

THE S.A. INSTITUTE OF INTERNATIONAL AFFAIRS

# ARCHIVES

NOT TO BE REMOVED  
BRITISH NATIVE POLICY

AND ADMINISTRATION IN  
TROPICAL AFRICA

LORD HARLECH

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LORD HARLECH

*An address delivered on 6 August 1941  
to the Witwatersrand Branch of the  
South African Institute of International Affairs*

*Copies of this address are obtainable from the Secretary*

**SOUTH AFRICAN INSTITUTE OF INTERNATIONAL AFFAIRS  
UNIVERSITY OF THE WITWATERSRAND, MILNER PARK  
JOHANNESBURG**

BRITISH NATIVE POLICY  
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ADMINISTRATION  
IN TROPICAL AFRICA

THE SEPARATION in 1925 of the old Colonial Office into two distinct Departments of State, i.e. for Dominions and Colonies, was a turning point in the history of Great Britain's attitude to, and means of dealing with, the colonial dependencies. It meant that with the departure of the staff and work—involving most of the Secretary of State's personal attention—dealing with relations with the Dominions and the self-governing Colony of Southern Rhodesia, the Secretary of State for the Colonies and his remaining staff were able to concentrate on the problems of the Coloured dependencies of Great Britain for the first time in our history. This important change in governmental structure synchronized with the acceptance by the Government and by all parties in Great Britain of the conception of "trusteeship" throughout the non-self-governing Empire, not uninfluenced by the underlying ideas embodied in Article 22 of the Covenant of the League of Nations dealing specifically with the ex-German and ex-Turkish territories placed under "Mandatory" control.

With the exception of Gibraltar, Malta, Cyprus and the Falkland Isles—four dependencies inhabited by people of European race—the Colonial Empire of Great Britain was seen to be essentially a Coloured Empire with only a

few thousands of European colonists, whether settlers, planters, traders, missionaries or administrators, amid a population of some fifty-six millions of Africans, Asiatics and Polynesians. While in wealth, development and importance the Asiatic dependencies of the British Colonial Empire—such as British Malaya, Ceylon and Hong Kong—loom large, and Palestine and the Arab world focussed a great deal of the public attention of the world and of the Government, the broad fact remains that the numerically predominant element in the make-up of Britain's Colonial Empire, amounting to some 40,000,000 human beings, are African Negroes. These are distributed as to 25 millions in the four detached West African Colonies, 13 millions in the continuous block of territories between the Zambesi and the Southern Abyssinian frontier, and 2 millions in the West Indian group of colonies. These African wards of Great Britain live wholly in the tropics, and it is only in a few scattered highland patches in equatorial East Africa and the cooler islands of the West Indies, like Barbados, Bermuda and the Bahamas, that children of European race can ever be reared in good health. Whatever the progress of tropical medicine, I doubt whether the Equatorial belt can ever be anything but predominantly black man's country, or the number of Europeans with their children permanently resident therein, more than a few thousands all told. British West Africa is, and will remain, the blackest of Black man's country. Higher plateau altitude differentiates West from East Africa where the combination of lower temperature and humidity intersperses the basic Black man's country with patches where Europeans can make permanent homes. Of these, the Kenya highlands between 5,000 and 9,000 feet are the most important, and here, in addition to European immigration, there are even larger Arab and

Indian immigrant communities. The existence of racial admixtures—whether in East Africa or the West Indies—obviously complicates the problems of African Native policy and administration at every turn. British West Africa is a straightforward and much easier job than the other blocks of predominantly African populations. Probably Trinidad is the most racially complex British Colony, with its French cocoa planters, its British and American oil industry, its large East Indian and Chinese populations, and its many Spanish South Americans, few of whom are pure Spanish, often having aboriginal American Indian as well as Negro and Spanish blood.

But it is not of race problems and race relations—acute as they are in Palestine and even in Ceylon and Fiji—that I propose to speak to-night. I shall endeavour to isolate as far as possible recent developments in policy as regards the handling of the 40,000,000 human beings of pure African descent.

It has often been said, and with some justice, that Great Britain has never had a "Native" policy, and that each dependency has been permitted by Downing Street to develop autochthonously by "trusting the man on the spot", without any higher direction or philosophy, or any uniform method of administration laid down from London. There has never been a British Native policy—hitherto only a series of sometimes conflicting policies, even within the limit of a single dependency: the Gold Coast is still a case in point, where the system of administration in the "colony", in Ashanti, and in the Northern Territories protectorate is differentiated to a remarkable degree. But as far as Tropical Africa is concerned, there has undoubtedly developed since the last war a growing unity of policy and practice—summed up in the often loosely used words "Indirect Rule". Indirect rule originated under

Lugard in Northern Nigeria forty years ago, not from any consideration of deliberate policy but out of sheer local necessities. A great new block of long-established Mohammedan Emirates, governing nearly eight million Africans, had fallen suddenly into the power of a small handful of European conquerors under Lugard. Either we had to abolish the Emirates by military force and set up direct European administration, or we had to keep and use the Emirates for our purposes, including such purposes as the abolition of slavery and the slave trade on which the power of the Emirates had previously been based. It seemed fantastic, but strangely enough, it worked, and to-day several of the Emirates are now among the most progressive and modern Native Administrations in the world.

Lugard returned, after holding the governorship of Hong Kong, to become the first Governor of United Nigeria in 1914, just before the last war, and during his regime and that of his successor, Sir Hugh Clifford, the structure and practice of indirect rule as it had been evolved in Northern Nigeria was applied to the Yoruba Chieftainships of South Eastern Nigeria, such as Benin, Oyo, Abeokuta, and Ife. Beginnings were then made among the chiefless village community populations of South Eastern Nigeria by the establishment of Native Court districts, and regularized native courts performing petty sessional judicial work, and minor local Government administrative functions over groups of villages, by selecting headmen from among the more educated clan leaders to undertake responsibility.

The then Chief Secretary for Nigeria, Sir Donald Cameron, felt grave doubts about the trends of Nigerian policy as tending toward the evolution of a series of petty Native States similar to the Native States of India. In 1924, however, he became Governor of Tanganyika

Territory and, while holding that office, did more than any other recent Colonial Administrator to propagandize and develop "Indirect Rule" or, as he preferred to call it, "Native Local Government" in Tanganyika and throughout tropical Africa. In fact, the Native Authorities Ordinance and Native Courts Ordinance which he passed for Tanganyika Territory have become the models on which similar laws have been enacted in many British territories, including the Sierra Leone Protectorate, the Northern Territories of the Gold Coast, Northern Rhodesia, Basutoland and Bechuanaland Protectorate. After five years as Governor of Tanganyika Territory he returned to Nigeria as Governor, and in a series of important speeches, memoranda to Administrative and Technical officers, and despatches to the Colonial Office, he philosophized the theory and practice of indirect rule as now accepted by His Majesty's Government in Great Britain.

At this point I should perhaps say something about Uganda, where a regime having analogies to Indirect Rule, but really differing fundamentally, has been in operation ever since the Buganda Agreement of 1900. Uganda has been one of the most progressive and successful British Native Protectorates in Africa, however anomalous. Rightly or wrongly its policy has been to extend the peculiar Baganda system, which we found and entered into formal agreement to continue, to the other provinces and tribes of the Protectorate. In Uganda, there are, in effect, two parallel Governments, ours and the Native Governments, based on divisions of land, of revenue and administrative duties. The Native Governments at their best are seen in the Ancient Kingdom of Buganda and the adjoining, and almost equally advanced Eastern province of Busoga. The Baganda proper stand out as an example of a Christianized and well educated Native State under a single heredit-

ary Native Chief, the Kabaka ; he has become more and more a titular constitutional monarch, in whose name his Ministers, the Lukiko (Native Parliament) and a hierarchy of County (Saza) and District (Gombolola) Chiefs administer a homogeneous Native peasantry who own no cattle and are essentially agriculturists living scattered, and not in kraals, on their holdings. The Ministers, Saza and Gombolola Chiefs are now non-hereditary, and are really a Native Civil Service drawn from the ranks of the more educated Baganda. The central Lukiko—consisting in the main of the Native Ministers and the 18 Saza Chiefs or their substitute representatives—have official lands called milos set aside in perpetuity for their support. They administer large revenues derived mainly from a defined share of all direct taxation, collected by them. These centralized revenues of the Lukiko finance the Native Courts, as well as sundry public works such as roads (other than main trunk roads maintained by the British Government), Native dispensaries, maternity and child welfare centres, etc. The proceedings, records and accounts of the Native Governments are supervised by the British Provincial Commissioner. Uganda is of course fortunate in having for some time possessed a hierarchy of good Mission schools in which English is taught early, and the educational edifice has recently been crowned by the establishment of Makerere College which hopes to aspire at an early date to University rank and quality. Uganda has grown rich on  $1\frac{1}{2}$  million acres under Native owned and grown cotton. There is zeal for progress both material and moral, and no small “superiority complex” on the part of the Baganda *vis-a-vis* all other African Natives. Thanks to the educable, and progressive qualities of the Baganda and their example to their similar but less advanced neighbours, the work of the British Administrators there has been almost too light

and easy. Sir Bernard Bourdillon, now Governor of Nigeria and formerly Governor of Uganda, told me that though there were numerically more European-educated and advanced Negroes on the West Coast of Africa than in Uganda, he was of the opinion that the top few in Buganda and Busoga surpassed in ability, sense of responsibility, and capacity for government and progressive public service, any West African or West Indian Negroes he had hitherto met, with the possible exception of the late Dr. Aggrey (a Gold Coast boy educated in America).

I interpose this account of Uganda, which is unique, and which is often misquoted as conforming to the type of indirect rule developed by Britain in recent years elsewhere. But I should make it clear that successive Secretaries of State for the Colonies have set their faces against the spread of the Uganda system of parallelism to any other parts of tropical Africa. Cameronian indirect rule or Native local government admits no inherent rights, sovereign or quasi-sovereign, on the part of any Native authority whatsoever and it repudiates parallelism. Sir Donald Cameron made it clear in Tanganyika and Nigeria that Chiefs or other Native authorities become in effect agents of the British Government, carrying out such judicial and administrative duties as are specifically delegated to them, and always under adequate control and supervision by European administrative officers. The conception is, of course, based on the idea of using the existing structures of the indigenous African social order as an instrument of progressive local government in tribal areas. But, as Sir Donald so frequently stressed, the powers delegated to Native authorities must be used as instruments of progress in the interests of the governed and not as props to any feudal powers or privilege of Chiefs or of a particular class. Our trusteeship and "protection" is not a trusteeship for the preservation of

any ancient Native order, but is a trusteeship for the whole people, and in particular for the subject masses. No social order is, or should ever be, static. Above all, our present conception of indirect rule or Native local government does not necessarily imply the existence or recognition of hereditary Chiefs. As I have said—in South Eastern Nigeria there are not, and never have been, chiefs such as are found in Bantu Africa. In Kenya, too, among the Kikuyu, though Bantu, the whole traditions of the tribe are radically different to the traditions obtaining in Uganda or Tanganyika Territory, and the Native authority among the Kikuyu must partake of the nature of a "Council". This applies equally to the non-Bantu Nilotic Kavirondo in Western Kenya.

One other point : practically all African Native societies are as yet far removed from the conception of any division between judicial and administrative powers and duties. In this connection it must be remembered that even in England itself in the local government authority outside the areas of incorporated municipal boroughs, judicial and administrative functions were combined in the Justices of the Peace acting in Quarter Sessions for many centuries, until the creation of the County Councils in 1889, only 52 years ago. From Tudor times till 1889 County Government i.e. local government for the smaller towns, villages and rural areas was, in effect, vested in those squires selected by the Lord Chancellor, on the advice of the local Lord Lieutenant, to hold Commissions of the Peace ; and in most cases, under our present English system the Clerk of the County Council continues to be Clerk of the Peace, i.e. the Clerk of Quarter Sessions and of the Lord Lieutenancy, the Lord Lieutenants being appointed for life or until called upon to resign by the Crown on the advice of the Prime Minister of the day.

In 1889 this system rightly gave way to a proper democratic hierarchy of local Government.

In African society I feel that for a long time yet judicial and administrative functions must be combined in the Native authority, whoever that Native authority is.

Lord Lugard and Lord Hailey have recently written that, in their view, the essence of indirect rule postulates the creation of regular Native treasuries receiving the fines exacted by Native Courts, a prescribed share of direct taxation and the sundry local government revenues. The accounts, both of income and expenditure of Native Treasuries, must obviously be subject to Government inspection and audit, but within the capacity of their revenues the Native authorities should be permitted pretty wide discretion as to the objects of expenditure, and real decisions should be taken by them and not by the European administrative officers. Costs of local government administration, Native staff and fixed salaries of Chiefs or other functionaries should be charges on such Native Treasuries. It should be an essential point of policy to commute or abolish all irregular customary exactions on their people by the Chiefs, who naturally must have regular salaries to enable them to take the position and perform the duties assigned to them.

All these concepts necessarily involve the Native Chiefs or other Native authorities becoming, in effect, the agents and, in fact, the servants of the Government. This is what they have become in most parts of Tropical Africa, and, recently, in the Bechuanaland Protectorate, and are now in process of becoming in Basutoland. But in the Gold Coast Colony (other than Ashanti and the Northern Territories of the Gold Coast) and in Swaziland, the Chiefs are still in semi-independent, uncontrolled and entirely irregular positions, both as regards their judicial

and administrative powers and in the use of revenues or fines taken by them from their people. In Swaziland at present there is no Native Authorities Proclamation and no Native Courts Proclamation. Native Courts exist, but the Government of Swaziland has no control over them or over the exactions imposed by the numerous Chiefs who put the money into their own pockets or seize the cattle of their people, and are, in some cases, selfish, oppressive and reactionary. Swaziland is to-day the worst-surviving example of the evils of "parallelism" left in the British Empire.

Another aspect of the problems arising out of recent developments in indirect rule concerns the functions and relations between the various European civil services. A consequence of indirect rule is to concentrate responsibility in the District Commissioners of the colonial administrative service, as the co-ordinators of all the technical departments operating in Native areas—e.g. Agricultural, Educational, Public Works etc., as the essential link between all aspects of European administration and the Native local government authority. In many cases, too, the collection of all Native direct taxation is now done by the Native authority and not by the European District Officers. While the right of appeal continues from the Native Courts to the District Commissioner's Court, the Court work of European officials has been immensely lightened, enabling them to find more time to act not only as the general eyes and ears of Government, but also to act—preferably in the background—as the confidential counsellor and adviser of the constituted Native authority. The more the administrative and political (and the less the magisterial) functions of the District Commissioner can be emphasized, and the less openly they play their part in guiding the Native authorities, the better. In the Northern Nigerian

Emirates it is now the regular practice for exchanges of views and discussions on all local government matters to take place between the Emir and his principal functionaries on the one hand and the British Resident and his staff on the other. These private meetings are held each week, alternately at the Resident's and the Emir's office. *Coram publico* decisions go forth from and by the Native authority.

Another problem is the absorption into the work of the Native authority and employment by it of the "educated" Native irrespective of his hereditary position. As I have explained, this problem does not arise in Uganda where it is, in effect, provided for, but it arises everywhere where "Native Custom" remains wedded to the principles of heredity. As in the Middle Ages in Europe, so in African society, and particularly in Southern society, hereditary right still looms large as the major sanction behind all authority and leadership. The absolute right to succession to Chieftainship by an often complex and strict Native custom based on animistic religious conceptions, is perhaps our greatest stumbling block to progress. In the Protectorate (interior) of Sierra Leone this led the Government to establish a special and not inexpensive school exclusively for the sons of Chiefs, but has given rise to the problem of absorbing those sons of Chiefs who do not in fact eventually become Chiefs, and leaves unsolved the absorption of the educated African of humbler parentage into the service of the Native Authorities.

In Northern Nigeria, where the influence of Islam and of pre-existing Hausa society has been to diminish the claims of the absolute hereditary right of an individual, the choice of succession to an Emirate is made by the Wazir and other principal Native functionaries from the Emirate family—a fairly large reservoir to select from

usually, owing to polygamy and a dim pre-Islamic tradition of succession through uncles. Further, the deposition of an unsatisfactory choice can there be "arranged". When I was in Sokoto—and the Emir of Sokoto is *primus inter pares* of all the Emirs of Nigeria—the then Emir was "unsatisfactory" and was conveniently got rid of by the leading Native ministers with the assured support of the British Government on a somewhat casuistical charge of "heresy".

Even in Bantu Tanganyika I know of examples of a capable man without any hereditary claim being virtually elected by the Councillors and by public acclamation, and the support of the local District Commissioner, to fill a vacancy caused by the death of the old reactionary Chief. The least we can do is to take power—even if seldom exercised and then whenever possible with the support of public opinion—to depose, and to "recognize" or "refuse to recognize" any Chief at our will. We cannot, and should not, expect perfection; and in Native Africa, if we are to train the Native in responsible local and eventually responsible self-Government of some kind or other we must effect transition from the old order. In all this we must remember that before the Pax Britannica was established, hereditary right was frequently and successfully challenged in African society by violence. It is wrong to stratify and conserve an indigenous social order at the particular point where we intervened, and in fact, became "responsible"

This problem of the danger of strict hereditary right is illustrated in the most recent report of the Chief Native Commissioner for Southern Rhodesia. He writes: "the collateral system of succession followed by the Mashona people has grave disadvantages, but customary hereditary right to succeed cannot be lightly dismissed, but frequently results in the appointment of men long since past their prime and incapable of taking an active or adequate and

progressive part in the Native administrative system". Swaziland and to some extent Basutoland suffers from the undue importance given by the mass of the Natives themselves to precise hereditary descent. While observing the necessity for a policy of gradualness we must envisage a deliberate diminution of the right to political and administrative power by mere physical descent, if the African Native is to progress socially as well as individually. Feudalism was a long time dying in England and did not finally perish till Richard was deposed and slain on Bosworth field by Henry Tudor, the grandson of an obscure Anglesey squire. The survival value of any hereditary aristocracy can only be assessed by the degree in which it continues worthily to perform public duties in the interests not of itself, but of the mass of the people. Doubtless, England did not finally abandon the conception of "Divine right" until the revolution of 1689, but the germ of our modern conceptions and practices goes back to Magna Charta and the foundations of Parliament in the 13th. century. Bantu social order must evolve or perish. It is better that it should choose the former.

What is the conclusion of the whole matter? We want to train Africans up to our moral conceptions of the duties and obligations of Government and of authority, however constituted, rather than merely to preserve the rights of any governing class. We want to train Africans in the practice and difficulties of twentieth century government, and to train them not by precept but actually by experience in the job. We desire to set no bounds or limits to proved capacity—to produce a good batting as well as a bowling side. The educated African can become too easily a purely destructive critic of Government—a professional politician and agitator—whereas we want him to take his share in executive and practical responsibility.

In England, responsible democracy began in the towns and cities, among the freemen and burgesses of the incorporated boroughs. It developed much more slowly in the rural and country population, and Native Africa is, in the main and in its millions, still a rural and country rather than an urban society. To hasten our democratic ideas in advance of the actual spread of universal education—of girls as well as boys—is to court disaster. In Portugal, democracy was based upon a population seventy per cent. illiterate ; after a trial of twelve years, when there were no less than forty successive corrupt and ineffective governments, it proved a disastrous and retrograde failure. The best training in Government is its actual practice, and my belief in democracy in England has been recently fortified by my contact with the vigorous municipal and local government democracy of the West Riding of Yorkshire, where, by the empirical process of trial and error in local government and the conduct of industrial negotiations, the virtues of compromise and effective practical democracy based on individual character and human values can be seen in vigorous and active life.

Indirect rule in Tropical Africa must therefore be seen, not as an end in itself, but as a means to distant ends—a stage in the evolution not merely of Native government, but of Native society itself. It admits the inevitability of a policy of gradualness, but it provides the basis of dynamic growth. Not all tribes need have the same powers or evolve at the same pace or even on the same lines as its neighbours. It admits that we are out to evolve a better African and not merely an European imitation. The British shrink instinctively and I believe rightly from the French policy of complete assimilation. We wish to preserve the distinctive traditional, cultural and social values of the non-British races with whose future through

the accidents of history we have become involved, provided those Native customs are not inconsistent with Christian ethics. Of course we assimilate unconsciously by our example, and the stronger and more advanced civilization inevitably influences the weaker and less advanced. But above all we stand for certain conceptions of liberty, equity and justice, for the idea of progress and the rights of the governed against governors however constituted. Whether theologically orthodox or unorthodox, our civilization has long been coloured by Christian conceptions, as well as by the heritage of Ancient Athens and our own English political history. If our relation to tropical Africans is that of a trustee we must envisage that our wards will one day grow up. Our education of our wards is not confined to the school desk and the young. We must use day to day necessities of government and especially of local government and the instruments we find, however rough and inexperienced and rooted in a different past, as an essential part of that education, and from the start give the progressive African an increasing share in shaping his own destiny in his own way. Privileges and abuses and Native customs inconsistent with progress must be rooted out, but a purely destructive policy is absurd, and we have to assist the African himself to fit better in their place. The art of government is the art of managing men and women—it is an art and not a science—certainly not an exact science—and the medium of our political art, like marble to the sculptor, canvas and paint to the painter, language to the poet, is man—African man in this case—as we find him, with all his limitations as well as his potentialities.