further advance was made before 1937 when pressure from the workforce forced the colonial governments and the CO into taking the initiative in labour matters. The colonial governments then showed a much greater readiness to consider legislation granting legal recognition to trade unions although they remained reluctant to extend to them the rights enjoyed by trade unions in the UK.

Since the September 1930 despatch had minimal effect in promoting trade union development, and the CO attitude to the introduction of trade union legislation corresponded closely to that shown to other labour issues such as workmen's compensation, this chapter will not attempt to follow events in the early years in close detail. Throughout the thirties the CO had been acutely conscious of the absence of any means to compel unwilling dependencies to introduce labour legislation. The main aim here will be to examine the CO response when the introduction of the Colonial Development and Welfare Act in 1940 provided an effective means of pressuring reluctant colonies to extend 'reasonable facilities' to trade unions.

The September 1930 trade union despatch

The issue in 1930 of the circular despatch on trade union legislation was precipitated by a request from the Governor of Gambia for advice on how he should proceed in registering a trade union and whether other colonies had had to face a similar situation.

Matters had come to a head in the capital, Bathurst, after clashes between the police and the public as a result of union activity.¹ Despite Flood (Head of West African Department) proclaiming that no action was called for,² both Calder (West African Department) and Bottomley (Assistant Under Secretary) agreed that the despatch raised an issue which needed to be considered by the General Department. Shiels expressed surprise that the trade union had not been registered and asked that the absence of the necessary legislation be looked into.³

As well as the need to advise on this particular issue of legalising the existence of a well-organised trade union, the CO was involved in the problem of deciding how to act on the Bill from Ceylon based on the UK Trades Disputes and Trade Unions Act of 1927. The Government in Ceylon hoped to curb a vigorous trade union movement by placing restrictions on its activities by means of the highly controversial provisions of the UK Act.⁴ The UK Labour Party was strongly opposed to the 1927 Act without having worked out a definite strategy of how to nullify it. Until policy had been decided the CO was unable to advise the Governor in Ceylon. In considering the request from Gambia, and in drafting the circular despatch, the Office was conscious of the wider issues arising from the Ceylon situation and the need for careful consideration

1. Governor (Gambia) to Passfield, 24 January 1930, No.1 on CO 323/1077/30/70218.

2. Minute by Flood, 27 February 1930, *ibid.*

3. Minute by Shiels, 8 March 1930, *ibid.*

4. Minute by Hazlerigg (General Department), 25 May 1929, CO 54/897/29/63343 Ceylon.

to be given to the extent to which trade unions should be encouraged and made legal.

In April 1930 Shiels indicated that he was under some pressure from trade union members in the House over the Gambia incident and stressed that there was 'great sensitiveness in our Party over any attempt in the Colonial Empire to suppress what have been hardly-won rights in this country.'¹ A further reason for his concern came from the failure to guide the trade union movement in India which had 'in many instances, got into bad hands!'.² He thought the TUC should be approached because of its contact with the Indian situation, but Passfield vetoed that proposal.³ At the CO Conference in June 1930 Shiels warned the governors not to be 'too afraid of organisations of workers'.⁴ Their development was to be viewed not as a matter of politics but 'as a natural and legitimate consequence of social and industrial progress'.⁵

The permanent officials apparently were not asked for advice during the drafting of the trade union despatch. That may, perhaps, be accounted for by the opposition within the Office to trade union development in the dependencies.⁶ There was, therefore, no record

1. Minute by Shiels, 11 April 1930, CO 323/1077/30/70218.

2. Minute by Shiels, 11 April 1930, *ibid*.

3. Minute by Passfield, 17 April 1930, *ibid*.

4. Colonial Office, 'Colonial Office Conference 1930: Stenographic Notes of Meetings', Confidential Print, Miscellaneous No. 416 (Misc. 416), p.184.

5. Confidential circular despatch, 17 September 1930, para.2, No. 3 on CO 323/1077/30/70218.

6. On 1 December 1931 Shuckburgh (Deputy Under Secretary) minuted, 'It is possible to regard the establishment of trade unionism in the Colonies as either

(1) an evil to be avoided as long as possible, or

(2) as a blessing to be conferred as soon as circumstances permit.

The Governor of Fiji evidently inclines to the former view. It would

of the genesis of the most innovative proposal in the despatch - that dealing with the compulsory registration of trade unions. It would seem that the Bill from Ceylon influenced the Office on this issue. As one means of controlling trade unions the Bill had included a provision making registration compulsory.

When Vernon, who was something of an expert on trade union matters and who was the only permanent official to minute before the despatch was drafted, set out to indicate the principles to be considered he obviously had the Ceylon Bill in mind. He believed that trade unions should be made legal associations and that it would be reasonable to advocate their compulsory registration. He made it clear that legalising trade unions was a minimum first and uncontroversial step¹ since it merely corresponded to the stage of development reached in the UK in 1871.² Passfield agreed that Vernon's recommendations provided adequate guidance for governors to deal with emerging trade unionism.³

be idle to pretend that there is nothing to be said in his support; but I take it that we are bound officially to adopt the opposite standpoint.' Vernon noted in the margin 'I should not accept this description of our attitude.' CO 323/1077/30/70218/3: Eight years later, on 11 December 1939, Shuckburgh indicated that strong feelings against encouraging trade unions persisted among the permanent officials. 'I am old fashioned enough still to feel that the spread of trade unionism to the Colonies is an unavoidable embarrassment rather than a positive blessing. However, I know that our official policy is one of sympathy and cooperation and if it is thought fit to assume that Colonial Governors share our feelings, so let it be.' CO 859/11/39/1790.

1. Minute by Vernon, 1 October 1931, CO 323/1077/30/70218/1.
2. Minute by Vernon, 24 October 1932, CO 323/1172/32/90093/6.
3. Minute by Passfield, 17 April 1930, CO 323/1077/30/70218.

While the 1930 despatch did not insist on extending all the rights achieved by British trade unions it anticipated that colonial trade unions would follow a similar tradition. It was not explicitly stated why it was decided to go against that tradition and include compulsory registration. It seems likely that the experience of Indian trade unionism mentioned by Shiels and the provisions in the Ceylon Bill were a part of the background which influenced its inclusion. Certainly Paskin, no doubt in keeping with many in the Office, accepted its inclusion for negative reasons. In 1932 he suggested that it conveniently gave colonial governments the power to suspend those trade unions whose activities they judged to be subversive.¹ Vernon disagreed with that interpretation. He had originally proposed its inclusion and argued that the purpose of registration was merely to keep an authoritative record of associations which enjoyed statutory privileges.² The appropriate passage in the despatch embodied that positive point of view:

I regard the formation of such associations in the Colonial Dependencies as a natural and legitimate consequence of social and industrial progress, but I recognize that there is a danger that, without sympathetic supervision and guidance, organizations of labourers without experience of combination for any social or economic purposes may fall under the domination of disaffected persons, by whom their activities may be diverted to improper and mischievous ends.³

1. Minute by Paskin, 22 April 1932, CO 323/1172/32/90093/5.

2. Minute by Vernon, 28 April 1932, *ibid*: See also CO 323/1211/33/10134/5.

3. Confidential circular despatch, 17 September 1930, para.2, No. 3 on CO 323/1077/30/70218.

Though the danger of political subversion did exist, Vernon saw registration as a constructive step to enable colonial governments to take a helpful role in guiding and assisting trade union development. As the extent to which colonial governments could control unions through registration was not immediately apparent the CO and the dependencies remained distrustful, considering the move to introduce legislation as 'unnecessary'. The despatch also invited those territories in which trade union legislation already existed to consider enacting existing UK trade union legislation but they were expressly told not to adopt the provisions of the Trade Disputes and Trade Unions Act of 1927.¹ To Vernon and the two ministers, trade unions were to be encouraged and given the right to function as lawful bodies as a first step towards gaining the privileges won by UK trade unions.

When, in 1932, it became known that Cunliffe-Lister would not press for the enactment of trade union legislation,² Vernon was the only official to express outright disagreement.³ His views were at odds with the Office attitude but he continued to be influenced by his visit in 1912 to the Solomon Islands and Fiji which, in his opinion, were even then past the primitive stage and in need of trade unions to protect the workers from certain undesirable practices of the employers.⁴

1. Confidential circular despatch, 17 September 1930, para.5 and 6, No.3 on CO 323/1077/30/70218.

2. Minute by A.B. Acheson (East Africa Department), 20 September 1932, CO 323/1172/32/90093/1.

3. Minute by Vernon, 21 September 1932, *ibid.*

4. Minute by Vernon, 27 November 1931, CO 323/1077/30/70218/3.

In 1932 Vernon's views carried little weight in the Office. Higher authority and the bulk of the members of the geographical departments supported the colonial governments' varied reasons for opposing the introduction of the suggested legislation. In support of the Governor of Fiji, E.R. Darnley (Head of the Pacific and Mediterranean Department) commented that:

The (Colonial Sugar Refining) Company's views are certainly far from impartial, but we are aware that the Governor shares them, and from what I know of the condition of the Indian and Native populations of Fiji, I should suppose that they were on the whole sound.¹

Since Paskin had already commented that 'the Company ... [was] in complete control of the Colony's main industry and ... [was] the only employer of labour on a scale of any consequence',² Darnley's comment showed over-ready compliance with the opinion of 'the man on the spot', especially when he was prepared to acknowledge that the Company's views were 'far from impartial'. The Governor had earlier stated that he thought the introduction of trade union legislation might lead to 'seditious activities'³ - an excuse for delay seized upon by a number of colonial governments. When the High Commissioner of the Western Pacific planned to introduce the legislation in his territories, he was told by the CO not to go ahead following the decision to drop the matter in Fiji.⁴ Nigeria considered it would

1. Minute by Darnley, 22 October 1932, CO 323/1172/32/90093/6.

2. Minute by Paskin, 23 June 1932, *ibid.*

3. Governor (Fiji) to Passfield, 22 April 1931, No.1 on CO 323/1077/30/70218/3.

4. Minute by F.J. Pedler, 18 December 1933, CO 323/1211/33/10134/5.

be unwise to introduce legislation on the grounds that it would possibly be abused by nefarious persons who would prey on the ignorant classes.¹ Once Nigeria's reasons were accepted, Sierra Leone and the Gold Coast promptly dropped their plans to introduce legislation. During a visit to the CO in July 1932, both Sir Bernard Bourdillon and Sir William Gowers (previous and present Governors, Uganda) opposed the introduction of legislation and the latter argued that a shortage of labour in his territory ensured good conditions of employment.² In the face of widespread opposition from the colonial governments the CO quietly dropped the matter of trade union legislation.³

As Dawe (Head of Pacific and Mediterranean Department) pointed out in 1937 in the case of Mauritius, behind many of the objections of the colonial governments lay the hostility of the commercial interests. After commenting that trade unions there would have to be fostered artificially by the government because the island lacked industrial conditions and a working class with 'the character' to create trade unions, he stated:

Furthermore, the Franco-Mauritian planters have every reason, of economic advantage and racial prejudice, to strangle it at birth.⁴

Similar apprehension among the commercial interests at the prospect

1. Governor (Nigeria) to Cunliffe-Lister, 8 January 1932, No.11 on CO 323/1077/30/70218/2.

2. Note of discussion by Acheson, 20 September 1932, No.2A on CO 323/1172/32/90093/1.

3. Minute by Paskin, 20 September 1932, *ibid.*

4. Minute by Dawe, 17 November 1937, CO 323/1426/37/1754/7.

of legislation to legalise peaceful picketing and the protection of trade unions against actions of tort was reported by Orde Browne after his visit to the West Indies in 1938.¹ When the Governor of Trinidad proposed amending the Trade Union Act to legalise these rights the Trinidad Oil Companies London Committee, together with the Sugar Manufacturers Association, approached the CO with counter proposals to strictly limit the right to peaceful picketing.² The West African commercial interests were also opposed to legislation and the CO suspected that the JWAC in 1938 was deliberately proposing last minute amendments in an attempt to delay the introduction of legislation.³ The hostility of commercial interests presented a major obstacle to the introduction of trade union legislation in the dependencies. Like their counterparts in nineteenth century England they recognised their interests were bound to suffer, in the short term at least, from organised labour.⁴

Public pressure

In May 1937, much to the surprise of the CO, Kenya sought approval to introduce legislation along the line of Passfield's 1930

1. Minute by Hibbert, 10 May 1939, CO 859/8/39/1754/3.

2. Chairman (Trinidad Oil Companies' London Committee) to MacDonald, 29 September 1939, No.27, *ibid.*

3. In a minute, 24 November 1938, Farmer (General Department) wrote 'I refrained from asking why, if they [West African Section of the London Chamber of Commerce] did not wish to be obstructive, they had held up their representations until three days before the [Nigerian] Legislative Council was due to meet!' CO 323/1539/38/1754/5.

4. See Pelling, p.15.

trade union despatch.¹ The reason for this uncharacteristic move arose from an on-going and effective strike by the Kenya Labour Trade Union causing certain employers to ask for the recognition of the Union to enable negotiations to take place. In the preceding month the Governor of Nigeria had indicated that he was introducing trade union legislation² after he had been approached on behalf of a proposed Nigerian Railway Union by Sir William Geary.³ Sierra Leone and Gold Coast proceeded to follow the lead given by Nigeria. These moves by colonial governments in Africa to introduce trade union legislation came as a result of pressure from the workers in the territories and not from promptings by the CO. While this pressure was an early sign that much greater notice would have to be paid to labour conditions, the workers in most African territories had not by then become a political force.

In contrast, a series of serious disturbances in the West Indies which culminated in the Trinidad riots of June 1937 proved to have a much more pronounced effect because of the public concern they aroused in the UK. The interest in Parliament and outside in the serious shortcomings in labour conditions revealed by the disturbances, forced Ormsby Gore to undertake an immediate review of the

1. Governor (Kenya) to Ormsby Gore, 14 May 1937, No.1 on CO 323/1426/37/1754/6.

2. Governor (Nigeria) to Ormsby Gore, 5 April 1937, No.1 on CO 323/1426/37/1754/5.

3. Hibbert (11 February 1940) labelled Geary 'the octogenarian hugbear of the West African Department' because he kept up a stream of letters over the delay in the introduction of trade union and workmen's compensation legislation in Nigeria. CO 859/29/40/12267/1.

situation.¹ Vernon tackled the task in forthright fashion and the resultant despatch in August 1937, in so far as trade unions were concerned, conveyed a general warning of the danger in any further delay in introducing the simple legislation advocated by Passfield or in removing the serious disabilities which prevented them adequately carrying out their functions.²

In 1938 when MacDonald returned to the CO he immediately showed a determination to improve labour conditions. Encouraged by the positive direction given by Ormsby Gore and MacDonald, Hibbert now helped to restart the momentum in labour matters which had stalled since the beginning of Cunliffe-Lister's tenure of Office. The CO began to show a new initiative and determination to persuade the colonies to accept greater responsibility for improving labour conditions. As far as trade union legislation was concerned the general exhortation in 1937 was followed in 1938 by despatches to individual colonies in the West Indies; in the case of Barbados, requesting the introduction of legislation;³ and in that of Jamaica, asking for the amendments to existing legislation suggested by the CO as far back as 1931.⁴ Then in May 1939 a despatch was sent to certain of the West Indian dependencies dealing with the vital issues of legislative protection for unions against the action of torts and

1. See CO 323/1319/35/1766/2.

2. Circular despatch, 24 August 1937, No.3 on CO 323/1429/37/1766.

3. Parkinson to Governor (Barbados), s/o, 16 February 1938, No.1 on CO 323/1539/38/1754/3.

4. MacDonald to Governor (Jamaica), confidential, 31 August 1938, No.13, *ibid.*

the right to conduct peaceful picketing.¹ This was followed in June by a similar despatch to the African colonies² after the SoS had been put 'on the spot' during the debate on the CO estimates by J. Maxton's condemnation of restrictive trade union legislation in Sierra Leone.³

The revival of CO activity came as a result of the pressure produced by agitation of one kind or another from within the colonies themselves. Although Labour Party policy in 1929 to 1931 had been considered doctrinaire by many in the Office, by 1937 it was obvious that labour matters could no longer be ignored or treated in the desultory fashion of the preceding six years. But the development of a more positive policy by the CO did not necessarily lead to any changes of attitude by colonial governments. It was only when public interest in the UK became widespread and persistent that the CO gained the support it considered necessary if it were to be more successful in pressing the introduction of labour legislation in the colonies. The 1940 Colonial Development and Welfare Act was one outcome of the wider public interest in the Empire. That Act had a profound effect on hastening the enactment of comprehensive trade union legislation through the addition of a clause that was specifically included for that purpose. It was a timely innovation as the CO had met with limited success in persuading the colonies to extend 'reasonable facilities' to colonial trade unions.

1. Confidential despatch (2) to Barbados, British Guiana, Windward Islands and Grenada, 27 May 1938, No.7 on CO 859/8/39/1754/3.

2. MacDonald to Governors (East and West Africa), 22 June 1939, No.s 3-9 on CO 859/8/39/1754.

3. P.D., Commons, 7 June 1939, v.348, c.499.

'Blackmail' 1

During the preparation of the provisions for the Colonial Development and Welfare Bill the Social Services Department was pre-occupied with updating the clauses dealing with fair conditions of labour inherited from the 1929 Colonial Development Act. Although these clauses had proved ineffective, the CO believed any attempt to delete them from the new Bill would attract unwelcome attention from the Labour Party MPs.² Considerable discussion ensued over the definition of the 'standard rates of wages' and the age under which children should not be employed in industrial undertakings. Apart from the removal of the obsolete forced labour clause the CO proposed no radical changes. The provisions finally decided upon were intended to cause the colonial governments no more trouble than those in the previous Act.

On this occasion the CO did not have the final say on the fair conditions clauses. In the committee stage of the Bill, Creech Jones and D. Adams proposed an addition which stated that there should be 'no embargo upon the establishment of trade unions'.³ Hall (Parliamentary Under Secretary) accepted the amendment in principle and agreed to its inclusion in the Bill if a suitable form of words could be agreed upon after discussion with the interested

1. Hibbert on 3 March 1941, termed the clause on trade unions 'a subtle piece of blackmail'. CO 859/50/41/12254/5.

2. Minute by Hibbert, 30 April 1940, CO 859/40/40/12901/c.

3. 'Notes of the amendments to the Colonial Development and Welfare Bill', No.2, June 1940, No.8A on CO 859/41/40/12901 L.

MPs.¹ The proposal to include trade unions in the fair condition clauses represented a radical addition and Parkinson (Permanent Under Secretary) immediately stated that it was 'not' suitable to the Bill.² Any addition along those lines would most likely prove to be highly unpalatable to a majority of the dependencies. The reason behind the addition was the labour movement's concern to ensure that the funds of the colonial trade unions be safeguarded from actions of tort by the means prescribed in the UK Trades Disputes Act of 1906.³ The colonial governments were proving reluctant to introduce legislation giving that protection.

Despite Parkinson's objection, the CO had been committed by Hall to have a trade union clause included in the Act. The Office contacted Parliamentary Counsel who came up with two alternatives for consideration. The first straightforwardly proposed that funds under the Act be made available only if there were no unreasonable restriction on trade union activity. But, as Counsel suggested, it would be absurd to demand that condition should the funds applied for be intended for such projects as agricultural research or for the improvement of a medical scheme.⁴ The CO agreed, and accepted

1. Note by G.H. Creasy (Head of Colonial Development and Social Services Department), 'Colonial Development and Welfare Bill: Notes for Committee Stage', Amendment 2, 8 June 1940, No.9 on CO 859/41/40/12901 L.

2. Comment by Parkinson on the 'Notes of the Amendments', No.2, June 1940, No.8A, *ibid.*

3. The need to protect union funds was mentioned by Creech Jones in debate on the third reading of the Bill. P.D., Commons, 11 June 1940, v.361, c.1212.

4. Sir John Stainton to Bushe, 14 June 1940, No.19 on CO 859/41/40/12901 L.

the second and more limited proposal which imposed the trade union condition only if projects employed local labour. Hall, on his own initiative according to Hibbert,¹ then altered the amendment to the positive statement:

Before making any scheme under this section as respects any colony, the Secretary of State -
 (a) shall satisfy himself, in a case where the scheme provides for the payment of the whole or part of the cost of the execution of any works, that the law of the Colony provides reasonable facilities for the establishment and activities of trade unions, and that fair conditions of labour will be observed in the execution of the works...²

After discussion with CO members and then the SoS, Hall gained acceptance for this proviso from a group of MPs which included Colonel Ponsonby, C.G. Ammon, Creech Jones and B. Riley. In July Lord Lloyd successfully proposed the amendment in the House of Lords. He stated that it did not introduce any new principle as it had been 'deliberate policy' since 1930 to introduce legislation to legalise trade unions. It did not make their formation mandatory but he pointed out that in those territories with growing industrial employment it was only right and natural that the workers should be able to organise.³ The amendment passed both Houses without difficulty.

Before the SoS could make funds available for approved schemes it

1. Minute by Hibbert, 12 September 1942, CO 859/48/42/12254.
2. Confidential circular despatch, 12 July 1941, No.9 on CO 859/49/41/12254/3.
3. P.D., Lords, 9 July 1940, v.116, c.811-812.

had to be decided what was meant by 'reasonable facilities' for trade union activities. Cyprus became the test case when Acheson (Head of Pacific and Mediterranean Department) asked for approval for a grant for irrigation works. He suggested that the simple legislation asked for by Passfield in 1930 adequately provided reasonable facilities for the activities of trade unions.¹ Hibbert disagreed, pointing out that the law in Cyprus did not provide for the protection of unions against actions of tort, or for peaceful picketing. He did not fail to mention that the reason for the proviso in the Colonial Development and Welfare Act was precisely to enable the CO to bring pressure to bear on colonial governments, such as Cyprus, who were proving backward in enacting satisfactory trade union legislation.² Although Shuckburgh³ and Parkinson⁴ expressed their support for Acheson's point of view, Bushe (Legal Adviser) suggested that it was as much a political issue as it was a point of law. He added that reasonable facilities would have to mean protection against being sued for tort:

It can be tested not in the Law Courts but in the House of Commons; and I doubt whether the House of Commons would agree that the law as it stood in about 1870 in this country provides to-day, even in a Colony, "reasonable facilities for

1. Minute by Acheson, 23 January 1941, CO 67/307/40/90093 Cyprus.

2. Minute by Hibbert, 24 January 1941, *ibid.*

3. In a minute on 15 March 1941, Shuckburgh wrote he was disinclined to accept the view that the existing Cyprus law was inadequate, adding 'In my view, we are creating difficulties for Cyprus (and incidentally for the general war effort) on grounds which seem to me pedantic.' *Ibid.*

4. Parkinson minuted to Acheson on 15 March 1941, 'I regret the incursion of this 'political' provision in the Act and I should have been delighted if our Advisers could have advised differently.' *Ibid.*

the activities of Trade Unions."¹

The opposition of higher authority to the interpretation of 'reasonable facilities' indicated the extent to which the addition of the proviso had been a political matter. The strength of the opposition of certain members of the CO will be evident in the determined bid by Dawe (Assistant Under Secretary), on behalf of the Governor of Kenya, to have Bushe's interpretation of 'reasonable facilities' either overturned or disregarded.

Following Bushe's interpretation, the CO issued a confidential circular despatch explaining 'reasonable facilities' and the need to amend existing legislation where necessary in order to comply with the requirements before funds could become available. In a crucial sentence in the despatch which eventually issued in July 1941, Bushe had drafted (in the name of the SoS):

I am, however, advised that, while the phrase "reasonable facilities" can to some extent be construed in relation to the social and other conditions in a particular territory, there must be an irreducible minimum obtaining in all territories to which the section becomes applicable.²

In light of the development of trade union rights in the UK, Bushe believed that, as well as the provisions asked for in Passfield's despatch of 1930, there should be 'the right to combine and bring

1. Minute by Bushe, 24 February 1941, CO 67/307/40/90093.

2. Confidential circular despatch, 12 July 1941, para.5, No.9 on CO 859/49/41/12254/3: The file CO 859/48/41/12254 containing the discussion preceding this despatch is unfortunately missing.

pressure on employers; the recognition of the right to strike; immunity from civil proceedings of persons who do certain acts to the prejudice of the business interests of others in the furtherance of a trade dispute; and the protection of trade union funds against civil proceedings in respect of torts committed by or on behalf of a trade union.¹ To the above list the colonial governments were told that provision for peaceful picketing should also be included unless there was a good reason for opposing it.²

In order to facilitate the review of its legislation by each colonial government the CO included a model draft ordinance. There were only four territories - Jamaica, Nigeria, Gold Coast, and Sierra Leone - whose legislation at that stage was deemed adequate to apply for funds.³ The inclusion of the trade union provision into the Colonial Development and Welfare Act had put the CO in a strong position to press those colonial governments requiring funds under the Act. In this matter of trade union legislation it had the leverage that had been so conspicuously lacking in labour matters on previous occasions.

While the CO was deciding on the Cyprus issue, Sir H. Moore, Governor of Kenya, was attempting to persuade his fellow governors in East Africa to oppose the introduction of legislative safeguards against actions of tort.⁴ The other governors, however, were wary

1. Confidential circular despatch, 12 July 1941, para.6, No.9 on CO 859/49/41/12254/3.

2. Ibid, para.8.

3. Ibid, para.9.

4. Extract of the proceedings, East Africa Governors' Conference, 10-12 January 1941, No.1, ibid.

of declaring outright opposition if that meant a likelihood of missing out on grants under the Act. G.B. Stooke (Deputy Chief Secretary, Kenya) indicated that Zanzibar, in fact, wished to proceed with the required legislation. 'Very perspicacious of Mr. Stooke' noted somebody in the Office.¹ Moore, too, recognised that Kenya would have to come into line and a bill was published early in 1941 to meet the requirements.² But commercial opinion in Kenya reacted so strongly that Moore withdrew the offending bill and promised not to reintroduce it during wartime. He then turned his attention to trying to get the CO to make an exception on Kenya's behalf. Dawe loyally took up the case for his former colleague and pressed for reconsideration by the SoS. He argued:

Perhaps I should add that in my opinion great weight should attach to the views expressed by Sir H. Moore and that politically it would be a serious error to insist on the letter of the circular despatch in the case of Kenya.⁴

This was a classic example of the unquestioning support for 'the man on the spot' which Hibbert had attacked so strongly over the workmen's compensation issue. The upshot of the meeting with the SoS and Hall was that Kenya was not to be pressed to introduce legislation to protect the unions against tort, but neither was it to

1. Unsigned minute, March 1941, CO 859/49/41/12254/3: G.B. Stooke was Deputy Chief Secretary, Kenya (Colonial Office List: 1940).

2. Moore (Kenya) to Lord Moyne, May 1941, No.5 on CO 859/49/41/12254/3.

3. Moore to Parkinson, s/o, 28 September 1941, No.22, *ibid.*

4. Minute by Dawe, 1 December 1941, *ibid.*

be eligible for funds until it did so.¹ Those in the Office who in previous years had suffered as a result of the intransigence of the Kenya Legislature must have sent off that message with a certain amount of satisfaction.

Moore, however, on his visit to England in September 1942, pressed Viscount Cranborne (SoS) to reconsider the earlier decision and Kenya's case was put to the law officers;² but to no avail. The Attorney General ruled that it was a matter for the discretion of the SoS to decide what 'reasonable facilities' should mean, and that had already been done in the 1941 despatch. Although considerable discussion ensued the decision stood and Kenya's plea to be treated as an exception was turned down.

Dawe made one final bid by pointing out that certain colonies which had not amended their legislation had been receiving aid before the July 1941 despatch and were continuing to receive it.³ A number in the Office thought the period of grace possible under paragraph 10 of the despatch should end.⁴ Although the SoS chose not to close the loophole immediately it was not politically acceptable to allow Kenya to avoid the obligations imposed by the Act. With no exception to be made on its behalf Kenya then went further than all the other dependencies, except Aden and the Falkland Islands,

1. Minute by Parkinson, 2 December 1941, CO 859/49/41/12254/3.

2. Note of a meeting held in the Secretary of State's room, 10 September 1942, No.5, *ibid.*

3. Hibbert minuted to Jeffries (Assistant Under Secretary), 29 January 1943, 'I most sincerely deprecate' re-opening the Kenya case again. He later refused to retract his strongly worded minute in which he said it was time that Moore grasped 'the nettle firmly'. CO 859/48/43/12254.

4. Minute by Jeffries, 24 February 1943; and by Sir George Gater (Permanent Under Secretary), 30 March 1943, *ibid.*

by adopting the CO model 'Ordinance to Regulate Trade Unions and Trades Disputes' in its entirety.¹

The satisfactory outcome of the trade union issue for the CO contrasted markedly with the failure of O.F.G. Stanley (SoS), on his visit to Nairobi in October 1943, to persuade Moore to introduce workmen's compensation legislation. The very different outcomes of these two cases underline the difficulty always faced by the CO in attempting to persuade certain dependencies to introduce what they considered to be unnecessary or unwanted legislation. In this case the leverage provided by the Act meant that a reluctant colony could be brought into line with CO policy.

Although the trade union clause represented a powerful lever for bringing dependencies into line over legalising trade union rights, the principle of supporting the governor remained the overriding concern of a number in the Office. In its unwillingness to employ the leverage it had been granted, higher authority proved to be more cautious than the ministers, and in the case of Kenya, more cautious than necessary.

1. On 25 March 1943, Hibbert expressed his delight at the outcome, 'While I will gladly raise my heart and voice in the triumph song, I would nevertheless remark that the "triumph" (if any) is not one for the Governor of Kenya, but for the last two Secretaries of State who rightly stood firm against the intransigent attitude adopted by the Kenya officials.' On 7 May 1943 Hibbert noted, 'It is extremely remarkable that, after all the hoo-hah which was raised locally, the Governor should have succeeded in getting a Bill based upon the CO model enacted by his Legislature.' CO 859/49/43/12254/3.

Conclusion

In so far as the introduction of trade union legislation was concerned the initiative did not come at any stage from the ranks of the permanent officials in the CO. In 1930 Vernon's view that the workers in even the more primitive territories required the protection of trade unions diverged markedly from the mainstream of official thinking. As an assistant secretary Vernon's opinions carried insufficient weight to maintain the momentum begun by Passfield's circular despatch on trade union legislation. In 1932 the CO ceased to press for the introduction of trade union legislation in the face of hostility from the colonial governments and the employers. It was not until 1937 that this hostility was overcome in Kenya and Nigeria when the employees became sufficiently organised to be able to bring enough pressure on the colonial governments to make them reconsider introducing simple legislation. In the same year the CO was forced to take the lead again after serious disturbances in the colonies had aroused public interest in the UK and had brought about disconcerting questions in the House of Commons.

Despite the unsatisfactory labour conditions revealed by local agitation and substantiated in the reports of Orde Browne after his visits to Northern Rhodesia and the West Indies, the colonial governments as a whole still showed themselves to be reluctant to introduce more than the simple legislation needed to recognise trade unions as lawful combinations. Higher authority in the CO was opposed to forcing the pace and by 1941 only four colonies were judged to have satisfactory trade union legislation.

In order to overcome the reluctance to extend trade union rights, the Labour Party was successful in introducing a conditional trade union clause into the 1940 Colonial Development and Welfare Act. The Office, however, by no means welcomed the leverage the clause provided, and only reluctantly conceded that the colonial governments would have to come into line. The clause proved a useful piece of 'blackmail' in those colonies wanting funds under the Act - as the confrontation with Kenya showed. Dependencies who felt no need of financial assistance or who were prepared to do without, such as Hong Kong and Bermuda, were in a position to ignore the CO lead. The final credit for the extent to which the provisions of the Act were made effective must go, as Hibbert pointed out, to the Secretaries of State who, as in the case of Kenya, failed to be deterred by the opposition of higher authority within the Office.

The widespread introduction of trade union legislation along UK lines arose from the determination of the Labour Party to give colonial trade unions effective rights and from the willingness of the various Secretaries of State to use the power they had been granted in the Act by the House of Commons.

Conclusion

The two decades between the world wars witnessed a significant change in the Colonial Office's conception of its role as a trustee for native peoples. The change was nowhere more evident than in the exertion of initiative by the Office in the question of native labour in the dependencies. That initiative took a number of forms including an acceptance of a moral obligation to apply the ILO labour conventions; the active promotion of labour legislation; the application of pressure to those colonies reluctant to follow the lead given; the appointment of a labour adviser; and the establishment of administrative machinery for the adequate handling of the labour question in the Office and the colonies. These innovations in the thirties represented a radically different approach to that taken by the Office in the decade after the First World War, and culminated in the CO using the 1940 Colonial Development and Welfare Act to 'lever' certain colonies into introducing satisfactory trade union legislation. However, the change did not come about without producing considerable tension in the Office and strong resistance from many of the permanent officials.

Despite the fact that native labour was used extensively in the dependencies in building communications, and in industry, mining and agriculture, the permanent officials held a strictly limited conception of the Office role in labour matters. In the twenties the CO did no more than check the more serious abuses that arose from the employment of native labour. Somewhat in the manner of a neutral referee, it did not intervene unless conditions got out of

hand and threatened to draw unwelcome attention and publicity.

The attitude adopted by the Office to native labour was dominated by the senior members. Because promotion depended almost entirely on seniority, upper positions in the hierarchy were filled by incumbents whose careers had begun well before the First World War. On the whole their views failed to keep pace with the changes in the dependencies resulting from the First World War, or with the new and positive conception of social justice and the concomitant responsibility of the State for its realization. Permanent officials such as Grindle, Strachey, Shuckburgh, Fiddian and Flood had very definite views regarding the CO and its functions. With regard to labour questions they held firmly to the belief that any policy must remain a matter for the judgement of the local administrations in the dependencies. Grindle and Shuckburgh, who spanned the two decades as Under Secretaries of State, remained opposed to the Office taking the initiative in labour matters. Flood and Fiddian, as heads of the African departments in the first half of the thirties, made no secret of their opposition to CO interference. Their views, in particular, were of considerable significance in Office deliberations because Africa tended to be the focus of the labour question.

In retrospect, an outstanding characteristic of the Office in the inter-war years was the failure to appreciate the extent of the social problems brought about by the penetration of European political and economic systems into traditional societies. Except for one or two notable exceptions, there was complete silence as to what labour conditions in the dependencies meant in human terms. Conse-

quently, in regard to labour and the related social problems the CO made no attempt to define its obligations as a trustee for the welfare of the subject peoples. The notion of the State as a positive agent for the social welfare of its inhabitants, was only belatedly conceded in the case of the dependent peoples. The enactment of the Colonial Development and Welfare Act in 1940 was a major stage in the practical acceptance of that responsibility.

Although virtually no public interest in the labour question in the dependencies existed in the United Kingdom, the CO attitude did not go unchallenged. Without doubt the strongest pressure for change came from the persistent and growing influence of the ILO. Its presence kept the labour issue constantly before the Office. For the first ten years of the ILO's* existence the CO regarded its aims as inappropriate for the colonial Empire. But the inauguration of the 408 Committee in 1927, together with discussion leading up to the first indigenous labour convention, forced the Office to reconsider its dogmatic view that conventions designed for industrial countries were not applicable to 'backward' dependencies.

Parliament did bring intermittent attention to bear on various colonial labour problems. However, the lack of interest in the constituencies meant that the questions in Parliament stemmed from the convictions of individual MPs or from particular pressure groups. An individualistic approach of that kind did not lead to sustained pressure or to the consideration of problems on a comprehensive basis. An example of the effect of brief Parliamentary interest occurred in 1934 when the CO was prompted to produce a model workmen's compensation ordinance. But the failure of Parliament to

maintain pressure allowed the inertia of the CO system to take over again and a number of years passed before the model became operative.

The Labour Party had a definite policy on a number of labour issues, but with the lack of public interest there was no commitment to putting it into operation. In 1929 neither Passfield nor Lunn (who preceded Shiels in Office for seven months) showed any sign of giving a lead in labour matters. Considering the general disinterest of the Party in the subject, Shiels' achievements for native labour in his two years in the Office (1929-1931) appear all the more remarkable.

Colonial Office policy in the twenties had been to treat the ILO conventions as inapplicable to the tropical territories. In contrast, in 1929, although Amery and the Office were opposed to its inclusion on the ILConference Agenda, serious consideration had to be given to the first indigenous labour convention dealing with forced labour. A major reason for Amery's opposition arose from the belief that in the interest of economic advance and for the ultimate benefit of the native peoples themselves forced labour might have to be employed for some time to come. The permanent officials were fully in accord with his views. Their observations on the Forced Labour Convention revealed their determination to uphold the cardinal principle in the policy of 'indirect rule' of a minimum of interference with traditional authority. They regarded the use of communal or forced labour, in those territories where indirect rule was the guiding principle, as an essential and vital component in maintaining the authority and dignity of native rulers.

Despite the expressed intention of the ILO that compulsory labour for private individuals, including labour for chiefs, should come under close regulation, the Office was determined that such labour should be excluded from the Convention along with compulsory labour employed for 'minor communal services'.

There were a few members of the Office, and especially Vernon, the CO delegate to the ILConference, who were uncomfortable with the CO's very reactionary stand to the Forced Labour Convention. But their views received no support even after the Labour Party became the Government in June 1929. However, the situation changed dramatically when, in late 1929, Shiels came into office and questioned the whole basis of indirect rule and the use of forced labour. On his insistence the British instructions became positively directed towards limiting and regulating the practice of forced or communal labour and to bringing about its early abolition.

Besides decisively altering the CO policy over the Forced Labour Convention, Shiels forced the Office to undertake numerous other projects concerned with various aspects of the labour question. He established the concept of a moral obligation to apply all ILO labour conventions wherever possible. He had the General Department issue two major despatches dealing with trade unions and workmen's compensation; pressed for the introduction of minimum wage fixing machinery into all dependencies; and established a committee to review all labour legislation prior to setting up guiding principles for the colonial governments and CO alike. Finally, he formulated a policy to assist in phasing out the notorious penal sanctions which still lingered on in the masters and servants legislation of

many of the dependencies.

The permanent officials proved reluctant to support Shiels' programme. There were a number of cogent reasons for their attitude. First, and foremost, they believed labour policy must remain in the hands of the local administrations. They were well aware that a radical departure from previous practice would incur strong reaction in the colonies. The lack of any means of coercion in the face of determined objections from colonial governments reinforced their cautious approach to the introduction of a vigorous forward policy. In addition, the probable termination of the Labour Party's tenure of office made it highly probable that there would be a return to the earlier and long established pragmatic approach to the labour question. That indeed proved to be the case when Cunliffe-Lister became SoS at the end of 1931. Under his guidance the CO reverted to its neutral role and the pressure on the colonies to adopt labour legislation was reduced accordingly.

Although there was a deliberate return to the earlier policy of leaving labour matters to the colonial governments, certain measures begun by Shiels could not be undone. West Africa had agreed to abolish penal sanctions and, although the CO accepted that the time was not ripe for a corresponding abolition in East Africa, it recognised that there was no objective difference in conditions to justify the delay. The CLC sub-committee was still involved in the preparation of the model workmen's compensation ordinance, and the General Department, to some extent, with legislation associated with the ILO conventions. The CO had new responsibilities, however reluctant it might be to continue with them or however inadequate the

practical arrangements were to deal with them effectively.

When Shiels revealed his strong determination to implement an enlightened labour policy a small number of the permanent officials in the Office showed that they were in sympathy with his intention to give a more definite lead to the colonial governments. The widely experienced Vernon, who transferred to the General Department in 1929 and became its Head in 1930, left no doubt that he considered that there were certain well-tried principles concerned with the employment of labour which needed to be introduced in any working situation. Unlike many in the Office he no longer thought of the dependencies as being so totally backward that the minimum standards set up through the ILO conventions could not be introduced. Perhaps the best gauge of his views can be found in his open espousal of the idea of some kind of international control of native labour in the colonial territories. Such a divergent view amounted almost to heresy. Poynton, while a member of the General Department in 1930 and 1931, was also prepared to press colonial governments to enact legislation in line with Shiels' objectives. Green, Head of the Tanganyika and Somaliland Department, and the eldest of the assistant secretaries in the Office, unlike his contemporaries gave strong support to Shiels. When Shiels departed, Green quite realistically turned down the chairmanship of the CLC. He recognised along with others who supported Shiels' objectives that their views would no longer receive a sympathetic hearing from higher authority. Green was able to exert more influence on labour questions after his retirement in 1934. By his membership of the Labour Party Imperial Advisory Committee and the TUC Colonial Advisory Committee

he made a valuable contribution to shaping their respective policies on colonial labour matters and in the preparation of briefs for deputations to the CO.

Although by the mid-thirties there was a return to prosperity after the worst years of the depression, labour conditions in the dependencies generally failed to show any corresponding improvement. As a result serious unrest grew, creating public alarm in the UK especially after the Trinidad riots of June 1937. By then the political heads of the CO had come to realise that serious consideration must be given to the labour question. First MacDonald in 1935, then Ormsby Gore, under pressure from Parliament in early June 1937, moved towards establishing adequate and specialised labour supervision in all the dependencies. In 1936, as a result of the initiative taken by Shiels from outside the Office, serious consideration was given by Ormsby Gore to appointing a specialist in the CO to deal with labour matters.

Each new initiative in labour matters by the political heads brought strong resistance from within the Office. The moves to make labour a specialised subject in the Office threatened the autonomy of the geographical departments, the members of which argued strenuously against any such development. But their protests were clearly inappropriate. Neither they, nor the local administrators, both untrained in labour matters, had shown themselves sufficiently receptive to, or able to monitor, a worsening labour situation.

The limitations of the permanent officials in the CO in labour

matters were clearly illustrated in their response to the indigenous labour conventions. The briefs prepared by the CLC in 1935 and 1936 for the UK delegation to Geneva for the discussion on the Recruitment Convention had been merely a compound of colonial government observations. The Office, in agreement with Cunliffe-Lister's directive, aimed to regularize the diversity of existing practice and successfully opposed the limitations proposed in the Grey Report. Even in 1938 the CLC felt constrained to prepare briefs for the Written Contracts Convention that were acceptable to the dependencies, which meant opposing the immediate abolition of penal sanctions.

Again the strong objection of the Office to taking the initiative in labour matters was demonstrated when the members of the CLC opposed taking the forward policy advocated by Vernon in June 1937 after his discussion with the SoS, Ormsby Gore. With Ormsby Gore accepting the need for the CO to take a positive lead, Vernon, finding once again that his views had ministerial support, ably and perceptively sketched out the measures which he considered necessary for improving labour conditions in the Empire. The question had reached a stage of urgency and the political heads found the Office (and in particular the geographical departments) conception of its role in labour matters seriously out of touch in a changing situation.

Although the grave political situation in Europe delayed the introduction of the Colonial Development and Welfare Act, under discussion in 1937, the seriousness of the unrest in the Empire and the public interest it aroused at last persuaded Treasury to look favourably on providing the organisation in the Office which first

Ormsby Gore and then MacDonald had recognised as vital. Despite the rooted objections of the geographical departments to an office labour adviser, Orde Browne was appointed in 1938. When MacDonald came back into the CO in 1938 he kept up the momentum and although he bowed to the Office wish not to appoint a labour advisory council, he quickly set up a Social Services Department (1939) and provided a vigorous lead to improving labour conditions in the Empire.

The re-orientation of the Office towards positive action in labour matters gave Hibbert, who headed the labour section in the General Department from 1936, the opportunity to pursue the subject with abrasive vigour. He was aided in this by the willingness of MacDonald to short circuit on occasion the normal administrative channels by seeking the opinions of the lower ranks of the permanent officials. Hibbert, who was prepared to speak his mind and to press colonial governors when others preached caution, recognised the approachability of MacDonald, and later G.H. Hall (Parliamentary Under Secretary, 1940-42), and threatened more than once to go over the heads of higher authority when a definite lead he wanted to give colonial governments was opposed. He ran into strong opposition from Shuckburgh and, in particular, Dawe. The antagonism which surfaced between Hibbert and Dawe indicated the tension in the Office brought about by the implementation of a forward labour policy.

Hibbert was unusual among the permanent officials for the fer-
your with which he pursued his responsibilities. Unlike Dawe and
others of his colleagues, who identified exclusively with the col-
onial administrations, Hibbert was exceptional in expressing a gen-
uine concern for the indigenous workers themselves. While he recog-

nised that there were limits to what could be achieved through pressing reluctant governments he, nonetheless, demonstrated that there were gains to be made by taking a stronger line than had been the case in the past. His determination was rewarded by the spectacular increases in the number of labour departments set up in the colonies and by the introduction of an extensive range of labour legislation. In 1940 MacDonalld gave Hibbert credit for much of what had been achieved.

Any contrast in the views of the Office members tends to place in an unfavourable light those who failed to recognise the need for action or who opposed the initiative to make constructive improvements in labour conditions. However, consideration has to be given to the political context in which the CO members worked. The permanent officials strove to carry out their duties conscientiously and with concern for their actions. They were acutely aware of their answerability to Parliament and to the consequences of misjudgement in policy on their part. While the final responsibility always rested with the minister, much of the advice which he needed in order to arrive at a decision or a policy came from his officials. Once a decision had been taken they then had to put it into effect. The officials were vulnerable at every stage and so were prone to be over-cautious.

In part, the caution of the CO officials arose from their appreciation of the need to foster the goodwill of the colonies. In certain West Indian dependencies the CO was not in a legal position to override an unwilling legislature. Beckett mentioned in 1931 that no headway would be made in labour matters in those dependencies

until some kind of leverage existed whereby they could be forced to adopt legislation. The CO therefore had to accept that certain colonies in the West Indies and East Africa could not be persuaded to remove penal sanctions from their masters and servants ordinances, or to introduce satisfactory legislation to legalise trade unions. Only in 1940, with the fair conditions clauses in the Colonial Development and Welfare Act, did the CO have a 'lever' whereby colonies requiring funds had first to introduce satisfactory trade union legislation. However, even with such a useful lever available and with the climate of opinion set fair for improving labour conditions there was a residue of opinion in the Office that continued to oppose pressing those colonial governments who remained unwilling to introduce labour legislation.

Within the Office the view persisted that the native worker should retain his ties with his traditional society and that he should not be encouraged to participate in life-long industrial employment. Native society was expected to retain its protective function by looking after the welfare of its members and shielding the worker from the worst effects of industrial employment. Low wages and unemployment, the absence of trade unions and of compensation, were not considered to pose the same kinds of problems as in industrialised countries. But the grafting of industrial employment onto traditional society had a much more corrosive social effect than was appreciated at the time. The CO officials constantly underestimated the growth of full-time wage employment, the consequences of migrant labour on village life, and the rapid de-tribalisation that was taking place.

Though the CO worked in isolation from the territories for which it was responsible there existed certain yardsticks by which it could judge the success of its administration. The public in the UK virtually ignored the dependencies and provided no check on CO activities until the end of the thirties. Parliament could, and did, act, but even the Labour Party did not show widespread or sustained interest. The CO therefore tended to compare its activities on labour matters with those of the other colonial powers. In so far as it could judge, it believed that labour conditions in the British Empire were in advance of those in the colonies of the other powers. The lack of official information from the other powers made comparison difficult, but the CO was reinforced in its belief by the slowness, or refusal, of the other colonial powers to ratify the indigenous labour conventions.

The reason that the administrators often remained ignorant of the problems facing the indigenous work force arose in large part from the absence of adequate labour supervision in almost all territories. The periodic unrest and disturbances resulting from dissatisfaction in the work force usually brought coercive reprisals but no fundamental and expert assessment of the problems which had caused them. Without adequate labour supervision, the native worker had been unable to make his needs known, and so influence the thinking of the local administration and the CO. Others could champion the cause of the indigenous worker, but there was formidable prejudice and inertia to overcome. The ILO was the most influential body pushing the case for the native worker, but the most immediate

and best organised lobby in direct contact with the CO was the commercial interests. They wanted to delay, if not prevent, the introduction of measures designed to improve working conditions since these either threatened to cost them money or to assist in building up effective organisations to represent the worker's case.

Until labour departments were established there had been little chance of labour legislation effectively coming into force. Trained personnel, working through specialised departments, were required if legislation dealing with such complex matters as minimum wage fixing, conciliation, and factory legislation were to be made operative. The lead given by the political heads of the Office in 1935 and 1937 to set up departments to supervise labour conditions in the dependencies had been, therefore, of the utmost significance. Once it became possible to delineate the nature and extent of the labour situation, suitable measures could be contrived to combat problems, or, more important, introduced to prevent new ones arising. When, at the same time, the CO began to employ specialists to deal with labour a vital aspect of the welfare of the indigenous peoples had at last been recognised and promised skilled attention.

The political leaders had shown themselves to be far ahead of the permanent officials in recognising the responsibilities of the CO for the social welfare of the dependent peoples. De La Warr, in 1936, had singled out labour as the most difficult aspect of trusteeship, and called for adequate administrative organisation to champion the cause of fair wages and decent working conditions for the indigenous peoples unable to speak for themselves. That the native worker might have a point of view had seldom been acknowledged by

the permanent officials.

In the inter-war years the CO attitude to labour matters in the dependencies was characterised by a reluctance to come to grips with the question. Even when the situation threatened to become a problem of major proportions the Office continued to be unwilling to follow the lead given by the political heads. Although the slowness to respond was a measure of the respect for the supposed political reality in the dependencies, it was also representative of a conservative viewpoint in the Office that too easily accepted the status quo. That an unnecessarily over-cautious attitude had dominated, especially among the upper hierarchy, became more apparent during the period after 1937 when the forward labour policy demanded by the political heads rapidly brought about the establishment of labour departments and the introduction and extension of essential labour legislation to protect the indigenous labour force.

APPENDIX 1

Biographical Notes

AMERY, Leopold Charles Maurice Stennet (1873-1955).

Education: Harrow; Oxford; called to the bar, Inner Temple (1902).

CO Service: Parliamentary Under Secretary (1919-1921); Secretary of State for the Colonies (1924-1929), and for Dominion Affairs (1925-1929).

Other Service: The Times editorial staff (1899-1909); MP (1911-1945); Assistant Secretary to War Cabinet and Imperial War Cabinet (1916 and 1917); Parliamentary and Financial Secretary to the Admiralty (1921-1922); First Lord of the Admiralty (1922-1924); Secretary of State for Burma and India (1940-1945).

ACHESON, A.B. (b.1895), CMG (1942).

Education: Dulwich College; Oxford.

CO Service: 2nd class clerk (1920); principal (1926); assistant secretary (1938); Head of Pacific and Mediterranean Department (1938).

Other Service: army (1914-1919).

BECKETT, Harold (1891-1952), CMG (1941).

Education: Monmouth Grammar; Oxford.

CO Service: assistant principal (1914); principal (1920); member West Indian Currency Committee (1923); assistant secretary (1931); Head of West Indian Department (1931); retired (1951).

BOTTOMLEY, Sir William Cecil (1878-1954), CMG (1921), CB (1926), KCMG (1930).

Education: Littenhall and Owen's College; Cambridge.

CO Service: assistant principal (1901); principal (1913); assistant secretary and Head of East Africa Department (1917-1927); Assistant Under Secretary (1927-1938); member East Africa Currency Board (1920).

Other Service: Senior Crown Agent for the Colonies (1938-1943).

BOYD, Edmund Blaikie (1894-1946), CMG (1935), CVO (1938).

Education: Aberdeen Grammar; University of Aberdeen.

CO Service: temporary clerk (1919); second class clerk (1920); principal private secretary to successive S'soS (1930-1937); assistant secretary (1937); Head of Tanganyika and Somaliland Department (1938-1939, 1940); Head of General Department (1939); member of East African Currency Board (1937-1941) and of Palestine Currency Board (1941-1945).

Other Service: army (1916-1919).

BUSHE, Sir Henry Grattan (1886-1961), CMG (1927), CB (1932), KCMG (1936).

Education: Aystarth School and Denstone College; called to the bar (1909).

CO Service: Assistant Legal Adviser (1917-1931); Legal Adviser to the Dominions and Colonial Office (1917-1931).

Other Service: Practised on the Western and South - Eastern Circuits (1910-1916); secretary Royal Commission on Contracts between the War Office and Sir John Jackson Ltd (1916-1917); Governor, Barbados (1941-1946).

CAINE, Sir Sydney (b.1902), CMG (1947), KCMG (1947).

Education: Harrow County School; London School of Economics.

CO Service: entered CO (1926); secretary West Indian Sugar Commission (1929); secretary, United Kingdom Sugar Industry Inquiry Committee (1934); assistant secretary (1940) and Head of Economic Department; member Anglo-American Caribbean Commission (1942); Financial Adviser to the SoS (1942); Assistant Under Secretary (1944); Deputy Under Secretary (1947-1948).

Other Service: Assistant Inspector of Taxes (1923-1926); Head of United Kingdom and Supply Delegation, Washington (1949-1951); member financial mission to Ceylon (1951); Vice-Chancellor, University of Malaya (1925-1956); chairman, British Caribbean Federation Fiscal Commission (1955); Director of the London School of Economics and Political Science (1957-1967); International Institute of Educational Planning (1963-1970); Governor (new Board) Reserve Bank of Rhodesia (1965-1967); Co-ordinator Indonesian Sugar Study (1971-1972).

CALDER, Sir John Alexander (1889-1971), CMG (1939), KCMG (1947).

Education: Grove and Harris Academies, Dundee; Edinburgh University.

CO Service: second class clerk (1912); first class clerk (1917); principal (1920); assistant secretary (1933-1942); Head of Tanganyika and Somaliland Department (1934-1938); Head of General Department (1938-1939, 1940); Head of Economic Department (1939-1940).

Other Service: assistant secretary, Ministry of Supply (1942); Crown Agent (1942-1953); retired (1953).

CLAUSON, Sir Gerard Leslie Makins (b.1891), OBE (1919), CMG (1933), KCMG (1945).

Education: Eton; Oxford.

CO Service: second class clerk (1919); principal (1920); on special service, Lausanne, for Turkish Peace Treaty (1923); accredited representative, Permanent Mandates Commission (1926); secretary to the Colonial Office Currency Board (1930); secretary, Hong Kong Currency Committee (1931); departmental adviser to the United Kingdom delegation to the Imperial Economic Conference, Ottawa (1932); assistant secretary (1934); Head of Economic Department (1934-1939) and of Social Services (1939-1940); Assistant Under Secretary (1940).

COWELL, Hubert Russell (1877-1967), CMG (1928).

Education: Malvern College; Cambridge.

CO Service: second class clerk (1902); secretary, Canada-West Indies Royal Commission (1909-1910); second class clerk (1916); assistant secretary (1920-1939); Head of Ceylon and Mauritius Department (1920-1929); and then Ceylon and Mediterranean Department (1929-1932); Head of Eastern Department (1932-1939).

Other Service: Inland Revenue (1901).

CREASY, Sir Gerald Hallen (b.1897), OBE (1937), CMG (1943), KCMG (1946), KCVO (1954).

Education: Rugby; Cambridge.

CO Service: assistant principal (1920); deputy secretary, CO Conference (1927); principal (1927); accompanied Ormsby Gore to Far East (1928); secretary, Colonial Agricultural Committee (1929-1931); accompanied Lord Plymouth (Parliamentary Under Secretary) to West Africa (1935); private secretary to Ormsby Gore (1937); assistant secretary (1939).

Other Service: army (1916-1919); Chief Secretary to the West African Council (1945-1947); Governor, Gold Coast (1947-1949); Governor, Malta (1949-54); retired (1954).

CUNLIFFE-LISTER, Sir Philip (previously Philip Lloyd-Greame), created Viscount Swinton (1935), (1884-1972).

Education: Winchester; Oxford; called to the bar (1908).

CO Service: Secretary of State (1931-1935).

Other Service: army (1914-1917); joint secretary of Ministry of National Service (1917-1918); MP (1918-1935); Parliamentary Secretary to the Board of Trade (1920-1921); President of the Board of Trade (1922-1923, 1924-1929, 1931); Secretary of State for Air (1935-1938); Cabinet Minister Resident in West Africa (1942-1944); Minister for Civil Aviation (1944-1945); Secretary of State for Commonwealth Affairs (1952-1955); Deputy Leader of the House of Lords (1952-1955).

DARNLEY, E.R. (b.1875).

Education: Cambridge.

CO Service: second class clerk (1898); first class clerk (1909); principal clerk (1919); Head of West Indian Department (1919-1932); chairman of "Discovery" Committee (1923).

DAWE, Sir Arthur James (1891-1950), OBE (1932), CMG (1938), KCMG (1942).

Education: Berkhamstead School; Oxford.

CO Service: entered CO (1918); deputy secretary, Imperial Economic Conference (1923); secretary to Commission of Enquiry into Affairs of Freetown Municipality (1926); secretary to Malta Royal Commission (1931); assistant secretary (1936-1938); Head of Ceylon and Mauritius Department (1936-1938); Assistant Under Secretary (1938-1945); Deputy Under Secretary (1945-1947); member of British Government Delegation to International Labour Conference (1946); retired (1947).

Other Service: navy (1914-1918).

De La WARR, Ninth Earl, Herbrand Edward Dundonald Brassey Sackville (1900-1975).

Education: Eton; Oxford.

CO Service: Parliamentary Under Secretary (1936-1937).

Other Service: Parliamentary Under Secretary, War Office (1929-1930); Parliamentary Under Secretary, Ministry of Agriculture and Deputy Minister of Fisheries (1930-1931, 1931-1935); Parliamentary Secretary, Board of Education (1935-1936); Lord Privy Seal (1937-1938); President of the Board of Education (1938-1940); He continued to occupy important official posts for a further twenty years, including Postmaster General (1951-1955).

DOWNIE, Harold Frederick (1889-1966), OBE (1934), CMG (1939), KBE (1951).

Education: Christ's Hospital; Oxford.

CO Service: second class clerk (1912); principal clerk (1920); secretary, East Africa Commission on Closer Union (1927-1928); assistant secretary (1935); Head of West African Department (1936-1938); Head of Middle East Department (1938).

Other Service: Crown Agent for the Colonies (1942-1953); chairman of West African and East African Currency Boards (1943-1953); retired (1953).

DUFFERIN AND AVA, Fourth Marquess, Basil Sheridan Hamilton (1909-1945).

Education: Oxford.

CO Service: Parliamentary Under Secretary (1937-1940).

Other Service: Parliamentary private secretary to Marquess of Lothian, Under Secretary of State for India (1932); to Lord Irwin, President of the Board of Trade (1932-1935); to Viscount Halifax, Lord Privy Seal (1935-1936); army (1940); Ministry of Information (1941-1945).

EASTWOOD, Christopher Gilbert (b.1905), CMG (1947).

Education: Eton; Oxford.

CO Service: assistant principal (1927); seconded, private secretary to High Commissioner, Palestine (1932-1934); principal (1935); Assistant Under Secretary (1947-1952, 1954-1966).

Other Service: Principal Assistant Secretary, Cabinet (1945-1947); Commissioner of Crown Lands (1952-1954).

ELLIS, Walter Devonshire (1871-1957), CMG (1919).

Education: Winchester; Oxford.

CO Service: second class clerk (1895); first class clerk (1899); principal clerk (1909); Head of West Africa and Mediterranean and then Gold Coast and Mediterranean Department (1909-1927); Head of Far Eastern Department (1927-1931); member of the Indian Emigration Committee (1909), and the West African Lands Committee (1912); retired (1931).

FARMER, Frank (b.1899).

CO Service: entered (1914); assistant clerk (1917); clerical officer (1920); staff officer (1934); private secretary to Parliamentary Under Secretary (1939); acting principal (1942); reverted to senior executive officer at own request (1947).

Other Service: army (1917-1919).

FIDDIAN, Alexander (b.1875).

Education: University College, Cardiff; Oxford.

CO Service: second class clerk (1897); first class clerk (1907); assistant secretary (1917-1935); Head of General Department (1917-1927, 1928-1931); Head of Gold Coast and Mediterranean Department (1927-1928) and West Africa (1931-1935); establishment officer for the CO and Dominions Office (1925).

FLOOD, John Ernest William (1886-1940), CMG (1933).

Education: Portora Royal School, Enniskellen; Dublin University.

CO Service: second class clerk (1910); first class clerk (1918); principal clerk (1920); assistant secretary (1926-1937); Head of Nigeria Department (1927-1929) and then West African (1929-1931); Head of Middle East Department (1931-1932); Head of Ceylon and Mediterranean Department (1933-1934); Head of East Africa Department (1934-1938).

Other Service: army (1917-1919); third Crown Agent for the Colonies (1938-1940).

GATER, Sir George Henry (1886-1963), CMG (1918), Kt (1936), KCB (1941), GCMG (1944).

Education: Winchester; Oxford.

CO Service: Permanent Under Secretary of State (1939-1947); seconded as Joint Secretary of Home Security, (1939-1940); Secretary, Ministry of Supply (1940); Secretary, Ministry of Home Security (1940-1942).

Other Service: from 1911 he served on education boards in Oxfordshire, Nottinghamshire, Lancashire, before becoming Education Officer, London County Council (1929-1933) and clerk of of the Council (1933-1939); First World War, served in Gallipoli, Egypt, France.

GREEN, John Frederick Norman (b.1873).

Education: Cambridge University.

CO Service: second class clerk (1896); first class clerk (1902); principal clerk (1916); assistant secretary (1916); Dominions Division (1918-1924); Head of Tanganyika and Somaliland Department (1924-1934).

Other Service: Labour Party Imperial Advisory Committee (1933-1939); Founder member, Trades Union Congress Colonial Advisory Committee (1937).

GRIMSHAW, Harold Atheling (1880-1929).

Education: Thoresby High School (Leeds); Yorkshire College; London School of Economics and Political Science.

Other Service: elementary and secondary school teacher; ILO office (1920); Assistant Chief of Diplomatic Division; Chief of Diplomatic Division (1921); ILO member on Permanent Mandates Commission in advisory capacity for labour questions; ILO representative on Temporary Slavery Commission; Chief of Native Labour Section, ILO (1926).

GRINDLE, Sir Gilbert Edmund Augustine (1869-1934), CMG (1914), CB (1919), KCMG (1922).

Education: Oxford; called to the bar, Lincoln's Inn (1895).

CO Service: clerk (1896); principal clerk (1909); Assistant Under Secretary (1916-1925); Deputy Under Secretary (1925-1931); retired (1931).

Other Service: clerk in the Local Government Board (1893-1896).

HALL, First Viscount, George Henry (1881-1965).

Education: Penrhiwceiber Elementary School until 12 years.

CO Service: Parliamentary Under Secretary (1940-1942); Secretary of State (1945-1946).

Other Service: colliery worker (1893); MP (1922-1946); Civil Lord of the Admiralty (1929-1931); Financial Secretary of State (1942-1943); Parliamentary Under Secretary for Foreign Affairs (1943-1945); First Lord of the Admiralty (1946-1951); Deputy Leader, House of Lords (1947-1951); retired (1951).

- HAMILTON, Sir Robert William (1867-1944), Kt (1918).**
Education: St. Paul's School, London; Cambridge; Inner Temple.
CO Service: Parliamentary Under Secretary (1931-1932); member of Joint Select Cmte on East Africa (1932).
Other Service: secretary to Commission of Inquiry on Dominica (1893); District Commissioner, Nigeria (1895); Registrar, East Africa Protectorate (1897); Chief Justice and President of the Court of Appeal for Eastern Africa (1905-1918); Chairman of the Civil Service Commission (1919-1920); Liberal MP for Orkney and Shetland (1922-1935).
- HIBBERT, John Geoffrey (1890-1968); CMG (1949).**
Education: Clifton College; Oxford.
CO Service: temporary administrative officer (1930); principal (1934); seconded to Petroleum Division, Ministry of Fuel and Power (1943-1946); assistant secretary (1947-1952).
Other Service: army (1914-1919); Board of Trade (1920-1929); temporary administrative officer, Dominions Office (1929).
- JEFFRIES, Sir Charles Joseph (1896-1971), OBE (1928), CMG (1937), KCMG (1943).**
Education: Malvern College, Oxford.
CO Service: second class clerk (1917); principal (1920); assistant secretary and establishment officer (1930-1939); Head of Colonial Service Department (1931-1939); Assistant Under Secretary (1939-1947); Joint Deputy Under Secretary (1947-1956); retired (1956).
Other Service: army (1915-19 7).
- JONES, Arthur Creech (1891-1964).**
CO Service: Parliamentary Under Secretary (1945-1946); Secretary of State for the Colonies (1946-1950); member, Advisory Committee on Education in the Colonies (1936-1945).
Other Service: National Secretary, Transport and General Workers Union (1919-1929); executive member of London Labour Party (1921-1928); Labour MP, Shipley (1935-1950); Wakefield (1954-1964); Parliamentary private secretary to Ernest Bevin, Ministry of Labour and National Service (1940-1945).
- LUGARD, Frederick Dealtry, First Baron (1858-1945).**
Education: Rossall and Sandhurst.
Other Service: army, Afghan War (1879-1880), Sudan (1885), Burma (1886-1887), Lake Nyassa (1888); administrator, British East Africa Company (1890-1892), Royal Niger Company (1894-1895); Her Majesty's Commissioner, Nigeria and Lagos (1897-1900); High Commissioner, Northern Nigeria (1900-1906); Governor of Hong Kong (1907-1912); Governor of Northern and Southern Nigeria simultaneously (1912-1913); Governor-General, Nigeria (1914-1919); British member of PMC (1922-1936).

MACDONALD, Malcolm (b.1901)

Education: Bedales School, Petersfield; Oxford.

CO Service: Secretary of State (1935, 1938-1940).

Other Service: MP (1929-1945); Parliamentary Under Secretary for Dominion Affairs (1931-1935); Secretary of State for Dominion Affairs (1935-1938); and (1938-1939) in addition to being Secretary of State for the Colonies; Minister of Health (1940-1941); UK High Commissioner in Canada (1941-1946); Governor-General of Malaya (1946-1948); Commissioner-General for UK in South-East Asia (1948-1955); High Commissioner for UK in India (1955-1960); Governor and Commander-in-Chief, Kenya (1963).

MAFFEY, Sir John Loader (1877-1969), KCVO (1921), KCB (1934), KCMG (1931), GCMG (1935).

Education: Rugby; Oxford.

CO Service: Permanent Under Secretary of State (1933-1937).

Other Service: variety of administrative posts in India and Afghanistan (1899-1924); Governor-General of the Sudan (1926-1933); Director, Imperial Airways, Rio Tinto Co. Ltd. (1937-1939); UK representative to Eire (1939-1949); retired (1949).

MILNER, Sir Alfred, Baron (1901), First Viscount (1902), (1854-1925).

Education: King's College, London; Oxford; called to the bar, Inner Temple, 1881.

CO Service: Secretary of State (1919-1921).

Other Service: journalist (1882-1885); private secretary to Chancellor of the Exchequer (1887-1889); Under Secretary for Finance in Egypt (1892-1897); Chairman, Board of Inland Revenue (1892-1897); Governor of Cape of Good Hope (1897-1901), of Transvaal and Orange River Colony (1901-1905); High Commissioner for South Africa (1897-1905); member of the War Cabinet (without portfolio) (1916-1918); Secretary of State for War (1918-1919).

MOORE, Sir Henry Monck-Mason (1887-1964), CMG (1930), KCMG (1943).

Education: King's College School; Cambridge.

CO Service: Assistant Under Secretary (1937-1939).

Other Service: Ceylon Civil Service (1910-1921); Colonial Secretary, Bermuda (1922); Principal Assistant Secretary, Nigeria (1924-1927); Colonial Secretary, Kenya (1929-1934, Acting Governor in 1930, 1931 and 1933); Governor, Sierra Leone (1934-1937); Governor, Kenya (1940-1944); Governor (later Governor-General) of Ceylon (1944-1949).

ORDE BROWNE, Sir Granville St John (1883-1947), CMG (1942), Kt (1947).

Education: Wellington College; Royal Military Academy, Woolwich.

CO Service: special investigation of labour in Northern Rhodesia (1937); adviser on Colonial Labour (1938-1947).

Other Service: army, Zulu uprising (1906); East Africa Campaign (1915-1920); Assistant District Commissioner, East Africa Protectorate (1909-1921); Senior Commissioner, Tanganyika (1921-1926); Labour Commissioner, Tanganyika (1926-retired 1931); substitute member, Committee of Experts on Native Labour (ILO) from 1934.

ORMSBY GORE, William George Arthur, Harlech, Fourth Baron (1885-1964).

Education: Eton; Oxford

CO Service: Parliamentary Under Secretary (1922-1924, 1924-1929); Secretary of State (1936-1938); member of the CO mission to the West Indies (1921-1922); visited West Africa (1926); visited Malaya and Ceylon (1928).

Other Service: MP (1918-1938); private secretary to Viscount Milner and assistant secretary, War Cabinet (1917-1918); assistant political officer in Palestine (1918); Postmaster General (1931); First Commissioner of Wales (1931-1936); North-East Commissioner for Civil Defence (1939-1940); High Commissioner for the UK in the Union of South Africa and High Commissioner for Basuto Land, Bechuanaland, and Swaziland (1941-1944); member of the British delegation to the Peace Conference, Middle Eastern Section (1919); British official representative on the Permanent Mandates Commission of the League of Nations; chairman of the East African Parliamentary Commission (1924); Lord Lieutenant, Merionethshire (1938-1957); elected trustee of the British Museum (1937-1964); trustee of the National Art Gallery (1927-1934 and 1936-1941); trustee of Tate Gallery (1931-1938 and 1945-1953); Pro-Chancellor of the University of Wales (1945-1947).

PARKINSON, Sir Arthur Charles Cosmo (1884-1967), OBE (1919), CMG (1931), KCMG (1935), KCB (1938).

Education: Epsom; Oxford.

CO Service: second class clerk (1909); principal (1917); assistant secretary (1925-1931); Head of East Africa Department (1927-1931); Assistant Under Secretary (1931-1937); Permanent Under Secretary (1937-1940); Permanent Under Secretary of State for Dominion Affairs (Acting Permanent Under Secretary for the Colonies, 1940-1942); seconded for special duty (1942-1944); retired (1944); special duty (1945).

Other Service: first class clerk in the Accountant-General's Department, Admiralty (1908).

PASKIN, Sir Jesse John (1892-1971), CMG (1944), KCMG (1954).

Education: King Edward's School, Stourbridge; Cambridge.
 CO Service: transferred to CO (1921); assistant secretary (1939-1948); Assistant Under Secretary (1948-1954); retired (1954).
 Other Service: army (1914-1919); Ministry of Transport (1920-1921).

PASSFIELD, First Baron (1929) (Sidney James Webb) (1859-1947).

Education: private schools, London; Switzerland; called to the bar, Gray's Inn (1885).
 CO Service: first division clerk (1881-1891); Secretary of State for the Colonies (1929-1931) and for Dominion Affairs (1929-1930).
 Other Service: clerk, War Office (1878-1879); Surveyor of Taxes (1879-1881); member, London County Council (1892-1910); Professor of Public Administration, London School of Economics (1912-1927); MP (1922-1929); President of the Board of Trade (1924); sat on many commissions; founder of the Fabian Society; huge volume of writings on social problems and history in conjunction with his wife, (Martha) Beatrice Webb.

POYNTON, Sir (Arthur) Hilton (b.1905), CMG (1946), KCMG (1949), GCMG (1964).

Education: Marlborough College; Oxford.
 CO Service: assistant principal (1929); joint secretary, Colonial Development Advisory Committee (1930); seconded to Sierra Leone administration (1933-1935); principal (1935); seconded to Ministry of Supply and Ministry of Production (1941-1943); Permanent Under Secretary, CO, (1959-1966).
 Other Service: assistant principal, Department of Scientific and Industrial Research (1927); Director of Overseas Branch St John Ambulance (1968); member of Board of Governors of London School of Hygiene and Tropical Medicine (1965).

RUSSELL, Sir (William) Alison (1875-1948), Kt (1928), KCMG (1943).

Education: Rugby; Cambridge; called to the bar, Inner Temple (1900).
 CO Service: chairman, Committee of Enquiry into Northern Rhodesia copper belt disturbances (1935); chairman or member of various CO committees; chairman, Commission of Enquiry, Bahamas (1942); Assistant Legal Adviser (1943); chairman, Commission of Enquiry, Gold Coast (1945).
 Other Service: practised at the Chancery Bar (1900-1906); Attorney General, Uganda (1906-1912); member of Executive and Legislative Councils and served as Attorney General, Cyprus (1912-1924); Chief Justice, Tanganyika (1924); retired (1929).

SHIELS, Sir (Thomas) Drummond (1881-1953), Kt (1939), M.B., CH.B.

Education: Board School until 12 years; Edinburgh University.

CO Service: Parliamentary Under Secretary (1929-1931).

Other Service: army (1914-1918); member, Edinburgh Town Council; MP (1924-1931); member of Special Commission on Ceylon Constitution (1927-1928); Parliamentary Under Secretary of State for India (1929); medical school inspector, London County Council (1931); medical secretary, British Social Hygiene Council (1931); deputy secretary Empire Parliamentary Association (1940); public relations officer, Post Office (1946-1949); member of Colonial Economic and Development Council in 1946; refused a peerage when Parliamentary Under Secretary but accepted a knighthood in 1939.

SHUCKBURGH, Sir John Evelyn (1877-1953), CB (1918), KCMG (1922).

Education: Eton; Cambridge.

CO Service: Assistant Under Secretary (1921-1931); Deputy Under Secretary (1931-1942); (appointed Governor of Nigeria (1939), but did not assume office owing to the war); retired (1942).

Other Service: India Office (1900); Secretary, Political Department (1917-1921).

SIDEBOTHAM, John Biddulph (b.1891), CMG (1946).

Education: King's School, Canterbury; Cambridge.

CO Service: transferred from Department of Inland Revenue to CO as assistant principal (1922); principal (1930); assistant secretary (1941-1954).

Other Service: army (1914-1915); member of managing committee, Bureau of Hygiene and Tropical Diseases (1941-1973).

STRACHEY, Sir Charles (1862-1942), CB (1920), KCMG (1926).

Education: Cambridge.

CO Service: first class clerk (1898); principal clerk (1907); Head of West Africa, Niger, then Nigeria Department (1907-1919); Head of Tanganyika and Somaliland Department (1920-1924); Assistant Under Secretary (1924-1927); CO representative at Paris Peace Conference (1919); retired (1927).

Other Service: Foreign Office (1885-1898).

THOMAS, James Henry (1874-1949).

Education: council schools until 9 years.

CO Service: Secretary of State (1924, 1931, and 1935-1936).

Other Service: MP (1910-1936); General Secretary, National Union of Railwaymen (1918-1924 and 1925-1931); Lord Privy Seal and Minister of Employment (1929-1930); Secretary of State for the Dominions (1930-1935); President of the International Federation of Trade Unions (1920-1924); President and Chairman of Parliamentary Committee of TUC (1920-1921).

VERNON, Roland Venables (1877-1942), CB (1924).

Education: Clifton; Oxford.

CO Service: second class clerk (1900); Secretary to Trinidad Riot Commission (1903); assistant private secretary to Lord Elgin (1908); first class clerk (1911); assistant secretary (1924-1937); member of British Delegation, International Labour Conference, Geneva (1929, 1930, 1935 and 1936); Head of General Department (1931-1937); retired (1937).

Other Service: first class clerk, Inland Revenue (1899); private secretary to Lord Denham (Governor-General, Australia, 1911-1913); on special service British Solomon Islands (1912); member of Anglo-French Commission on New Hebrides (1914); transferred to Treasury (1914); Assistant General Secretary, Ministry of Munitions (1915-1918); on special service, France and Belgium (1917); Assistant Secretary, Irish National Convention (1917-1918); Deputy Accountant General, Board of Education (1920-1921); on special service, Egypt and Palestine (1921-1922); at Lausanne for Turkish Treaty negotiations (1922-1923); British Agent for case before Permanent Court of International Justice at the Hague (1925); appointed on financial mission to Iraq for British and Iraq Governments (1925); represented British and Iraq Governments in Ottoman Public Debt negotiations, Paris (1925); Financial Adviser to Government of Iraq (1925-1928); chairman, East London Assistance Board (1938); member of Governing Body of Imperial College of Science and Technology (1941).

WILLIAMS, Owen Gwyn Revell (1886-1954), CMG (1935).

Education: Lancing and Hertford Colleges; Oxford.

CO Service: second class clerk (1911), first class clerk (1919); assistant secretary (1926-1946); Head of General Department (1926-1929); Head of Middle East Department (1929-1931, 1933-1938); Head of West African Department (1938); retired (1946).

Other Service: Department of Inland Revenue (1910).

WILSON, Brigadier-General, Sir Samuel Herbert (1873-1950), CMG (1914),
CB (1918), KBE (1921), KCMG (1922), KCB (1927), GCMG (1929).

Education: private school; Royal Military Academy, Woolwich.

CO Service: Permanent Under Secretary (1925-1933).

Other Service: entered army (1893); General Staff, War Office (1906-1910);
and Royal Military College, Sandhurst (1911); assistant
secretary, Committee of Imperial Defence, and secretary,
overseas Defence Committee (1911-1914); returned to
Committee work (1918-1921); Governor and Commander-in-Chief,
Trinidad and Tobago (1921-1924); Captain General and
Governor-in-Chief, Jamaica (1924-1925).

(Sources: Colonial Office List ; Who's Who; Who was Who; Dictionary
of National Biography).

APPENDIX II

Secretaries of State for the Colonies

1919 - 1950

1919, Jan. 14	Viscount Milner
1921, Feb. 14	Winston S. Churchill
1922, Oct. 25	Duke of Devonshire
1924, Jan. 23	J.H. Thomas
1924, Nov. 7	L.C.M.S. Amery
1929, June 8	Lord Passfield
1931, Aug. 26	J.H. Thomas
1931, Nov. 9	Sir Philip Cunliffe-Lister (Viscount Swinton)
1935, June 7	Malcolm MacDonald
1935, Nov. 27	J.H. Thomas
1936, May 29	W.G.A. Ormsby Gore (Lord Harlech)
1938, May 16	Malcolm MacDonald
1940, May 13	Lord Lloyd
1941, Feb. 8	Lord Moyne
1942, Feb. 23	Viscount Cranborne
1942, Nov. 24	O.F.G. Stanley
1945, Aug. 3	G.H. Hall
1946, Oct. 7	A. Creech Jones

Under Secretaries of State for the Colonies

* Permanent 1916 - 1942

1916	Sir George V. Fiddes
1921	Sir James E. Masterton Smith
1925	Brig.-Gen. Sir Samuel H. Wilson
1933	Sir John Loader Maffey
1937	Sir Cosmo Parkinson
1939	Sir George Gater
1940	Sir Cosmo Parkinson
1942	Sir George Gater

Parliamentary 1919 - 1942

1919	Lt.-Col. L.C.M.S. Amery
1921	E.F.L. Wood (Viscount Halifax)
1922	W.G.A. Ormsby-Gore
1924	Lord Arnold
1924	W.G.A. Ormsby-Gore
1929, June	W. Lunn
1929, Dec	Dr. T. Drummond Shiels (Sir Drummond Shiels)
1931	Sir Robert Hamilton
1932	The Earl of Plymouth
1936	The Earl De La Warr
1937	The Marquess of Dufferin and Ava
1940	G.H. Hall
1942	H. Macmillan

Deputy 1931 - 1942

1931	Sir John E. Shuckburgh
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Appendix III

Assistant Under Secretaries: Heads of Departments 1919 - 1940*

Year	W. Indian	Eastern	Ceylon and Mauritius	Gold Coast & Medit.	Nigeria	E. African	Tanganyika & Somaliland	General	Assistant Under Secretaries
1919	Darnley	A.E. Collins Far Eastern	Coyell	Ellis (1909)	Srachey (1907)	Bottomley (1918)	Srachey	Fiddian (1917)	Read 1924
1920					A.J. Harding	E. Africa			Lambert 1921
1921									Grindle (1916-1931)
1922									Shuckburgh (1921-1931)
1923									C.T. Davis (1922-1925)
1924							Green		
1925									Strachey (1925-1927)
1926									
1927		Ellis		Fiddian	Flood	Parkinson		Williams	
1928									Bottomley (1927-1938)
1929			Cey & Medit Cowell		W. African Flood		Middle East Williams	Fiddian	
1930									
1931								Vernon	G. Tomlinson (1931-39)
1932	Beckett	Eastern Cowell	Pac & Medit Darnley		Fiddian	Allen			Parkinson (1931-37)
1933			Flood						
1934			H.T. Allen				Calder		
1935					Downie	Flood			
1936			Dave						
1937					Williams	Dave	Boyd		Moote (1937-39)
1938			Acheson			L.B. Freeston	Creasy	Calder	Dave (1938-45)
1939		G.E. Gent				G.F. Seel	Boyd	Calder	
1940								Caina	Clauson Sir A. Burns Jeffries

Cey. Medit. Pac.
 Ceylon Mediterranean Pacific
 Rec. & Trng Col. Serv CD & SS Col Serv
 Recruitment & Training Colonial Service Colonial Development and Social Services Colonial Services

* as per Colonial Office Lists 1919 - 1940

Bibliography

I. Manuscript Sources

A. Official

(i) Colonial Office Records (Public Record Office):

- CO 37/285, 286, 288 Bermuda
- CO 54/897, 903
- CO 67/204, 225, 291, 307 Cyprus
- CO 129/461, 489, 504, 510 Hong Kong
- CO 137/830, 837, 844 Jamaica
- CO 273/567, 632, 645 Straits Settlement
- CO 295/600, 606, 614 Trinidad
- CO 318/393, 396, 401, 403, 412, 423, 426, 431, 437, 440, 442, 444, 445, 446, 447 West Indies
- CO 323/775 - 1544 General Department
- CO 525/141, 166, 167, 173, 183 Nyasaland
- CO 531/20 North Borneo
- CO 533/425 Kenya
- CO 691/103, 112, 117, 120, 122, 138, 158, 166, 174, 179 Tanganyika
- CO 795/78, 109 Northern Rhodesia
- CO 850/110, 135, 153 Personnel
- CO 859/8 - 11, 22, 24, 25 - 30, 40, 48 - 52, 59 Social Services
- CO 866/8, 11, 12, 22, 29, 30, 33 Establishment
- CO 877/16, 18, 19, 20, 21, 22 Appointments
- CO 888/1, 2 Colonial Labour Committee

(ii) Cabinet Records (Public Record Office)

- CAB 23/54, 63, 64, 66, 94, 96, 100
- CAB 24/200, 239, 269, 279
- CAB 65/28
- CAB 66/31, 33
- CAB 123/239

B. Private Papers

Roden Buxton Papers (Rhodes House, Oxford)

Creasy, Sir G: Transcript of interview conducted ... 16 December 1970 by A.H.M. Kirk-Greene (Transcript, Rhodes House).

Creech Jones Papers (Rhodes House)

Malcolm MacDonald: Transcript of interview conducted ... 8
October 1974 by C. Nordman (Rhodes House).

Orde Browne Papers (Rhodes House).

Passfield Papers [Sydney and Beatrice Webb] (British Library
of Political and Economic Science).

II. Printed Primary Sources

A. Colonial Office: Confidential Prints

(i) African:

- No.1090 'Anti-Slavery Legislation in Tropical Africa with special reference to the Tanganyika Territory: Memorandum by Mr. C. Strachey 1921'.
- No.1129 'Belgian Congo and Angola: Report by Major G.St.J. Orde Browne on his Tour, 1929'.
- No.1157 'Report of a Journey through French West Africa by Major G.St.J. Orde Browne'.
- No.1162 'Correspondence relating to the Welfare of Women in Tropical Africa. 1935-1937'.
- No.1164 'Certain Aspects of Labour in Northern Rhodesia: Confidential Report by Major G.St.J. Orde Browne'.
- No.1166 'Rhodesia - Nyasaland Royal Commission: Correspondence 1939'.

(ii) West Indian:

- No.236 'Labour Conditions in the West Indies: Section III: Report by Major G.St.J. Orde Browne'.

(iii) Miscellaneous:

- No.394 'Employment of Women in Compulsory Labour in the Colonies, Protectorates and Mandated Territories: Correspondence 1926 - 1928'.
- No.399 'I. Forced Labour: Report of the Colonial Office Committee, May 1929'.
- 'II. Forced Labour: Report of the Colonial Office Members of the British Government Delegation to 12th International Labour Conference, Geneva, June 1929'.

- No.400 'Developments and Opportunities in the Colonial Empire: Address by the Right Hon. W.G.A. Ormsby Gore, M.P., 6 December 1928'.
- No.403 'Forced Labour: Second Report of the Colonial Office Committee, 1 October 1929'.
- No.409 'Forced Labour: Answers sent by His Majesty's Government in the United Kingdom to the Questionnaire circulated by the International Labour Office together with Explanatory Notes, February 1930'.
- No.414 'Forced Labour: Report of the Colonial Office Members of the British Government Delegation to the 14th International Labour Conference, Geneva, 10th - 28th June 1930'.
- No.415 'Colonial Office Conference, 1930: Memoranda and Papers, August 1930'.
- No.416 'Colonial Office Conference, 1930: Stenographic Notes of Meetings, August 1930'.
- No.419 'Labour Conditions in the Colonies, Protectorates, and Mandated Territories; Papers 1930 - 1932'.
- No.427 'Workmen's Compensation: Papers (1930 - 1933) Relating to Legislation providing for the payment of Workmen's Compensation in the Colonial Empire'.
- No.443 'Workmen's Compensation (East and West Africa): Model Ordinance: Report of a Sub-Committee of the Colonial Labour Committee appointed to revise the Model Ordinance'. 1934 - 1939'.
- No.445 'Industrial Development in the Colonial Empire: Report of Inter-Departmental Committee, March 1934'.
- No.450 'Recruitment of Native Labour: Correspondence July 1934 - April 1935'.
- No.452 'Recruitment of Native Labour: Report of the Colonial Labour Committee, 1935'.
- No.454 'Recruitment of Native Labour: Papers June - December 1935'.
- No.458 'Recruitment of Native Labour: Papers May - October 1935'.

- No.467 'Recruitment of Native Labour, 20th International Labour Conference, Geneva, June 1936: Report of the Colonial Office Members of the Delegation of His Majesty's Government in the United Kingdom'.
- No.472 'Certain Aspects of the Welfare of Women and Children in the Colonies, 1936'.
- No.487 'Supervision of Labour Conditions in the Colonial Empire: Papers 1935 - 1940'.
- No.493 'I. Regulation of Contracts of Employment of Indigenous Workers in the Colonial Empire: Correspondence 1937 - 1938'.
- 'II. Regulation of Contracts of Employment of Indigenous Workers in the Colonial Empire: Papers 1938'.
- 'III. Regulation of Contracts of Employment of Indigenous Workers in the Colonial Empire: Papers 1939 - 1940'.
- No.502 'The Regulation of Contracts of Employment of Indigenous Workers, 1939'.

B. Colonial Office Prints

- No.19 'Report by Major G.St.J. Orde Browne upon Labour in the Tanganyika Territory 1926'.
- No.57 'Papers relating to the question of the closer union of Kenya, Uganda and the Tanganyika Territory, 1931'.
- No.150 'Labour Conditions in Northern Rhodesia: Report by Major G.St.J. Orde Browne, 1938'.
- No.185 'Labour Supervision in the Colonial Empire, 1937 - 1943'.
- No.193 'Labour Conditions in East Africa: Report by Major G.St.J. Orde Browne, 1946'.
- No.275 'Labour Supervision in the Colonial Territories, 1944 - 1950'.

C. Dominions Office and Colonial Office List.

- 1918 - 1940
- 1946

D. Parliamentary Papers

- 1920 Cmd. 873. Despatch to the Governor of the East Africa Protectorate relating to Native Labour.
- 1921 Cmd. 1509. Despatch to the Officer Administering the Government of the Kenya Colony and Protectorate relating to Native Labour.
- 1922 Cmd. 1679. Report by the Parliamentary Under Secretary of State for the Colonies on a visit to the West Indies and British Guiana, 1921 - 1922.
- 1923 Cmd. 1922. Memorandum on Indians in Kenya.
- 1924 Cmd. 2387. Report of the East Africa Commission (the Ormsby Gore Commission).
- 1925 Cmd. 2464. Compulsory Labour for Government Purposes (Kenya).
- 1926 Cmd. 2573. Tours in the Native Reserves and Native Development in Kenya.
- 1926 Cmd. 2744. Report by the Hon. W.G.A. Ormsby Gore, M.P. (Parliamentary Under-Secretary of State for the Colonies) on his visit to West Africa during the year 1926.
- 1927 Cmd. 2769. Imperial Conference, 1926. Appendices to the Summary of Proceedings.
- 1927 Cmd. 2883. Colonial Office Conference, 1927: Summary of Proceedings.
- 1927 Cmd. 2884. Colonial Office Conference, 1927: Appendices to the Summary of Proceedings.
- 1927 Cmd. 2904. Future Policy in Regard to Eastern Africa.
- 1927 Cmd. 2910. International Convention with the object of securing the Abolition of Slavery and the Slave Trade.
- 1928 Cmd. 3020. Correspondence relating to Domestic Slavery in the Sierra Leone Protectorate.
- 1928 Cmd. 3235. Report by the Rt. Hon. W.G.A. Ormsby Gore, M.P. on his visit to Malaya, Ceylon, and Java during the year 1928.
- 1928 Cmd. 3268. A Summary of the Progress and Development of the Colonial Empire from November 1924 to November 1928.
- 1929 Cmd. 3357. Colonial Development: Memorandum explaining Financial Resolution.
- 1929 Cmd. 3378. East Africa: Report of Sir Samuel Wilson, GCMG, KCB, KBE, on his visit in 1928.

- 1930 Cmd. 3573. East Africa: Memorandum on Native Policy in East Africa.
- 1930 Cmd. 3574. Statement of Conclusions of His Majesty's Government in the United Kingdom as regards Closer Union in East Africa.
- 1930 Cmd. 3628. Colonial Office Conference, 1930: Summary of Proceedings.
- 1930 Cmd. 3629. Colonial Office Conference, 1930: Appendices to the Summary of Proceedings.
- 1930 Cmd. 3693. Draft Conventions and Recommendations adopted by the International Labour Conference at its fourteenth Session, 10 June - 28 June 1930. (Draft Convention [No.29] concerning Forced or Compulsory Labour).
- 1930 Cmd. 3731. Correspondence with regard to Native Policy in Northern Rhodesia.
- 1930 Cmd. 3735. Mui Tsai Question: Report by the Governor of Hong Kong.
- 1935 Cmd. 5009. Report of the Commission appointed to enquire into the Disturbances in the Copperbelt, Northern Rhodesia.
- 1936 Cmd. 5121. Mui Tsai in Hong Kong: Report by Governor's Committee.
- 1936 Cmd. 5305. Draft Conventions and Recommendations adopted by the International Labour Conference at its twentieth Session, 4 June - 24 June 1936. (Draft Convention [No. 50] concerning the Regulation of Certain Special Systems of Recruiting Workers).
- 1938 Cmd. 5641. Trinidad and Tobago Disturbances, 1937. Report of Commission.
- 1939 Cmd. 6070. Labour Conditions in the West Indies: Report by Major G.St.J. Orde Browne.
- 1939 Cmd. 6141. Draft Conventions and Recommendations adopted by the International Labour Conference at its twenty-fifth Session, June 8 - 28, 1939. (Draft Conventions [Nos 64 and 65] Contracts of Employment (Indigenous Workers) and Penal Sanctions (Indigenous Workers)).
- 1940 Cmd. 6174. Recommendations of the West Indian Royal Commission 1938 - 1939.
- 1940 Cmd. 6175. Statement of Policy on Colonial Development and Welfare.
- 1941 Cmd. 6277. Labour Conditions in West Africa: Report by Major G.St.J. Orde Browne.

1943. Cmd. 6423. Labour Conditions in Ceylon, Mauritius and Malaya: Report by Major G.St.J. Orde Browne.

E. Parliamentary Debates

Commons (Great Britain) 1919 - 1942

House of Lords 1919 - 1942

F. International Labour Organisation

Reports of the Director to the International Labour Conference 1921 - 1939.

Record of the Proceedings at the International Labour Conference 1929, 1930, 1935, 1936, 1938, 1939.

International Labour Organisation. International Labour Conference, 12th Session, Forced Labour Report and Draft Questionnaire (Grey Report), Geneva, 1929.

14th Session, Forced Labour Questionnaire (Red Report), Geneva, 1930.

14th Session, Forced Labour (Blue Report), Geneva, 1930.

14th Session, Forced Labour: Report 1 (Supplementary), Geneva, 1930.

19th Session, The Recruiting of Labour in Colonies and in Other Territories with Analogous Labour Conditions (Grey Report), Geneva, 1935.

20th Session, The Regulation of Certain Special Systems of Recruiting Workers: Questionnaire 1 (Red Report), Geneva, 1935.

20th Session, The Regulation of Certain Special Systems of Recruiting Workers (Blue Report), Geneva, 1936.

24th Session, Regulation of Contracts of Employment of Indigenous Workers (Grey Report), Geneva, 1937.

25th Session, Regulation of Contracts of Employment of Indigenous Workers: Questionnaire II, (Red Report), Geneva, 1939.

25th Session, Regulation of Contracts of Employment of Indigenous Workers (Blue Report), Geneva, 1939.

G. Archives of the Labour Party

The Labour Party Imperial Advisory Committee memoranda cover a variety of topics dealing with colonial labour and include memoranda by J.F.N. Green, Dr. T.D. Shiels and Arthur Creech Jones.

H. Trades Union Congress

Records of the Proceedings of the Annual Trades Union Congresses 1918 - 1942.

Papers relating to the British Commonwealth Labour Party Conferences of 1925, 1928 and 1930.

III. Other Sources

A. Memoirs, autobiographies, biographies, contemporary and later books

Abbot, A.W., A Short History of the Crown Agents and their Office, Eyre and Spottiswoode, 1959.

Amery, L.C.M.S., My Political Life, Vol. II, War and Peace, 1914-1929, Hutchinson, 1952.

Bates, Darrell, A Gust of Plumes: A Biography of Lord Twining of Godalming and Tanganyika, Hodder and Stoughton, 1972.

Bauer, P.T., The Rubber Industry: A Study in Competition and Monopoly, London, 1948.

Bell, G.K.A., Randall Davidson, Archbishop of Canterbury, Vol. II, O.U.P., 1935.

Berger, E.L., Labour, Race and Colonial Rule: The Copperbelt from 1924 to Independence, Oxford, 1974.

Blakely, Brian L., The Colonial Office 1868-1892, Duke University Press, 1972.

Blaxland, G., J.H. Thomas: A Life for Unity, London, 1974.

Bradley, Kenneth, Once a District Officer, Macmillan, 1966.

Brett, E.A., Colonialism and Underdevelopment in East Africa, 1919 - 1939, London, 1972.

- Browne, G.St.J.O., The African Labourer, International Institute of African Languages and Culture, 1933.
- Buell, Raymond L., The Native Problem in Africa, Vol. I and II, New York, 1928.
- Burns, Sir Alan, Colonial Civil Servant, London, 1949.
- Buxton, C.R., The Race Problem in Africa (The Merrtens Lecture: 1931), London.
- Cameron, Sir Donald, My Tanganyika Experience and Some Nigeria, London, 1939.
- Campbell, P.C., Chinese Coolie Emigration to Countries within the British Empire, London, 1971.
- Carey, J., Mister Johnson, London, 1947.
- Cell, John W., British Colonial Administration in the Mid-Nineteenth Century: The Policy Making Process, Yale University Press, 1970.
- Chidzero, B.T.G., Tanganyika and International Trusteeship, London, 1961.
- Citrine, Lord, Men and Work, Hutchinson, 1964.
- Clayton, Anthony, and Savage, Donald C., Government and Labour in Kenya 1895 - 1963, London, 1974.
- Cohen, Sir Andrew, British Policy in Changing Africa, London, 1959.
- Cole, Margaret (ed.), Beatrice Webb Diaries 1929 - 1932, London, 1956.
- Collins, R.O., Problems in the History of Colonial Africa 1860 - 1960, London, 1970.
- Dale, H.E., The Higher Civil Service of Great Britain, O.U.P., 1941.
- Davies, Ioan, African Trade Unions, Penguin, 1966.
- Drummond, I.M., British Economic Policy and the Empire, 1919 - 1939, London, 1972.
- _____, Imperial Economic Policy 1917 - 1939, London, 1974.
- England, Joe, and Rear, John, Chinese Labour under British Rule: A Critical Study of Labour Relations and Law in Hong Kong, O.U.P., 1975.
- Evans, E.W., The British Yoke, London, 1949.
- Fiddes, Sir George, The Dominions and Colonial Offices, London, 1926.

- Finer, S.E., Anonymous Empire: A Study of the Lobby in Great Britain, London, 1966.
- Furse, Sir Ralph, Aucuparius: Recollections of a Recruiting Officer, O.U.P., 1962.
- Gamba, Charles, The Origins of Trade Unions in Malaya, Singapore, 1962.
- Geneva Institute of International Relations, Problems of Peace: Second Series, O.U.P., 1928.
- _____, Problems of Peace: Third Series, O.U.P., 1929.
- Gann, L.H., and Duignan, Peter (eds.), Colonialism in Africa, Vol. II, The History and Politics of Colonialism, 1914 - 1960, Cambridge, 1970.
- Gifford, Prosser and Louis, Wm Roger (eds.), Britain and Germany in Africa: Imperial Rivalry and Colonial Rule, London, 1967.
- _____, France and Britain in Africa: Imperial Rivalry and Colonial Rule, London, 1971.
- Greaves, I.C., Modern Production among Backward People, London, 1935.
- Hailey, Lord, African Survey, London, 1938.
- Hall, H. Duncan, Mandates, Dependencies and Trusteeship, London, 1948.
- Hall, Henry L., The Colonial Office, London, 1937.
- Harlow, Vincent, Chilver, E.M., and Smith, Alison (eds.), History of East Africa, Vol. II, London, 1965.
- Harris, John H., Slavery or Sacred Trust, London, 1926.
- Harrod, Jeffrey, Trade Union Foreign Policy: A Study of British and American Trade Union Activities in Jamaica, London, 1972.
- Heussler, Robert, Yesterday's Rulers, London, 1963.
- Hinden, Rita (ed.), Fabian Colonial Essays, Allen and Unwin, 1945.
- _____, Plan for Africa: A Report prepared for the Colonial Bureau of the Fabian Society, London, 1941.
- International Labour Office, African Labour Survey, Geneva, 1958.
- _____, Summary of Reports on Ratified Conventions, Geneva, 1950.
- Jayawardena, V.K., The Rise of the Labour Movement in Ceylon, Duke University Press, 1972.

- Jeffries, Sir Charles, The Colonial Office, O.U.P., 1956.
- _____, Partners for Progress: The Men and Women of the Colonial Service, Harrap, 1949.
- _____, Whitehall and the Colonial Service, London, 1972.
- Johnstone, G.A., The International Labour Organisation: Its Work for Social and Economic Progress, London, 1970.
- Kearney, Robert N., Trade Unions and Politics in Ceylon, University of California Press, 1971.
- Kelsall, R.K., Higher Civil Servants in Britain: From 1870 to the present day, London, 1955.
- Kondapi, C., Indians Overseas 1838 - 1949, O.U.P., 1951.
- Kubicek, Robert V., The Administration of Imperialism: Joseph Chamberlain at the Colonial Office, Duke University Press, 1969.
- Lewis, Gordon K., The Growth of the Modern West Indies, MacGibbon and Kee, 1968.
- Leys, Norman M., A Last Chance in Kenya, London, 1931.
- Lugard, Lord, The Dual Mandate in British Tropical Africa, Edinburgh, 1922.
- Macmillan, Harold, The Blast of War 1939-1945, London, 1967.
- Macmillan, M.W., Africa Emergent: A Survey of Social, Political and Economic Trends in British Africa, Penguin, 1949.
- _____, Warning from the West Indies, Faber, 1935.
- Mair, L.P., Native Policies in Africa, London, 1936.
- Meek, C.K., Macmillan, W.M., and Hussey, E.R.J., Europe and West Africa, O.U.P., 1940.
- Miers, Suzanne, Britain and the Ending of the Slave Trade, London, 1975.
- Milner, Viscount, Questions of the Hour, London, 1923.
- Morris, H.F., and Read, James S., Indirect Rule and the Search for Justice, Oxford, 1972.
- Murray, D.J., The West Indies and the Development of Colonial Government 1801 - 1934, O.U.P., 1965.
- Newbury, Colin W., 'Historical Aspects of Manpower and Migration in Africa South of the Sahara', in The Economics of Colonialism, Vol. IV, Colonialism in Africa 1870 - 1960, edited by Peter Duignan and L.H. Gann, London, 1975.

- Oliver, R.A., and Matthew, G. (eds.), History of East Africa, Vol. I, London, 1963.
- Olivier, Lord, White Capital and Coloured Labour, Hogarth Press, 1929.
- Orwell, George, Burma Days: A Novel, Gollancz, 1935.
- Oxford University Summer School on Colonial Administration, O.U.P., 1937.
- Oxford University Summer School on Colonial Administration, O.U.P., 1938.
- Parkinson, Sir Cosmo, The Colonial Office From Within 1909 - 1945, London, 1947.
- Parmer, J. Norman, Colonial Labor Policy and Administration: A History of Labor in the Rubber Plantation Industry in Malaya c. 1910 - 1941, New York, 1960.
- Perham, M.F., Colonial Sequence 1930 - 1949, London, 1967.
- _____, Lugard, Vol. I, London, 1956; Vol. II, London, 1960.
- Pugh, R.B., 'The Colonial Office 1801 - 1925', in the Cambridge History of the British Empire, Vol. III, The Empire-Commonwealth 1870 - 1919, edited by E.A. Benians, Sir James Butler, and C.E. Carrington, Cambridge University Press, 1959.
- Roberts, B.C., Labour in the Tropical Territories of the Commonwealth, London School of Economics, 1964.
- Robinson, K.E., The Dilemma of Trusteeship: Aspects of British Colonial Policy between the Wars, London, 1965.
- Ross, W. McGregor, Kenya from Within: A Short Political History, London, 1927.
- Royal Institute of International Affairs: The Colonial Problem, O.U.P., 1937.
- St. Johnston, Sir Reginald, From a Colonial Governor's Notebook, Hutchinson, 1936.
- Shotwell, James T. (ed.), The Origins of the International Labour Organisation, 2 Vols, Columbia University Press, 1934.
- Swinton, Viscount, I Remember, Hutchinson, 1948.
- Thomas, Albert, International Social Policy [translation by Miss Monica Curtis], International Labour Office, 1948.
- Thomas, J.H., My Story, Mayflower Press, 1937.

- Tinker, H., A New System of Slavery: The Export of Indian Labour Overseas, 1830 - 1920, O.U.P., 1974.
- Vernon, R.V., and Mansergh, P.N.S., Advisory Bodies: A Study of their Uses in Relation to Central Government, George Allen, 1940.
- Weaver, C.W.H., The Problem of Native Labour in Colonial Questions, Institute of Intellectual Cooperation, Paris, 1939.
- Wieschhoff, H.A., Colonial Policies in Africa, University of Pennsylvania Press, African Handbook No.5, 1944.
- Wilson, Francis, Labour in the South African Gold Mines 1911 - 1969, Cambridge University Press, 1972.
- Young, D.M., The Colonial Office in the Early Nineteenth Century, Longmans, 1961.

B. Articles, pamphlets

- Abbot, George C., 'British Colonial Aid Policy during the Nineteenth Thirties', Canadian Journal of History, Vol.5, March 1970, pp.73-89.
- Abraham, John C., 'Report [Official] on Nyasaland Natives in the Union of South Africa and in Southern Rhodesia', Zomba, 1937, 65pp.
- 'African Labour Problems', Round Table, No.71, June 1928, pp.498-521.
- Amery, L.C.M.S., 'Economic Development of the Empire', United Empire, Vol. 16, January 1925, pp.143-154.
- _____, 'Empire and Prosperity', Faber and Faber, 1930, 78pp.
- _____, 'Problems and Development in Africa', Journal of the African Society, Vol.28, July 1929, pp.325-332.
- Anti-Slavery and Aborigines Protection Society, 'The Industrialization of the African', London, 1937, 22pp.
- Benson, W., 'African Labour in 1930', Journal of the African Society, Vol. 30, April 1931, pp.142-147.
- _____, 'The African Labourer in 1929', Nineteenth Century, Vol. 108, July 1930, pp.62-73.

- Benson, W., 'Geneva and Forced Labour', Journal of the African Society, Vol. 29, October 1929, pp.39-41.
- _____, 'Labour Protection in Malaya', Asiatic Review, Vol. 25, January 1929, pp.31-38.
- _____, 'Some International Features of African Labour Problems', International Labour Review, Vol. 39, January 1939, pp.34-45.
- _____, 'The Study of African Development', Journal of the African Society, Vol. 31, April 1932, pp.148-152.
- Browne, Major G. St.J.O., 'The African Labourer', Africa, Vol. 3, January 1930, pp.13-30.
- _____, 'Colonies and Trusteeship', Spectator, 4 December 1936, p.488.
- _____, 'Condition of Native Communities in or near European Centres', Institut Colonial International Rapport Préliminaire, 1936, pp.1-26.
- _____, 'Labour and the Economic Development of Tropical Africa', Royal Society of Arts, Vol. 81, April 1933, pp.477-498.
- _____, 'Labour and International Relations in Africa', African Observer, Vol. 2, November 1934, pp.17-22.
- _____, 'Native Labour in Tanganyika', Journal of the African Society, Vol. 26, October 1927, pp.112-116.
- Burrows, C.W., 'Summary of Labour Legislation in the West Indies', Development and Welfare Organisation Bulletin No.28, 1949, 139pp.
- Buxton, C.R., 'The Exploitation of the Coloured Man', Anti-Slavery and Aborigines Protection Society, 1925, 23pp.
- Citrine, Sir Walter, 'What the TUC is doing: A Record of six months progress', Trades Union Congress Pamphlet No.4, April 1938.
- Cohen, William B., 'The Colonized as Child: British and French Colonial Rule', African Historical Studies, Vol. 3, No.2, 1970, pp.427-431.
- Coulter, C.W., 'Problems arising from the Industrialization of Native Life in Central Africa', American Journal of Sociology, Vol.41, March 1935, pp.582-592.
- Coupland, R., 'The Hailey Survey', Africa, Vol.12, January 1939, pp.1-10.
- Cunliffe-Lister, Sir Philip, 'Great Britain and Africa', Journal of the African Society, Vol. 31, July 1932, pp.225-233.
- Dixon, Sir Charles, 'Memoirs', folio held by the Institute of Commonwealth Studies, London University, 1969, 115pp.

- 'Emergency Labour Conscription in British Dependencies', International Labour Review, Vol. 46, December 1942, pp.744-749.
- Fabian Society, 'Downing Street and the Colonies: Report submitted to the Fabian Colonial Bureau', London, 1942, 100pp.
- _____, 'Labour in the Colonies: Some Current Problems', Fabian Society Research Series, No.61, London, 1942, 47pp.
- Greenidge, C.W.W., 'Forced Labour', Anti-Slavery and Aborigines Protection Society, March 1943, 12pp.
- Grimshaw, H.A., 'The Mandates System and the Problem of Native Labour', Problems of Peace, Third Series, O.U.P., 1929, pp.130-155.
- Hailey Lord, 'Britain and her Dependencies', Longmans Pamphlets on the British Commonwealth, 1943, 43pp.
- _____, 'A New Philosophy of Colonial Rule', United Empire, Vol. 32, November-December 1941, pp.163-166.
- Harlech, Lord (Ormsby Gore, W.G.A.), 'British Native Policy and Administration in Tropical Africa', an address to the Witwatersrand Branch of the South African Institute of International Affairs, Johannesburg, August 1941, 16pp.
- _____, et al, 'Lord Hailey's African Survey', Royal African Society, 1938, 70pp.
- Henderson, Ian, 'The Limits of Colonial Power: Race and Labour Problems in Colonial Zambia, 1900-1953', The Journal of Imperial and Commonwealth History, Vol. 2, May 1974, pp.294-307.
- Hooker, James R., 'The Role of the Labour Department in the birth of African Trade Unionism in Northern Rhodesia', International Review of Social History, 10, 1965, pp.1-22.
- ILO (New Delhi Branch), 'Labour Conditions in Ceylon: 1', International Labour Review, Vol. 60, December 1949, pp.572-616.
- _____, 'Labour Conditions in Ceylon: II', International Labour Review, Vol. 61, January 1950, pp.1-20.
- Jeffries, Sir Charles, 'Recent Social Welfare Developments in British Tropical Africa', Africa, Vol. 14, January 1943, pp.4-11.
- Johnson, Howard, 'Oil, Imperial Policy and the Trinidad Disturbances, 1937', Journal of Imperial and Commonwealth History, Vol. 4, October 1975, pp.29-54.
- Kiwanuka, M. Semakula, 'Colonial Policies and Administrations in Africa: The Myths of the Contrasts', African Historical Studies, Vol. 3, No.2, 1970, pp.295-315.

- 'Labour Conditions in the West Indies', International Labour Review, Vol. 44, December 1941, pp.695-699.
- Labour Party, 'The Colonies: The Labour Party's Post-War Policy for the African and Pacific Colonies', London, 1943, 23pp.
- _____, 'The Empire in Africa: Labour's Policy', London, 1920, 11pp.
- _____, 'Labour and the Nation', London, 1928, 54pp.
- 'Labour Problems in the West Indies', International Labour Review, Vol. 37, April 1938, pp.492-502.
- Labour and Socialist International, 'The Colonial Problem', London, 1928, 106pp.
- League of Nations Union, 'The Conference on Forced and Contract Labour', Journal of the African Society, Vol. 28, April 1929, pp.281-287.
- Lewis, W.A., 'Labour in the West Indies', Fabian Society Research Series, No. 44, 1939, 44pp.
- Lugard, Lord, 'The Forced Labour Convention of 1930', International Review of Missions, Vol. 19, 1930, pp.481-94.
- _____, 'Native Policy in East Africa', Foreign Affairs, Vol. 9, October 1930, pp.65-78.
- _____, 'Slavery in all its forms', Africa, Vol. 6, January 1933, pp.1-14.
- _____, 'Slavery, Forced Labour, and the League', Nineteenth Century, Vol. 99, January 1926, pp.76-85.
- Mair, L.P., 'Note on Labour Problems in Tanganyika', Africa, Vol. 11, July 1938, pp.361-362.
- Maxwell, Sir James C., 'Some Aspects of Native Policy in Northern Rhodesia', Journal of the African Society, Vol. 29, October 1930, pp.471-477.
- Ministry of Labour, 'Labour and the Peace Treaty', HMSO, 1919, 31pp.
- National Minority Movement [International Council of Trade and Industrial Unions], 'British Imperialism: An Outline of Workers' Conditions in the British Colonies', London [c.1929], 48pp.
- Newbury, G.E. and C.W., 'Labour Charters and Labour Markets: The ILO and Africa in the Inter-War Period', Journal of African Studies (forthcoming).

- Noon, John A., 'Labour Problems of Africa', University of Pennsylvania Press, African Handbook No.6, 1944, 144pp.
- Nyasaland [official], Report of Committee appointed by H.E. the Governor to inquire into Emigrant Labour', 1935, Zomba, 1936. 154pp.
- Olivier, Lord Sydney, 'The British Trust in Africa', Contemporary Review, Vol. 135, March 1929, pp.273-281.
- _____, 'The Meaning of Imperial Trusteeship', Contemporary Review, Vol. 136, September 1929, pp.303-312.
- Ormsby Gore, W.G.A., 'British West Africa', United Empire, Vol. 18, January 1927, pp.28-41.
- _____, 'The British West Indies', United Empire, Vol.13, July 1922, pp.454-466.
- _____, 'The Development of Our Empire in the Tropics', Nottingham University Cust Foundation Lecture, 1927, 24pp.
- _____, 'Development of Our Tropical Dependencies', Scottish Geographical Magazine, Vol. 45, May 1929, pp.129-140.
- _____, 'The Economic Development of Tropical Africa and its Effects on the Native Population', Geographical Journal, Vol. 68, September 1926, pp.240-253.
- _____, 'Problems and Development in Africa', Journal of the African Society, Vol.28, July 1929, pp.332-339.
- _____, 'My Recent Travels in East Africa', United Empire, Vol. 16, June 1925, pp.357-364.
- _____, 'Some African Problems', Journal of the Royal Society of Arts, Vol. 73, July 1925, pp.800-816.
- Owens, W.E., 'Forced Labour in East Africa', Church Overseas, Vol. 4, July 1931, pp.216-225.
- Read, M., 'Migrant Labour in Africa and its Effects on Tribal Life', International Labour Review, Vol. 45, June 1942, pp.605-631.
- 'The Recruiting of Native Labour' [a survey of the ILO Grey Report on Recruiting], Journal of the African Society, Vol. 34, July 1935, pp.287-295.
- Roberts, B.C., 'Labour Relations in Overseas Territories', Political Quarterly, Vol. 28, October-December 1957, pp.390-404.
- Sanderson, F.E., 'The Development of Labour Migration from Nyasaland 1891-1914', Journal of African History, Vol. 2, No.2, 1961, pp.259-271.

- Sarvaloganayagam, V., 'Trade Unionism in Ceylon', Ceylon Today, Vol. 7, May 1958, pp.28-31
- _____, 'Trade Unionism in Ceylon', Ceylon Today, Vol. 7, June 1958, pp.13-21.
- Shiels, Dr. T.D., 'The Colonial Empire', United Empire, Vol. 28, September 1937, pp.526-528.
- _____, 'The Colonies, Today and Tomorrow', Longmans (British Commonwealth Affairs Pamphlet, No.1), 1947, 36pp.
- _____, 'The East Africa Report', Political Quarterly, Vol. 3, January-March 1932, pp.77-88.
- _____, 'Review of Leys, N.A., Last Chance in Kenya', Political Quarterly, Vol. 3, July-September 1932, pp.444-448.
- _____, 'The Task of Colonial Administration', Health and Empire, Vol. 7, December 1932, pp.319-331.
- Shuckburgh, Sir John, 'The Colonial Office', in Oxford University Summer School on Colonial Administration, O.U.P., 1937, pp.73-77.
- Spierspoint, F., 'The African Native and the Rhodesian Copper Mines', Supplement to the Journal of the African Society, Vol.36, July 1937, 56pp.
- 'Survey of African Labour', International Labour Review, Vol. 40, July 1939, pp.77-88.
- Thomas, Roger G., 'Forced Labour in British West Africa: The Case of the Northern Territories of the Gold Coast 1906 - 1927', Journal of African History, Vol. 14, No.1, 1973, pp.79-103.
- 'Wartime Policy in British Colonial Dependencies', International Labour Review, Vol. 43, March 1941, pp.299-308.
- Weston, Right Reverend Frank, 'The Serfs of Great Britain', W. Knott, 1920, 12pp.
- Willis, J.J. (Bishop of Uganda), et al, 'Native Labour in East Africa', Church Missionary Review, Vol. 71, June 1920, pp.142-147.