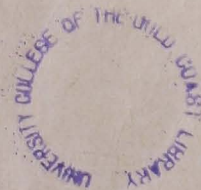




COLONIAL OFFICE

Gold Coast

REPORT TO
HIS EXCELLENCY THE GOVERNOR
BY THE COMMITTEE ON
CONSTITUTIONAL REFORM
1949



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1949

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A MESSAGE
TO THE PEOPLE OF THE GOLD COAST FROM
HIS EXCELLENCY SIR CHARLES N. ARDEN-CLARKE,
K.C.M.G., GOVERNOR AND COMMANDER-IN-CHIEF

I commend to the earnest consideration of the people of the Gold Coast the Report of the Committee on Constitutional Reform and the Despatch of the Secretary of State setting out the views of His Majesty's Government on its more important recommendations, which is published with it.

The Secretary of State has expressed his admiration of the manner in which the Committee has accomplished its difficult task and has asked me to convey to Mr. Justice Coussey his sincere congratulations on his skilful leadership and to the Committee as a whole his warm appreciation of their devotion to the task now completed. I am only too glad to have the opportunity of doing so in this message. I associate myself most cordially with the Secretary of State's remarks. All of us in the Gold Coast are greatly indebted to the Chairman and members of the Committee for the work they have done.

The proposals now put forward provide for the establishment on a fully representative basis of all bodies responsible for the government of the Gold Coast from the smallest local council to the central bodies where policy is determined for the country as a whole. It is proposed that the Local Authorities should be reconstituted to include both traditional elements and elected representatives of the people and should all have elected majorities. These Local Authorities would be vested with the duties and responsibilities which can properly be devolved upon local government bodies and would exercise their powers under the supervision and guidance of elected Regional Councils. At the centre it is proposed to have a fully representative Legislative Assembly, nearly all the members of which will be elected either directly or indirectly by popular vote. The Executive Council would be reconstituted and would consist of eight Ministers, six with portfolio and two without, appointed from among the members and on resolution of the Legislative Assembly, together with three ex-officio members. The Executive Council thus reconstituted with a large majority of Ministers from the Legislative Assembly, would, unlike the present body which is purely advisory, be responsible for the formulation of government policy. The Council would be responsible as a body to the Governor and the Ministers individually answerable to and removable by the Legislative Assembly. The Governor would retain reserve powers but he would not be able to exercise them (except in case of emergency) unless the approval of the majority of the Executive Council or the approval of the Secretary of State had first been given.

These proposals represent a very great constitutional advance. They place on the people of the Gold Coast the responsibility for conducting public affairs at all levels subject only to the ultimate responsibility of the Governor which both the Committee and the Secretary of State agree must be retained during this stage of political development. They are a declaration of faith in and a challenge to the political capacity of the people of this country. This is a great opportunity for them and I am confident that they will seize it with a full realisation that while it gives them great powers it imposes great obligations. To bring the new system into being, and to work it, the active co-operation of all will be required. I am sure that this will be forthcoming in full measure.

C. N. ARDEN-CLARKE
Governor

ACCRA

26th October, 1949



COLONIAL OFFICE

GOLD COAST

Statement by His Majesty's Government
on the Report of the Committee
on
Constitutional Reform

DESPATCH OF 14TH OCTOBER, 1949
FROM THE SECRETARY OF STATE FOR THE COLONIES
TO HIS EXCELLENCY THE GOVERNOR

LONDON: HIS MAJESTY'S STATIONERY OFFICE
1949

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DESPATCH FROM THE SECRETARY OF STATE FOR THE COLONIES TO THE GOVERNOR OF THE GOLD COAST

Church House,
Great Smith Street, S.W.1.

14th October, 1949.

SIR,

I have now been able to study the Report of the Committee on Constitutional Reform in the Gold Coast which you forwarded to me on the 30th August, 1949. You have stated publicly that this Report will be rapidly considered and that the decisions of H.M. Government on it will be brought into effect without delay. I have been thinking how best I can contribute to that result and I have come to the conclusion that the most practical form of assistance which I can give at this stage will be to let you have immediately the views of H.M. Government on the more important recommendations of the Committee, so as to help forward the examination of the Report in the Gold Coast.

2. First of all, on behalf of H.M. Government, I must express my admiration of the manner in which the Committee has set about its extremely complicated task and the speed with which it has finished its work. Constitutional reform in such a country as the Gold Coast is a matter of great complexity. The careful weighing by the Committee of the many political, legal, economic and social factors involved and the application to them of their own knowledge and judgment has resulted in a most valuable report. I am particularly impressed by the heed which the Committee has paid to traditional African institutions in the recommendations which they make for the establishment of a modern and representative system of government. I shall be grateful if you will convey to Mr. Justice Coussey my sincere congratulations on his skilful leadership and to the Committee as a whole my warm appreciation of their devotion over several months to the difficult task now completed.

3. I wish to make it clear at the outset that, subject to the observations which I shall make later in this despatch, H.M. Government accept the proposals put forward in the Report as providing a workable plan within the framework of which constitutional development in the Gold Coast can now proceed. The observations which follow are made with the sole object of helping and promoting the progress of the Gold Coast to responsible government within the British Commonwealth, which it is the policy of H.M. Government and the manifest desire of the people of the country to see achieved as soon as practicable. I endorse the Committee's general conception of a representative system of central government firmly based on soundly conceived democratic institutions at the regional and local government levels.

4. It is clear that such a system cannot be built up merely by a legislative act. Much hard work will be needed to bring about the important changes in the form of the Central Government and the composition of the Legislature which the Committee proposes, to build up the regional administrations and councils and to strengthen and reorganise the institutions of local government, which the Committee rightly regards as providing the best opportunity for "the majority of the people to contribute to and participate actively in the process of government" and "the best foundation on which

to build a democratic central structure." I am most anxious, as I know you are, that this work should be pressed forward as rapidly as possible ; but it is of the highest importance to the endurance of the system now to be established and to the well-being of the people of the Gold Coast that, in the process of bringing the system into being, there should be no breakdown in the machinery of government of such a kind as inevitably to delay progress.

5. It is with these general considerations in mind that I make the following observations. I shall not refer in detail to each individual proposal of the Committee, but shall deal only with those recommendations of major importance on which the early expression of my views may be of particular help in the further consideration of the Report in the Gold Coast. I do not propose to comment on the General Survey in Part I of the Report ; many of the points made in this part of the Report do not bear directly on the recommendations made by the Committee. Although I do not think it necessary to express any opinion on the historical accuracy of the views recorded by the Committee in the General Survey, I should not wish it to be thought that I necessarily agree with all of them. Equally I shall not comment on the Introduction in Part II of the Report, valuable though this is as a general summary of the Committee's views.

LOCAL GOVERNMENT

6. Part III of the Report makes proposals for the reform of the local government system and I have been greatly impressed by the evident desire of the Committee to deal comprehensively with that sphere of government which most immediately affects the everyday life of the people and which is therefore the only sure foundation on which to base a democratic system of central Government. Paragraphs 78 to 83 of the Report very properly emphasise the importance of local government.

7. I agree generally with the Committee's broad conception of local government reform, although the individual recommendations will need detailed examination in the Gold Coast. The fact that such a widely representative Committee, drawn from all sections of the community and all parts of the Gold Coast, has made unanimous proposals on local government gives the whole country a great opportunity. Now that it is recognised that radical changes in the system of local government are needed, I trust that the people of the Gold Coast will not let pass the opportunity to make them. The new framework of Local Authorities proposed by the Committee will have to be developed from the existing system by orderly means and in a manner acceptable to the Chiefs and people. I suggest that, in order that this work may be put in hand without delay, a suitable body or bodies, perhaps in the form of one or more Select Committees of the Legislative Council, should be set up to examine the best means of implementing the proposals in consultation with the existing Territorial Councils and Native Authorities, and that at the same time steps should be taken in consultation with the Committees to draft the necessary legislation. If advice based on the experience of local government in this country is required on any point, I shall be glad to assist in securing it.

8. The recommendations on local government seem to me to have a number of admirable features. I welcome the proposals that the traditional elements should have the representation on the new Local Authorities recommended in paragraph 137 of the Report and that those Authorities should have elected majorities (paragraph 140). The proportion of seats to be allocated on each local council to the traditional and elected representatives, the

methods of election, the qualifications for voting and membership and the nature of the constituencies are matters for close consideration in the Gold Coast.

9. The relationship of the different classes of authorities and the allocation of functions and financial responsibilities between them are also matters for local examination. But I hope that it will be found possible to establish a system which is flexible and not too complicated, which will not stifle local initiative at the lowest level through the creation of too elaborate a hierarchy of authorities above that level, and which will provide the lowest councils with definite responsibilities of their own within a suitably defined sphere.

10. I welcome the proposals for the establishment of District Councils, of a size large enough to ensure efficiency and financial stability, through the amalgamation or federation of smaller authorities (paragraph 91). I cannot comment on the details of these proposals, but I hope that, where such fusions are considered to be in the interests of the local people, parochial jealousies will not prevent them from being carried out. I welcome the proposal that Municipal Councils should be the sole authorities with local government powers in their areas (paragraph 110) and I also welcome the recommendations for the establishment of suitable councils in other urban areas (paragraph 98).

11. The Committee rightly emphasises the importance of local government staff (paragraph 185) and refers to the question of training (paragraph 190), but makes no specific proposals for the provision of such training. If the new Local Authorities are to be efficient, it is essential that their staff should be adequately trained and I hope that early and vigorous action will be taken to provide suitable training facilities in the Gold Coast. Wherever it is desired that local government officers should receive training in this country by attachment to local government bodies here, I shall be glad to assist; experience has shown that local authorities in the United Kingdom are very ready to provide facilities for training staff from Colonial Territories. I agree with the Committee that, until sufficient trained local government officers are available, the central Government should be prepared to assist in meeting the staff difficulties of Local Authorities.

12. If the new system of local government is to be successful, it is most important that full and early consideration should be given by all concerned to placing the finances of Local Authorities on a satisfactory basis. Much ingenuity will be required to overcome the difficulty of levying rates in an equitable manner (paragraphs 200 to 202) and it may well prove necessary as an interim measure, before it is possible to establish assessment committees and a trained corps of valuers, to supplement the basic tax by special imposts on particular activities designed to secure that the system of taxation taken as a whole bears fairly on all classes of the community. The destination of revenue derived from communal lands and the management of those lands are clearly matters of special difficulty. I welcome the Committee's view (paragraph 207) that the management, but not the ownership, of such lands should be vested in the Local Authorities and that the revenue should be accounted for by them, an agreed proportion according to the circumstances of each area being paid over to the traditional authorities.

13. The suggestions of the Committee regarding Local Courts (paragraphs 218 to 234) are in harmony with recent trends in the development of the existing Courts, and I feel sure that these trends will be encouraged by the Committee's views. I hope that you will feel able to set up the special committee suggested in the Report as soon as the great volume of more urgent work required to give effect to the other recommendations permits.

REGIONAL ADMINISTRATION

14. I accept the arguments put forward by the majority of the Committee in favour of the retention and development of Regional Administrations (paragraphs 284 to 287). I appreciate the practical problems involved, but I believe that at the present stage Regional Administrations have an indispensable part to play in the supervision and co-ordination of the new Local Authorities. If the Regional Administrations are to carry out their duties efficiently, it is necessary that they should be provided with a permanent staff adequate to deal with the volume of work which will inevitably grow. It is also necessary that the Central Government should be prepared to delegate authority to them and I agree with the Committee that a very substantial decentralisation of functions should be effected. I welcome the proposal (paragraph 292) of the Committee that a detailed examination should be made of the activities which can suitably be delegated to the Regional Administrations and of their relationship with the Central Government. I suggest that this examination should also cover the financial relationship of Regional Administrations with Local Authorities and with the Central Government and Legislature. I shall look forward to considering the matter further when this examination has been completed.

15. The proposals of the Committee for Regional Councils (paragraphs 316 to 330) are designed to carry further the policy, already effected through Territorial Councils, of associating representatives of the public with the administration of government in each region. I agree that this is a most desirable objective, but I hope that it will be possible to avoid too complicated a system at the regional level. I do not intend to comment in detail on these proposals; like the other proposals in Part IV of the Report, they will require careful study in the Gold Coast. I am doubtful about the recommendation (paragraph 326) that elections to the Regional Councils should be carried out in the same way as elections to the Central Legislature. The conduct of these central elections, as well as those for Local Authorities, will tax the administrative resources of the country very heavily and, if similar elections are to be held for Regional Councils, I fear that the system may become too complicated. Both for this reason and because the Regional Councils and Administrations will be so closely concerned with local government, I am inclined to the view that it would be preferable for the members of the Regional Councils to be elected from and by the Local Authorities themselves. The question is one which it will be easier to determine when the precise functions of Regional Councils and Administrations have been worked out in detail.

16. I attach particular importance to establishing a proper relationship between the members of the Regional Councils and the administrative and technical staff of the Regional Executive at regional headquarters and in the field. I have noted the recommendations on this point made in paragraphs 331 to 338 of the Report; these will clearly require close examination in consultation with the Territorial Councils and might perhaps form part of the investigation recommended by the Committee and referred to in paragraph 14 of this despatch. The essential points seem to be that the members of the Regional Councils should be enabled to participate fully in the formation of policy for the region, in consultation with the Executive under the Chief Commissioner or Regional Administrator, and at the same time that the Regional Executive and its staff should be given fully adequate powers to carry out its important duties with regard to local government and in other fields.

17. In paragraphs 299 to 303 of the Report the Committee proposes that a Regional Administration should be established for the area described as "Trans-Volta—Southern Togoland", consisting of certain areas of the Gold Coast Colony east of the River Volta and the southern section of Togoland under United Kingdom Trusteeship, with the possible addition of the Krachi District. The Committee itself records in paragraph 301 that this recommendation was opposed by representatives from certain parts of Southern Togoland, and, both for this reason and because of the special position of the Trust Territory, I must examine the proposal with particular attention. The decision to be taken on it must clearly depend on the interests of the people concerned, and in determining where these interests lie I have no doubt that you will consider, in consultation with the accredited representatives of the people, what arrangement is likely to be most effective in promoting the political, economic and social development of the area. I will go into the matter further when you are in a position to let me have your recommendations and when the considered views of the people of the area are known. Meanwhile I hope that it will be possible to arrange in the immediate future for the representation of the Southern Section of Togoland on the Legislative Council and that, as an interim arrangement pending the setting up of constituencies as the Committee recommend, an electoral body will be constituted for this purpose in the area. I shall also await any recommendations which you may wish to make on the question whether the Krachi District should be included in the Southern Section of Togoland.

THE LEGISLATURE

18. I much appreciate the careful examination, summarised in paragraph 353, of the relative merits of a bicameral or unicameral system for the Legislature and I note that the Committee was almost evenly divided on this question. I recognise the strength of the arguments both for and against a bicameral system, but I am particularly impressed by the third, fourth and fifth arguments against it which the Committee has recorded. I cannot help feeling that the proposals for a bicameral system, if adopted immediately, might seriously detract from the efficiency both of local government bodies and the Central Legislature, by isolating in a chamber exercising relatively limited functions a number of the more able men whose services are needed in the Legislative Assembly and in local government. I agree also that, in the words of the Committee, "the interaction of thought between elected members and 'Elders' in a unicameral chamber would not only be beneficial but would be in consonance with the accepted traditions of the country". I feel accordingly that it would be advisable, certainly at this stage, to adopt a unicameral system.

19. I welcome the Committee's proposal (paragraph 374) that, except in municipalities, an indirect system of election should be adopted for the Legislative Assembly; I feel sure that under present conditions this recommendation is sound. The establishment of the electoral machinery, the delimitation of constituencies and the actual supervision of elections will obviously involve a great amount of work and for this reason I hope that the arrangements for primary elections will be as simple as is compatible with a fair system of representation. I hope also that these arrangements will be adapted to the conditions of each area and I assume that, when the Committee refers in paragraph 360 to "a method appropriate to each constituency", they mean that methods such as those recommended by the Committee in paragraph 145 for local government elections should be used wherever they are regarded as appropriate. For secondary elections by the

electoral colleges I suggest that it should be laid down that candidates should be members of the colleges themselves. It is clearly desirable that elections should be held as soon as possible, and, as the preparations will take a considerable time, I hope that it will be possible to set up a suitable body, perhaps a Select Committee of the Legislative Council, to examine the question of holding early elections and the measures necessary to enable this to be done.

20. The detailed recommendations in this part of the Report will require further examination.

THE EXECUTIVE

21. I have carefully examined the section of the Report dealing with the structure of the Central Government and I recognise the close attention which the Committee has given to this subject. My remarks on the Executive should be read in conjunction with what I have said in paragraph 3 of this despatch. H.M. Government are pledged to assist the people of the Gold Coast by all means in their power in their progress towards responsible government within the British Commonwealth, and they are anxious that this progress should be as rapid as the interests of the people themselves and the needs of good government permit. The Committee has recommended in paragraph 411 that the Executive Council should consist, under the chairmanship of the Governor, of ex officio members and members drawn from the Legislature, and that the majority of the members drawn from the Legislature should be given executive responsibility for the administration of departments. I shall comment in detail on these proposals, but before doing so I wish to make it clear that in principle, subject to what follows, H.M. Government accept them and warmly welcome them. If implemented, they will represent a most important step forward in the constitutional development of the Gold Coast.

22. The Committee has recommended in paragraphs 40 and 412 that the Executive Council should be collectively responsible to the Legislature, and has stated that any proposal whereby the Executive Council would be responsible to the Governor is considered to be unacceptable. It is evident that the Committee attaches great importance to this point, but I think that there may be some possibility of misunderstanding on it. It is the normal practice in constitutional development that the Governor should retain ultimate responsibility for the administration of a Territory until that responsibility is transferred to Ministers who are themselves collectively responsible to the Legislature. The Committee, while it is averse to the Executive Council being responsible to the Governor, has quite properly at this stage not proposed the granting of full responsibility to Ministers and rightly qualifies their responsibility in certain important respects. Under the recommendations of the majority report the Executive Council would include ex officio members and the Governor would have reserve powers. I quite agree with these recommendations and it follows that, so long as it is necessary for the Governor to have reserve powers, he must retain ultimate responsibility. In this respect the Committee's recommendation that the Executive Council should be collectively responsible to the Legislative Assembly and not responsible to the Governor requires modification.

23. This does not mean that the members of the Executive Council would not be answerable and in effect responsible to the Assembly. The power to grant financial supply and to legislate would lie with the Assembly and members of the Executive Council would be required to answer in the Assembly for the departments of Government for which they were responsible. In addition the members of the Executive Council other than the ex officio

members would be appointed, as I shall suggest in paragraph 31 below, on a resolution of the Assembly and would be removable by an adverse vote of the Assembly. Members of the Executive Council would in fact necessarily have a dual responsibility. While they would be responsible to the Governor in virtue of his ultimate responsibility for the administration of the Territory, they would clearly be responsible to the Assembly for the performance of their functions as members of the Executive Council. In the Committee's Report it appears to be implied that responsibility to the Governor and responsibility to the Legislature are inconsistent with each other; in fact they are not inconsistent but complementary.

24. The desire of Africans to bear responsibility for the initiation and execution of policy has the fullest sympathy of H.M. Government and, in their view, it is essential that this should be provided for in the new constitution. In considering the relationship between the Governor and the Executive Council it is important, if misunderstanding is to be avoided, to consider the actual manner in which the relationship will work. If the matter is looked at from the practical point of view, it will be apparent that the substance of the Committee's recommendations will in fact be achieved.

25. It is a matter of experience both in the Gold Coast and elsewhere that the Governor's reserve powers are in practice only used most sparingly. Under the Committee's proposals, with which I am in general agreement, questions requiring decision by the Legislative Assembly or the Executive Council would normally be settled by a majority vote, and this would secure the Committee's objective, expressed in paragraph 40, of making executive action responsive to considered public opinion and to informed criticism in the Legislature. In a word, the aim should be that, in the spirit of paragraph 426 of the Committee's Report, the business of government should be smoothly and efficiently carried on by consultation and agreement between the Governor, the Executive Council and the Legislative Assembly and, with the appreciation of each others' views which would be developed by this process, it is reasonable to hope that occasion for the exercise of the Governor's reserve powers would be avoided.

26. I readily agree that there should be a majority of Africans drawn from the Legislative Assembly on the Executive Council. It would be the body where all major questions of policy would be discussed and I suggest that it should be specifically laid down in the constitution that it is the principal instrument of policy. The Council should not simply, as at present, be summoned on the motion of the Governor himself, but also, as the Committee recommend, at the request of two-thirds of its members. All members of the Council and not the Governor only, as at present, should be entitled to initiate subjects for discussion.

27. H.M. Government accept the recommendation of the Committee that all questions proposed for decision in the Executive Council should be determined by the majority vote of the members present and voting, the Governor having a casting but not an original vote. It would be necessary to give the Governor the right to act against the majority decision of the Council when the issue under discussion was one which fell within the scope of his reserve powers. It would be laid down that the Governor should only exercise this right (except in an emergency) with the prior approval of the Secretary of State. This power of the Governor in relation to the Executive Council, which is similar to the Committee's recommendation in paragraph 421 in relation to the Legislative Assembly, would only be exercised in exceptional circumstances; any other course would impede the development of responsibility. Normally the decision would be taken by a majority vote

in a body on which elected members of the Assembly would be in the majority. Thus the Executive Council would be a very different body from the present Executive Council, which is purely advisory.

28. It is a corollary of this arrangement that the Executive Council should act collectively as a body and that an individual member of the Council should be under an obligation to carry out administratively, and support in the Legislature, the policy and decisions of the Council. A member of the Executive Council who felt himself unable to carry out this obligation should resign, and, in case he refused to do so, it should be provided in the constitution that the Governor should be empowered in these circumstances to terminate his appointment with the agreement of the majority of the Executive Council.

29. Before ending this part of my despatch I wish to emphasise again how very great a step forward is involved in these proposals, which would place Africans appointed on resolution of the Legislative Assembly and answerable to that Assembly in the majority on the Executive Council and would make that body responsible for formulating policy.

METHOD OF APPOINTMENT AND COMPOSITION OF THE EXECUTIVE COUNCIL

30. The Committee has recommended that there should be a Leader of the House of Assembly elected by the Assembly and appointed by the Governor (paragraph 382), that members of the Executive Council (other than ex officio members) should be appointed by the Governor in consultation with the Leader (paragraph 411), and that the Executive Council should resign collectively on a vote of no confidence in the Leader by not less than two-thirds of all the members of the House of Assembly (paragraph 413). In paragraph 403 the Committee describes the procedure under which the Leader would be elected by a majority of the House of Assembly as a transitional arrangement until parties emerge sufficiently to enable the Governor to ask the member who commands the largest following to assume office as Leader. I have carefully considered these proposals, but I do not believe that the institution of a Leader of the House would work effectively in the absence of an established and well-trying party system, by which I mean a system where through usage over a period of years parties have become generally accepted as necessary and integral parts of the constitutional machinery of the country. In this sense there is not as yet a party system in the Gold Coast, and without it, while the member of the House of Assembly chosen as Leader would admittedly command the majority of votes on the occasion when he was so chosen, there would be no guarantee that he would continue to command a majority. If not, the efficiency of Government might be seriously hampered and the relations between the Executive Council and the Legislative Assembly impaired. For these reasons I believe that the appointment of a Leader elected by the House of Assembly would be premature; but I agree that it will be necessary in practice for one of the members of the Executive Council to lead the Government representatives in the Assembly. I suggest that the members of the Executive Council should elect one of their number for this purpose.

31. In the light of what I have said, the consequential arrangements proposed by the Committee for the appointment and resignation of members of the Executive Council are inapplicable at this stage. I would suggest

that instead the following procedure should be adopted; the Governor should put forward names of members of the Legislative Assembly for appointment as members of the Executive Council (after such consultation as may be appropriate) and should invite a resolution of the Assembly recommending the appointments; if the resolution was passed the Governor should make the appointments.

32. Since members of the Executive Council (other than ex officio members) would be appointed on resolution of the Assembly, I agree with the Committee that the Assembly should have power to initiate the steps necessary for the removal of such members. I am sure, however, that it will be generally accepted in the Gold Coast that, if there is to be proper continuity in the conduct of public business, this power should not be lightly exercised. I would suggest that a member of the Executive Council should be removable on a motion specifically made for that purpose, which should require a two-thirds majority vote of all the members of the Assembly. This would be additional and not alternative to the arrangement proposed in paragraph 28 above, under which the Governor would be empowered to remove a member of the Executive Council, with the agreement of the majority of that Council, should he refuse to act on its decision. I must make it quite clear that I could not agree to any proposal for the removal of an ex officio member from the Executive Council on a prayer of the Assembly; such an arrangement would be entirely without precedent and would be inconsistent with the position of ex officio members of the Executive Council.

33. In paragraph 413 the Committee recommends that members of the Executive Council—and they are no doubt referring to members other than ex officio members—should cease to hold their appointments on a dissolution of the Assembly. I feel that this procedure would lead to serious practical difficulty in administration and that provision ought to be made for the carrying on of the Government in the intervals between one Assembly and the next. I suggest that provision might be made to the effect that a member of the Executive Council should retain his appointment after dissolution until the first meeting of the newly elected Assembly.

34. In their statement of policy of August, 1948, H.M. Government suggested that the title of Minister proposed by the Watson Commission would not be appropriate to the present stage of constitutional development and that it would be more suitable to use the term Member of the Executive Council. The Committee has however proposed the use of the term Minister and, in the light of the practice growing up elsewhere, I agree to the use of the term in the Gold Coast.

35. The Committee recommends (paragraph 411) that there should be not more than three ex officio members of the Executive Council, the Chief Secretary, the Financial Secretary and the Legal Secretary. The Watson Commission recommended that there should be four ex officio members and H.M. Government in their statement of August, 1948, accepted this number and suggested that the ex officio members should be the Chief Secretary and three members with responsibility for justice, finance and economic affairs. In view of the recommendation of the Committee, to which importance is evidently attached, I agree that there should only be three ex officio members, the Chief Secretary, the Legal Secretary and the Financial Secretary. I also agree that there should be six Ministers with portfolio and two without portfolio. The actual distribution of portfolios would be made by the Governor in accordance with the needs of public business.

MINISTERIAL AND PERMANENT UNDER-SECRETARIES

36. In paragraphs 417 and 418 of the Report the Committee recommends the appointment of Ministerial and Permanent Under-Secretaries. These proposals do not appear to differ materially from the suggestions of H.M. Government in their statement of August, 1948.

GOVERNOR'S RESERVE POWERS, ROYAL INSTRUCTIONS AND LETTERS PATENT

37. It will have been clear from what I have said in paragraphs 22 and 25 above that I accept the proposals of the majority of the Committee with regard to the Governor's reserve powers (paragraphs 420 to 426). In doing so I wish to express my appreciation of the careful and objective manner in which the Committee has approached this subject. As regards the Governor's power to veto legislation, I should see no objection to an understanding, on the lines set out in Mr. Oliver Stanley's despatch of the 10th February, 1943, to the Governor of Jamaica quoted by the Committee in paragraph 425 of the Report, that, if an occasion arose when the Governor was not prepared to assent to a Bill, he should in practice either reserve it for His Majesty's pleasure or, before refusing assent, consult the Executive Council and, if they did not agree, the Secretary of State.

38. I assume that in recommending in paragraph 421 (c) that the appointment of public officers should be excluded from matters over which the Governor may exercise his reserve power in the Assembly the Committee is only referring to the actual word "appointment" as it appears in Article 38 (1) of the Gold Coast Colony and Ashanti (Legislative Council) Order in Council of 19th February, 1946, and is not suggesting that matters relating to the creation or abolition of any public office or to the salary or other conditions of service of any public officer or officers should also be excluded from the operation of that power. On that assumption I can agree to the proposal.

39. The Committee's proposals with regard to the Royal Instructions and Letters Patent will require further examination. In regard, however, to the proposal in paragraph 429 that Section 12 of the existing Letters Patent should be amended, it would not be proper to fetter the Governor in the exercise of the prerogative of mercy. It has been, and I trust will remain, obligatory for the Governor to obtain the advice of the whole Executive Council in such matters and I would deprecate any proposal that he should be required to act on the advice of one particular member of the Council only.

PUBLIC SERVICE COMMISSION

40. I welcome the proposal in paragraph 430 that a Public Service Commission should be established on a statutory basis to advise the Governor on matters relating to the Civil Service. This is fully in accordance with general policy and an interim Public Service Commission has already been set up in the Gold Coast. The composition, functions and powers of the Public Service Commission will require detailed examination.

MINORITY REPORTS

41. I have duly considered the riders to the Report added by a minority of the Committee and have taken them into account in my observations in this despatch.

CONCLUSION

42. I have covered without entering into great detail the general scope of the Report and have indicated that H.M. Government agree with most of its recommendations. I hope that all such steps as are necessary can now be taken without delay to give effect to these recommendations. I am aware that this will involve much detailed work and will throw a heavy burden on to members of the Legislative Council and Territorial Councils and in particular on to all branches and grades of the Civil Service. The carrying out of the Committee's recommendations for Regional Administrations and local government will place added responsibilities on to the administrative staff in the field, which I am confident that they will discharge with their traditional energy and enthusiasm.

43. The preparation of constitutional instruments can now be put in hand to give effect to the proposals of the Committee with regard to the Legislature and Central Executive, subject to the observations which I have made above. I am aware that these proposals and observations will be the subject of detailed discussion and examination both by the Government and by the public in the Gold Coast and the results of such discussion and examination will of course be taken into account in preparing the instruments. My only reason for starting the process now is my desire to avoid all delay in bringing the recommendations into effect.

I have the honour to be,

Sir,

Your most obedient, humble servant,

A. CREECH JONES.

Sir Charles Arden-Clarke, K.C.M.G.,
Governor of the Gold Coast.



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Supreme Court,
Accra.
17th August, 1949.

To His Excellency Sir CHARLES NOBLE ARDEN-CLARKE, K.C.M.G.,
Governor and Commander-in-Chief of the Gold Coast.

YOUR EXCELLENCY,

In submitting this Report of the Committee on Constitutional Reform, it is proper that I should recapitulate the immediate circumstances under which the Committee was appointed, and that I should refer briefly to certain aspects of the programme which we adopted.

2. Your predecessor, Sir Gerald Hallen Creasy, K.C.M.G., O.B.E., proposed during the Session of Legislative Council held in September, 1948,* that a representative Committee should be set up to go into the whole question of Constitutional Reform as discussed in the Report of the Watson Commission of Inquiry into the Disturbances† and in the White Paper‡ setting out the views of His Majesty's Government on that Report. The bases upon which Sir Gerald Creasy decided the membership of the Committee were laid before the Legislative Council on 14th December, 1948, in a statement read on His Excellency's behalf.§ This statement also defined our terms of reference, which were laid down as follows:—

“To examine the proposals for constitutional and political reform in paragraph 122 of the Report of the Commission of Inquiry into Disturbances on the Gold Coast, 1948, and, due regard being paid to the views expressed on them by His Majesty's Government, to consider the extent to which they can be accepted and the manner in which they should be implemented.”||

3. It will be observed that our Terms of Reference were thus dependent upon paragraph 122 of the Report of the Commission of Inquiry and, in consequence, that they were extremely wide. We found it necessary, however, to place our own interpretation upon them in two important respects. First, it appeared impracticable to us to isolate the recommendations contained in paragraph 122 of the Report of the Commission of Inquiry from the remaining provisions of Chapter (V) thereof, to which chapter the paragraph concerned is in the nature of a summary. We therefore considered ourselves justified in interpreting our Terms of Reference as embracing all the matters discussed in Chapter (V) of the Report, together with His Majesty's Government's comments thereon. In the second place, in the absence of any indication to the contrary, we assumed that our recommendations must make provision for that part of Togoland under United Kingdom Trusteeship. We had, of course, no authority to exceed our Terms of Reference, and we have therefore done no more than to interpret them in a broad and liberal manner. In this connection I should like to quote from a speech made in the House of Commons by the late Lord Baldwin, at a time when he was Prime Minister. Referring to a Royal Commission, he stated:—

“I would like to emphasise . . . that a Royal Commission in this country is an entirely independent body, uncontrolled by His Majesty's Government, and perfectly free to report in any sense that it thinks fit within the Terms of its Reference.”

* Legislative Council Debates Session 1948. Issue No. 3, pages 7, 37-42.

† Colonial No. 231.

‡ Colonial No. 232.

§ Legislative Council Debates Session 1948. Issue No. 4, pages 3-4.

|| Paragraph 122 of the Commission of Enquiry is reproduced at Appendix I. His Majesty's Government's comments thereon are reproduced at Appendix II.

4. During December, 1948, invitations to serve upon the Committee were accepted by the persons listed at Appendix III in which is set out the membership of the Committee. No time limit was prescribed for the completion of the Committee's task, either originally or subsequent to the commencement of our deliberations. Nevertheless, in view of the legitimate interest of the country at large, we have throughout been anxious that our Report should be completed as rapidly as a thorough examination of the many complex issues concerned might permit. Work was therefore put in hand as early in the New Year as was possible, and our first Session started in Accra on 20th January, 1949. Thereafter it was found necessary to hold seven further Sessions of the full Committee.*

5. Our work fell naturally into three phases. Of these the first, which embraced the months of January to April, was concerned with the discussion of the main problems and the determination, in principle, of all outstanding issues. The second phase, lasting from May to mid-July, was taken up with the appointment of five Sub-Committees and the conduct and completion of their separate inquiries.† The final stage was occupied with the consideration of the reports of these Sub-Committees, and, thereafter, with the preparation of our Report.

6. All Sessions of the full Committee were held "in camera", a procedure which invoked a certain amount of adverse criticism. In reaching our decision on this point we were not unmindful of the history of Constitution-making bodies in other lands. We considered it to be of paramount importance that our work should be influenced neither by external "pressure groups" nor by any clamant sections of the community.

7. Within the limits of the time available, every effort was made, particularly by the various Sub-Committees, to tour the country‡ and to submit the soundness of our ideas to the judgment of those who, in the last analysis, alone can make them a living and a workable system of government. We were also assisted by a great wealth of suggestions which were put forward spontaneously by divers individuals and organisations.§

8. While there is unanimous agreement on the majority of our principal recommendations, some members consider that there should be no ex-officio members in the Executive Council, and express the view that the Governor's power of veto should be abolished. Two other members are opposed to the setting up of the Regional Administrations which are recommended. These views appear as riders to the Report, as does the expression of opinion of one member on an historical issue.

9. Before proceeding with the subject matter of our Report, we wish to place on record our appreciation of the Messages which we received, at our first Meeting, from the Right Honourable Arthur Creech Jones, M.P., Secretary of State for the Colonies, and from Sir Gerald Creasy.|| These Messages were of great encouragement to us and provided a most happy portent for the successful outcome of our deliberations.

10. I now have the honour to submit the Report of the Committee for your consideration.

I have the honour to be,

Your Excellency,

Your obedient Servant,

J. HENLEY COUSSEY, *Chairman,*

Committee on Constitutional Reform.

* Details of the Sessions of the Committee are shown at Appendix IV.

† The composition and Terms of Reference of the Sub-Committees are shown at Appendix V.

‡ Details of the tours of the Sub-Committees are shown at Appendix VI.

§ For details, see Appendix VII.

|| The Messages are reproduced at Appendix VIII.

REPORT OF THE COMMITTEE ON CONSTITUTIONAL REFORM

PART I

GENERAL SURVEY

Before turning to the detailed consideration of our Terms of Reference we have considered it desirable to make a brief reference to the origins and the development of the relationship of the Gold Coast with Britain, including the main landmarks in the political and constitutional advance which grew out of that association and the recent and very real difficulties which have arisen since the end of the Second World War.

2. As a result of the analysis which we have made, we are satisfied that the basis of British rule in the Gold Coast can, in general, and without going into the niceties of legal interpretation, be said to be derived ultimately from the fact that Britain found herself in a position in which she could exert her influence in a region ruled by weaker states. It has never been admitted nor can it be proved beyond all doubt that the peoples of these territories have lost their right to determine their ultimate destiny, though they have enjoyed benefits from the British connection. Indeed, the appointment of the present Committee proves the contrary view.

3. It is as part of that process, it is submitted, that the Committee's recommendations should be considered.

4. The British, like all the other European Nations which have had contacts with the Gold Coast, came here to trade and for that purpose obtained lands on lease from local chiefs, on which they built forts or castles. Their jurisdiction was confined to these Settlements and, in some cases, their immediate environs. They extended the area of their jurisdiction by the acquisition of castles and forts from other European Nations, particularly the Danes and the Dutch, and by other means.

5. In 1842, the relationship subsisting between the Native States and the British was described in a Resolution of a Select Committee of the House of Commons as follows:—

“Their relation to the English Crown should be, not the allegiance of subjects to which we have no right to pretend, and which it would entail an inconvenient responsibility to possess, but the deference of weaker powers to a stronger and more enlightened neighbour whose protection and counsel they seek, and to whom they are bound by certain definite obligations.”

6. The protective nature of the British connection is well brought out in the above passage.

7. To enable a semblance of authority to be given to the exercise of jurisdiction already assumed by the British, the Bond of 1844 was negotiated between the British and certain Fanti Chiefs. In course of time treaties of friendship and protection were concluded with various other states, mainly on the littoral, as far east as Keta. There is nothing in the past history of the area commonly designated the “Colony” which can be used in support of the idea of cession of any significant portion of it, or to alter the fundamental relation of the Native States to the British as one of friendship between a weaker and a stronger people.

8. The goal to which we are moving to-day was anticipated in the third resolution of the Select Committee of the House of Commons on 26th June, 1865, in the following words:—

“The object of our policy should be to encourage in the natives the exercise of those qualities which may render it possible for us more

and more to transfer to them the administration of all Governments with a view to our ultimate withdrawal from all . . .”

9. The circumstances under which these statements were made do not detract from the moral principle they embody.

10. A great deal more than was justified by the prevailing circumstances was taken for granted in the Letters Patent of July 24th, 1874, under which the Settlements in the Gold Coast were “constituted and created” into a Colony.

11. The Order in Council of 6th August, 1874, purporting to be made under the provisions of the Foreign Jurisdiction Act of 1843, was similarly unjustifiable. This Order was designed to legalise the Ordinances that might be passed by the newly created Legislative Council.

12. In the same year Lord Carnarvon’s despatch, dated August 20th, dealing with the draft of a Proclamation which aimed at defining the nature and extent of the Queen’s jurisdiction on the Gold Coast, gave in outline the salient features of the constitutional position of the British *vis-à-vis* the Native States. The despatch justified the steps about to be taken as follows:—

“In the thirty years which had elapsed” (i.e. dating from the Bond of 1844), “the power and resources of the British Government had been gradually increasing until by the recent victories of the British Forces, they have been so strengthened and consolidated as to render an act of sovereign power, such as a Proclamation of the Queen, the only appropriate mode of proceeding for the attainment of the desired object”.

The victories referred to here, are known to have been won not without the support of local Allies.

13. But it is clear elsewhere in that despatch that the noble Lord was not unaware that he was treading on delicate ground; hence he referred to the achievement of the object of the despatch as a matter requiring the exercise “of the most delicate tact and judgment”.

14. As far as is known, the proclamation remained in draft and was never published in the usual way.

15. The Imperial Orders in Council of 26th September, 1901, and October 22nd, 1906, carrying further, steps already taken *ex parte*, defined the limits of the territories which British jurisdiction was assumed to cover, because it was expedient to do so.

16. The story of the other two regions of the Gold Coast, namely, Ashanti and the Northern Territories, must be studied against the background just described.

17. If it was trade which brought the British to the Gold Coast, it was the maintenance and extension of it which brought them into conflict with the then expanding Kingdom of Ashanti. It is not necessary to recount the many instances of misunderstandings and misconceptions which characterise this chapter of British activities on the Coast. The *raison d’être* of the British Imperial Order in Council of 1902 which brought Ashanti under the British could only be the alleged triumph of British arms. Whether Ashanti was conquered or not will remain one of the moot points of its history, the protagonists taking their stand on this or that technical point or scruple.

18. The position of the Northern Territories, fortunately, presents fewer intricate details requiring expert interpretation.

19. Racing against other European Powers, the British wanted to make sure that as wide an extent as possible of the hinterland of the territories, over which they claimed authority or influence, should be brought under their control, however tenuous, and that this fact should also be acknowledged

by the other Powers. To attain this end, treaties of friendship and protection of one kind or another were concluded with native states. It is generally known that George Ekem Fergusson, an African, was instrumental in concluding most of these treaties, including perhaps the most significant of them, that between the British and Dromenie, "King of Salaga" and his chiefs at Salaga, on August 25th, 1897. Theoretically the Northern Territories are still a Protectorate.

20. Details of the constitutional development made between the beginning of the present century and the year 1945 are fully set out in Appendix IX. It is here appropriate to mention only two of the most significant landmarks, the Constitutions of 1925 and 1946. The Constitution of 1925 made provision for the appointment of nine Africans as unofficial members of the Legislative Council. A second important feature of this Constitution was its recognition, through the creation of the Provincial Councils, of the status and importance of the Chiefs.

21. Whatever has been said against the establishment of the Provincial Councils we know from experience that within the narrow limits of their operation they have justified their existence. If they are now to be superseded by Regional Councils, as we recommend, it is not because they have failed in their duties. It is because the times have changed rapidly and the Chiefs have shown their readiness to change with them.

22. Contrary to the view expressed in the Watson Report, we believe that there is still a place for the Chief in a new constitutional set-up. Certain aspects of chieftaincy may, and indeed will, undergo changes consistent with modern development, but the central core of the institution remains. Indeed, it is upon the ability of the chiefs to adapt themselves to rapidly changing conditions that their success will depend. We are convinced that they have this ability.

23. The most significant features of the "Burns' Constitution," which was promulgated in 1946, were as follows:—

(a) the unification of the Colony and Ashanti in a single Legislative Council;

(b) the establishment of an African unofficial majority (partly nominated and partly elected), which was a step forward in the direction of representative government.

It did not enlarge the Franchise, which remained as it was in the 1925 Constitution. It was applied, *mutatis mutandis*, to Ashanti, where the Ashanti Confederacy Council performed the electoral duties performed in the Colony by the Provincial Councils.

24. The introduction of an African unofficial majority may have appeared revolutionary until it is remembered that the change was only a matter of degree within the iron framework of the Crown Colony system. We in the Gold Coast have been criticised in some quarters for condemning the 1946 Constitution after two years of its operation, particularly as it had been acclaimed a satisfactory Constitutional advance. But to mention this in criticism of our desire for change is beside the point. The "Burns' Constitution" was conceived in 1943 at a time when the greatest of all human conflicts was convulsing the world. It is clear to any student of recent history that what might have been ideally suited to the conditions of 1943 was wholly out of place in 1946, so rapidly had the forces released by a global war changed men's outlook and aspirations.

25. Of the new forces at work, perhaps the most important was the attitude of mind of the ex-Service men who now returned from the battlefields of the world. For the first time, a relatively large proportion of the inhabitants of this country had travelled beyond its territorial limits and had seen new lands and other peoples. They returned with a knowledge of other nations,

possessing no higher standards of cultural, social and intellectual development, who nevertheless are now ordering their own affairs. Moreover, having fought in the defence of freedom, they considered it their right that they should have some share in the government of their own land. These ideas quickly spread throughout the whole country.

26. Dissatisfaction at the inability of Government to ease the economic burdens of the country, which were a second major consequence of war-time conditions, rapidly became universal. People were disappointed because their representatives in the Legislative Council were powerless to influence policy, and this not from inherent inability but because the system of government made it impossible for them to do so. To concede an African unofficial majority in the Legislature, without at the same time granting some measure of responsibility, represented a well-known constitutional defect. The Gold Coast African today demands that this state of affairs should cease to exist and that he be given an effective voice in the determination of public policy. In support of this demand it is pertinent to emphasise certain of his characteristics. Having his origins in the western Sudan, he displays a remarkable resilience and cheerfulness, no matter how severe may be the assault of circumstances. A born individualist, virile and irrepressible by nature, he tends to be suspicious of outside influence and intolerant of dictatorial methods in any form.*

27. In embarking upon a new order of political life, we have chosen the British model and have sought to blend it with our traditional institutions. The question is often asked: "Cannot Africans devise a constitutional system based upon their own indigenous institutions?" The answer may be given in the words of Martin Wight:—

"In very broad terms, Africans may be said to have two fundamental political attitudes. They are temperamentally law-abiding, and they resent and resist government by dictation. There is no intrinsic disharmony between the indigenous institutions of the Gold Coast and the imported Western representative system. There is no *a priori* reason of political tradition why the Gold Coast African should not receive the institution of Legislative Council and make it his own. For the purposes and methods of the indigenous and the imported institutions are the same: both embody the representative principle, and both are government by discussion."*

28. This Committee was composed of men of widely divergent political views. In some cases this divergency of views went far beyond a mere matter of means and method or of detail. It was fundamental. The fact, therefore, that there is unanimity on most of the essential changes envisaged in our Recommendations is evidence enough, if any were needed, of the almost country-wide yearning for radical change.

29. We believe that the recommendations which follow will be acceptable, in the transitional period which must now elapse, to the great majority of those reasonable men and women who have the true welfare of their country at heart. We appeal both to the Government and to the country to receive them with sympathy and thought, and to ensure that they obtain, in a spirit of co-operation, that fair trial by which alone they can develop into an effective system of Government.

* "The Gold Coast Legislative Council" (page 34). By Martin Wight. Published by Faber & Faber, Ltd.

PART II—INTRODUCTION TO THE REPORT

30. In this introduction to our Report, we propose to describe briefly some of the principal recommendations without repeating unnecessarily the arguments set out more fully in their support in the pages that follow. We begin with the suggested changes in the Local Government of this country.

31. The Native Authorities, through which local government is at present carried on, are virtually the old state councils vested with modern administrative powers. Their deficiencies include the restricted basis of their membership, their old-fashioned procedure, and their inadequate finance and staff.

32. These deficiencies, despite the gallant efforts which have been made by the Native Authorities, efforts which have resulted in definite progress and solid achievement, have in general hampered their effectiveness as agencies of local administration, have made them unequal to the demands being made on them, and have prevented them from reaching the standard of efficiency required of modern local authorities.

33. The complexity and stress of modern life, the desire for change and the progressive outlook, which are now pervading even the remote villages, call for more efficient organs of local administration. We therefore recommend entirely new councils, more democratic in composition, which should prove more efficient and effective in the discharge of greater responsibilities for the social welfare and well-being of their local communities.

34. The accumulated experience and wisdom of the old councils, based as they are on deep-rooted social forces in the country, are not jettisoned by our proposals, as the new councils will draw upon the old for some of their members. In this respect we have attempted, in effect, to achieve a synthesis of the traditional type of local government of this country with the more developed democratic form of local government in the United Kingdom, which, after careful consideration, we have taken as our model rather than that of either France or America.

35. In order to harness local loyalties at every practicable level, we have recommended the formation of more than one class of local authority. We sincerely hope that the desire for progress evident everywhere will cause all those who are capable of rendering public service to come forward for election to these councils, and to give of their best for the realisation of the desired social ideals. Unless there is a continuous flow of able and public-spirited councillors, of whom we are convinced there are many, unless there is a keen sense of social needs and a corresponding willingness to shoulder the financial and other responsibilities entailed, the new councils cannot fulfil their purpose. We believe that the public will rally to their support and help them to achieve the success they deserve. Without solid foundations for social and political progress at the local level, our recommendations on the other administrative organisations will lose much of their usefulness.

36. Before going further, we must say a word about the role which we have assigned to the chiefs, particularly in the local government councils. The whole institution of chieftaincy is so closely bound up with the life of our communities that its disappearance would spell disaster. Chiefs and what they symbolise in our society are so vital that the subject of their future must be approached with the greatest caution. No African of the Gold Coast is without some admiration for the best aspects of chieftaincy, and all would be loath to do violence to it any more than to the social values embodied in the institution itself. Criticisms there have been, but none coming from responsible people whom we have known or met is directed towards the complete effacement of chiefs. We cannot, therefore, accept the status which the Watson Report would assign to them.

37. It is our conviction that with a clearer idea of what is expected of them in the future, the chiefs, an increasing number of whom are literate, will be able to fulfil their true role and that they will, by the exercise of their acquired wisdom and proverbial tact, help to build up in the new councils traditions worthy of the best in the old.

38. We would call special attention to the financial proposals recommended in connection with local authorities, which are fully discussed in Part III, Section V.

39. Our second set of recommendations concern Regional Administrations, of which we recommend the establishment of four, for reasons fully set out in Part IV. We will, however, refer to some of the reasons here. There are certain definite historical associations, particularly in the case of Ashanti and the Northern Territories, which it would be unwise to ignore. There is also the value of decentralisation, without which the administrative machinery of government at the centre would tend to be overburdened with routine details, thus preventing the central authorities from seeing the wood for the trees. Our recommendations are therefore designed to harmonise with historical realities and to provide machinery for rapid decisions by officials and councillors in close touch with the problems which they are called upon to solve. We are also convinced that the Regional Administrations, given proper freedom and wise leadership, can stimulate healthy rivalry in standards of efficiency and social administration. It is our view that these objects would not be attained by similar devolution of authority at a lower level. They certainly would not be achieved by the alternative of overcentralisation.

40. On the subject of the Legislature, our most radical recommendation is the principle of the collective responsibility of the Executive to the Legislature. As a result of earnest deliberations, we would emphasise that any proposal whereby the Executive would be responsible to the Governor is considered to be unacceptable. We put forward the principle of collective responsibility to the Legislature as being the only satisfactory method of ensuring, in the future, that executive action shall be more responsive to considered public opinion and to informed criticism in the Legislature.

41. Three other matters in Part V of our Report call for comment at this stage, namely:

(1) the franchise;

(2) the recommendation made in the Watson Report for the equal representation of the three main regions of the "Colony", Ashanti and the Northern Territories, and

(3) the structure of the Legislature.

We will deal with each in turn.

42. There is a popular cry throughout the country for universal adult suffrage. Our recommendation is for universal adult suffrage but by indirect election. In taking this step, we are fully aware of possible dangers as the country embarks on the large scale experiment of responsible government. We are convinced, however, that it is through experience alone that a people can learn the proper use of their rights as citizens and that they must, at the same time, bear the responsibility for the misuse of them. We feel that we can rely on the general good sense of the large majority of our people, who are by no means lacking in political understanding. Nevertheless, we have weighed the risks involved most carefully and by recommending election in two stages, except in the cases of the existing municipalities of Accra, Cape Coast, Sekondi-Takoradi and Kumasi, we have provided a means for the exercise of responsible judgment, in two stages, in the election of members to the Assembly. This process of election should minimise the dangers inherent in the wide and rapid extension of the franchise before the development of that full political sense which is the true bulwark against the charlatan and the demagogue.

43. The proposal in the Watson Report for equal representation of the regions gave rise to much discussion. It was rejected by a majority on the ground that it would impair the unitary nature of the structure of the proposed constitution and would delay the attainment of genuine nationhood. Moreover, such a form of representation seems unnecessary in the light of our recommendations for Regional Administrations.

44. As a compromise, however, between the idea of equal representation of the three main regions on the one hand, and a more democratic representation based solely on the distribution of population on the other, we have made the recommendation set out in paragraph 373 below. It should be added, however, that the Ashanti members who have signed this Report rejected this compromise, and were in favour of parity of representation between the three main regions.

45. Turning to the question of the structure of the Legislature, the main arguments for and against a bicameral system are summarised in paragraph 353 below. The majority in favour of such a system was so narrow (in fact one) that we feel obliged to make recommendations for the establishment of either a one chamber Legislature or a Legislature of two chambers.

46. We feel that we cannot conclude this introduction without anticipating one possible general criticism of our proposals, namely, the total number of councils to be established and the consequent public expense which may be entailed.

47. We ourselves have given anxious consideration to this question and have come to the conclusion that such criticism can only be made without full knowledge of the already existing system of government. The total number of local government councils of Class "A" type proposed, (34 in number) will, in fact, be a little more than one-third the actual number of Native Authorities established at present. Moreover, the average number of councillors on the District and other councils proposed may well be less than the corresponding figure for the existing Native Authorities.

48. The Regional Administrations proposed are in a sense a modification of the present provincial organisation, with one significant difference, namely, that they will each work in close association with a Regional Council on which there is a large proportion of democratically elected members.

49. No great expenditure, however, need be incurred in regard to all these councils since we have recommended that no payment be made to the councillors except the reimbursement of their out-of-pocket transport expenses. To withhold the repayment of such expenses would be to keep away from the councils many useful persons who may not readily be able to afford the cost of travel to and from council and committee meetings.

50. As to the new Legislature, the increase in numbers suggested is dictated by the need for the wider participation of representatives of all sections of the community in the deliberation of national affairs.

51. It should also be observed that the new Legislature will provide increased opportunities for examining all administrative proposals of government. Moreover the new Executive Council, responsible for policy and composed largely of elected members, should render unnecessary many of the committees which have grown up under the present Administration.

52. In our opinion, therefore, even if on balance there is some increase in public expenditure arising out of the implementation of our recommendations, this should not be excessive. And if such expenditure ensures a truer form of democratic government, a greater confidence in the Administration, and the achievement of orderly progress, it is our view that the price be well worth paying.

PART III—LOCAL GOVERNMENT

SECTION I—THE PRESENT SYSTEM OF LOCAL GOVERNMENT

Native Authorities

53. The system of local government which exists in this country is regulated by ordinances applying separately to each of the large administrative areas. These are the Native Authority (Northern Territories) Ordinance (Cap. 80) enacted in 1932, the Native Administration (Togoland Southern Section) Ordinance enacted in 1933, and the Native Authority Ordinances for Ashanti and the Colony passed in 1935 and 1944 respectively.

54. Members of the Native Authorities are drawn from chiefs and their traditional councils. The appointments are made by the Governor (the Chief Commissioner in the Northern Territories), in consultation with the State Councils—the traditional authorities of the states. In practice the two Councils (Native Authority and State Council) have almost identical membership. In addition, a few non-traditional members are nominated. In some places, particularly in the Northern Territories, committees chosen largely from the people and charged with certain functions, work under the supervision of the local authority. The jurisdiction of Native Authorities is limited to persons of African descent, over whom they are empowered to exercise considerable administrative and legal powers.

55. Their functions include the general duties of maintaining peace, order and good government, in furtherance of which they are permitted to maintain police forces and run prisons. They also have all the powers and duties conferred and imposed by Native Customary Law, and issue orders and make regulations covering a wide range of subjects. Native Authorities are also empowered to establish Treasuries. The sources of revenue are defined to include all monies paid to a Native Authority or to the stool of a chief in respect of rents, tributes, royalties, profits and other revenues from Stool lands; all fees and fines from Native Courts; miscellaneous fees and licences; and money derived from rates or taxation. In addition, these Authorities receive direct grants-in-aid from the Government for development and other services. In 1947-48 these grants amounted to £214,989 made up as follows:—Colony £78,546; Ashanti £57,883; Northern Territories £78,560. Provision is made for the appointment of Finance Committees to manage the funds of the Native Authorities. In the Colony, Finance Committees have statutory recognition.

56. In the Colony, the smaller states have been encouraged to federate to form Native Authorities and there are at present nine such federations.

57. In Ashanti, the Confederacy Council has also been created a Native Authority and has been vested with executive and legislative powers over all the component divisions. Its constitution provides for the appointment of a number of non-chiefs to the Council. The day-to-day business of the Council is carried on by a statutory Executive Committee and a permanent secretariat.

58. In the Northern Territories, the Native Authorities have additional powers for enforcing famine relief measures.

59. There are at present forty-three Native Authorities in the Colony, twenty-nine in Ashanti (including three non-confederacy Authorities), thirteen in the Northern Territories and five in Togoland (Southern).

State Councils

60. The Native Authority Ordinances distinguish clearly between the functions of Native Authorities and those of the State Councils where the latter exist, but this distinction is largely obscured by the practically identical membership of the two Councils. The latter have power to enquire into and

determine all matters of a constitutional nature arising within the area of the authority of the Council. They retain all the powers which they enjoyed in the past by virtue of Native Customary Law, which include the power to make declarations of Native Customary Law. All such declarations have to be approved by the Governor.

61. In the Northern Territories, there is no provision for dealing with constitutional issues, presumably because such cases are rare or non-existent.

Municipal (Town) Councils

62. Municipal Councils in their present form have been established by Ordinances in four towns viz: Accra (No. 26 of 1943); Cape Coast (No. 18 of 1944); Kumasi (No. 18 of 1943); and Sekondi-Takoradi (No. 29 of 1945).

63. The composition of the Councils is as follows:—

(1) Three official members appointed by the Governor. These include an Administrative Officer who acts as President, except in Kumasi where the Assistant Chief Commissioner, or some other nominated official acts as President.

(2) Nominated unofficial members:—

Two nominated by the State Council.

One nominated by the Chamber of Commerce.

(3) Elected members:—

Seven, one from each ward in the cases of Accra, Cape Coast and Sekondi-Takoradi, and six for Kumasi.

64. There is an African majority in each of the Councils.

65. The Governor, or Chief Commissioner, appoints the President, and though there is provision for the election of the President by members, this has not yet been invoked. The autonomy of these councils is very much restricted.

Qualifications for Membership

66. Those entitled to membership of the councils by election must

(1) be owners of real or personal property in the town of the value of at least £200, or occupiers of premises in the Urban Area of an assessed annual value of at least £20 and pay the rates thereon;

(2) have a reasonable knowledge of English; and

(3) have registered as voters.

Qualifications for Voting

67.—(1) Voters must be of the age of 21 years or over.

(2) For six months before the period of registration the voter must have owned assessed premises or have rented a living room in assessed premises or have by virtue of his employment occupied any part of assessed premises in the particular ward.

(3) A husband or wife of a person entitled to be registered as a voter who has attained the age of 21 years and resided in the town for six months, has a vote.

(In the case of Kumasi, Provision (3) above is absent.)

General elections take place every three years.

Duties and Powers of the Councils

68. The duties and powers of the Councils include the execution within the municipalities of duties specified in certain Ordinances; performance of services relating to sanitation and general welfare. The Committee system is developed.

69. The revenue of the Councils consists of certain fees, duties, fines and penalties under certain categories ; rates ; grants from government ; rents and proceeds from such sources as bus services, etc. Recent figures of revenue are given in paragraph 119.

Defects of the present system

70. The existing system of local government has proved unable to meet the requirements of an efficient and democratic administration. This failure has largely arisen from the narrow basis of representation in the Chiefs' Councils. The Head, the Chief, is chosen from members of a group or groups who by tradition are heirs to the stool in question, and the Councillors, with a few exceptions, are appointed by virtue of certain social and historical reasons. The addition, by nomination, of a few other persons from outside these traditional interests tends to accentuate rather than to weaken the privileged position of the overwhelming majority of the traditional members of the Councils.

71. A second defect is the predominance of illiteracy among members, which is a serious handicap under modern conditions.

72. In the third place there is the large size of the councils, especially in relatively small states. They are, therefore, generally expensive and unwieldy, and their leisureed procedure, due in part to illiteracy, makes them still more cumbersome.

73. A fourth defect of the existing system is the lack of a sufficient number of suitably trained and qualified personnel on the staff of the Native Authorities.

74. Clearly councils with these defects cannot hope to work as efficient organs of modern local governments, and it is not surprising that their responsibilities and functions under existing legislation, though wide, are far from satisfactory. That they have performed useful services in different parts of the country, and made much progress in recent years, is not denied. That without these defects they could have done better still must be admitted.

75. The Municipalities while not sharing the same defects as the Native Authorities are not responsible for all those services which should belong to a municipal authority, and are kept in leading strings by the Central Government. But this fact may be the result of their undue financial dependence on the Central Government.

76. We wish to record that the Local Government Sub-Committee were impressed during their tours by the active thinking going on among District Commissioners throughout the country on the problems of local government, as carried on at present through the Native Authorities. They are alive to the defects we have mentioned and many of them had made suggestions for their solution, which are in some respects similar to the conclusions we ourselves had reached independently. It would appear that many of these useful ideas had failed to reach the level where policy is formed, owing to over-centralisation of control. There is evidence of a sense of frustration among some of these officers. We are convinced that the experience and enthusiasm of the best of them will be required of those who are willing to shoulder the administrative responsibility of the councils of the future.

77. Members of the Sub-Committee were similarly impressed by the constructive outlook revealed by many of the Chiefs with whom the question of local government was discussed. These Chiefs were not only aware of the limitations of the present system but were quick to respond to the suggestions put forward for reform.

Principles Underlying Recommendations

✓78. We attach very great importance to the proper development of efficient organs of local government, for a sound and democratic local government system is the best foundation on which to build a democratic central structure.

79. If the former is democratic and cherishes democracy, it will ensure that democratic principles are not lost sight of at the centre. Moreover, it is through local government that the widest possible opportunities will be provided for the majority of the people to contribute to, and participate actively in, the process of government. The principles which underlie all the recommendations we shall make in this Part may be summarised in the words: elasticity, democracy, responsibility and efficiency.

80. There can be no rigid pattern of local government in a democratic country. This is especially so in the Gold Coast partly because of the uneven development and historical associations of the country and partly because at the level we are now considering, the support, loyalty and enthusiasm of the people must be harnessed for the welfare of the community as a whole. We believe that this can best be done by basing local government on existing community of interest and working, in the first instance, and as far as possible, through institutions with which the people are not unfamiliar.

81. Democratic principles in the main underlie the traditional institutions of this country. No chief, for example, speaks as the head of his state, except with the consent and approval of his councillors who are the acknowledged representatives of the people. To talk of democratic principles is, therefore, not to introduce a new idea; it is rather to emphasise its vital importance in a reformed system of government and to provide for a fuller realisation of an imperfectly realised idea. With the spread of education, and the eager desire for progress on all sides, it is necessary that the net for catching ability and talent for the work of government should be cast as wide as possible. What was good in the past will no longer suffice. The best social spirit in the old councils should be stimulated to rapid growth through appropriate channels, and we believe our recommendations will provide this stimulus.

82. The third and fourth principles, those of responsibility and efficiency, are the key to real progress, for without them, there would be a waste of effort, of time and of money. Efficiency is not an abstract attribute but a standard of achievement which shows itself in the method and execution of functions. The Native Authorities, established and constituted in accordance with the principles of "Indirect Rule," suffered from the defects inherent in that policy. Owing to their cumbrous, leisurely procedure and their lack of staff of the right calibre and training, they have failed to attain the required standards of efficiency. Our recommendations, if and when fully implemented, will, we feel sure, remedy the defects in the existing system of local government and prepare the ground for more fruitful growth in the future.

83. As an indication of the new life before them, the new councils should no longer be called "Native Authorities"—a term which has caused much open and covered resentment in the past. They should be called "Local Authorities" which is what they have always been. The separate and distinct councils which will remain and which will retain the power to declare native customary laws, and to settle constitutional disputes connected with stools, should henceforth be all called "State Councils" throughout the Colony, Ashanti and the Northern Territories.

SECTION II—MAIN TYPES OF LOCAL AUTHORITIES

General Principles

84. It is desirable in setting up local authorities to give consideration to the following factors:—

(1) Community of interest of the people of the area. This implies that existing states and divisional organisations should, wherever practicable, be the basis for the formation of a Local Authority;

(2) Population; and

(3) Resources—the amount of revenue from local sources that each area can command.

Regard should also be paid to significant geographical factors.

85. Where a state is large enough, it is suggested that it should form the basis of a Class “A” Council (as explained below). For this purpose states with populations approximating to 100,000 and over can be considered suitable if their financial resources are adequate. The greater the population and resources generally, the better, but no local government authority should be so large as to be unwieldy—400,000 is suggested as the upper limit.

86. In the case of small states or divisions, we envisage that the present policy of federation will continue and that two or more such states will co-operate to form a Class “A” local authority. The member-states would then be classed as “B” or “C” Authorities according to their size, resources and population.

87. Although the existing states would form the basis of the formation of local authorities, yet it is important that efficiency and convenience of administration should not be sacrificed to this principle. Consequently, wherever there is a conflict between geographical factors and traditional allegiance, the former should prevail if that would lead to more efficient administration. That this is possible is shown by the formation, within the Kumasi Division, of Area Authorities, for administrative purposes, by the grouping of contiguous villages with different and distant political allegiances. It should be possible also to apply this principle to states with scattered subordinate areas and to such townships as Nsawam which spread over two or more state boundaries.

Framework of Local Authorities

88. There can be no standard size of local authority suitable for all functions—some services require large and some small units. At the same time, local sentiment should be given due weight.

89. We have given prolonged consideration to the types of local authority that will be required. We recommend that there should be established three Classes of Local Authorities which may be designated “A,” “B,” and “C” Authorities or Councils.

90. Class “A” Councils will be the highest local government authorities comprising both Municipal Councils and what may be described as “District Councils.”

Non-Municipal, Class “A” Councils or District Councils

91. As already mentioned state areas which are large enough, and whose resources will enable them to maintain themselves as economic units will be classed as “A.” In other cases, the Class “A” or District Council will be constituted by the amalgamation or federation of a number of state areas for purely local administrative purposes.

92. We recommend that a special Commissioner be appointed to demarcate the boundaries of the new districts, for which proposals are made in Appendix XI.

93. For the staff and range of functions that are envisaged for Class "A" Councils, it would appear that figures of population of units 100,000—200,000 may be taken as a basis. Within limits, the larger the population, the better, the limiting factors being the need to retain local interest and enthusiasm and the necessity for bringing the local authority into as close a contact with the people as possible. The overall population limit is given in paragraph 85 above.

94. It has been suggested that the units recommended will not be economic to run if they are to carry out all their functions indicated below, and that it would be better not to attempt too much by placing unnecessary burdens on local authorities. The solution suggested is to reduce the number of classes of Councils, to limit their functions, and to hand over to the Regional Administrations those functions that are considered to be outside the competence of the local authorities.

95. We feel, however, that in the division of functions between Local Authorities and Regional Administrations, every effort should be made to retain within the competence of Class "A" Authorities all purely local government duties, particularly those functions which intimately affect the interests of residents in the locality, as we attach the utmost importance to the training which the carrying out of reasonable local responsibility entails.

96. One other point has to be made. Although the intention is that local authorities should concern themselves with purely local government duties, yet when it comes to the amalgamation of state areas to form Class "A" authorities, political considerations may hinder progress, and for some time to come this factor may be important. We have suggested in paragraph 162 a Joint Committee system as a way out of this difficulty. In this context they must, however, be looked upon as a temporary expedient.

Class "B" Authorities

97. In order to make full use of loyalties at lower levels, it will be necessary to have local authorities with more limited powers than Class "A." It is to be expected that this class of authorities, Class "B," will in general, be subordinate to District Councils (Class "A"). But there may be cases where, for political or other practical reasons, independent local authorities will have to be created for units which are too small or too poor to be classified under Class "A." Such authorities, though autonomous, will require the powers of Class "B" authorities, and be designated as such. Class "B" authorities may cover urban or rural areas.

Urban Areas

98. There are towns in the country with populations of 10,000 or more which form compact units, and which have special problems requiring special treatment. They are usually cosmopolitan in character and in some there are considerable commercial or mining interests.

99. The economic life of nearly all towns is interwoven to a large extent with that of the surrounding villages. Markets, for instance, flourish because surrounding areas patronise them. Each town and the villages surrounding it must be considered as one administrative area, and in defining the boundaries of urban authorities, this matter should be given due consideration.

100. Some sources of revenue may require division between the urban area and the District Council. The share of each can be determined by agreement between the two bodies. Wherever there is disagreement, the Regional Administration should act as a final arbiter.

101. Special interests, such as Commerce and Mining, play an important part in the economic life of the towns. In the case of mining areas, it can be said that mining activities have created the towns. Such bodies have, in fact, been very useful in the past in contributing, directly and indirectly, to the provision of local social services and other amenities. They can still play an important role in the future. Their co-operation may be necessary in affording the Councils useful technical advice. It is necessary that their goodwill and confidence should be retained. They should, therefore, be given such representation in the Councils as local circumstances will permit.

102. Urban Area Councils should be autonomous in those functions assigned to them and should have the right to communicate direct with the Regional Administration on matters within their competence.

Rural Area Authorities

103. After providing for urban areas, the "District" should be divided into a number of Rural and Village Areas. Such divisions should conform, as far as possible, to the overall community of interest of the area, thus making use of the focal points of local loyalty and enthusiasm. Where a "District" has been formed by the amalgamation of independent states (or Divisions or Native Authorities), the component units should form the basis for the formation of such Councils. Such rural areas should have a population of 25,000 or more.

104. The relationship between Rural Area Councils and District Councils as regards taxing and rating powers and executive functions will be the same as for Urban Area Councils, but the range of functions need not be the same as for Urban areas as this will depend on the size and resources of the areas concerned.

Class "C" Authorities (Village Area Councils)

105. It may be desirable to create Class "C" Authorities for areas which are too small to warrant a higher class authority and which cannot be amalgamated with other neighbouring areas. Their Councils will be responsible direct to the District Council.

106. There are also cases where local conditions in Rural (Class "B") areas may make it necessary to split up the area into subordinate Councils of Class "C" status. It is to be hoped that such cases will be few.

107. The village, the smallest community unit, should be given a place in any scheme of local government as a large proportion of the population live in villages. It is to be hoped, therefore, that Classes "B" and "C" areas will not be so large as to make the influence of the component villages ineffective.

108. Class "C" Authorities will have lower powers than Class "B" Authorities and their functions will be limited by their resources and size. The possibility of up-grading a Class "C" Authority as circumstances permit should, however, not be ruled out.

109. It has to be mentioned that the terms "District", "Rural Area", "Urban Area" and "Village Area" used above are purely descriptive, and the emphasis is to be put on the class of the authority rather than on its geographical situation.

Municipal Councils (Class "A" Authorities)

110. The existence of Municipal Councils side by side with Native Authorities has long been considered anomalous. It has resulted in dual taxation and divided authority. In order to avoid overlapping, it is clearly necessary to concentrate the local government powers of a locality in one local authority.

111. It has been suggested in some quarters that the present Municipal Councils should be merged into the Native Authorities and that the traditional

ruler should be given supreme authority over the Councils. We consider, however, that it will be impracticable to put this into effect at this advanced stage of the development of Municipal Councils. A way out of this difficulty would appear to be to increase the number of members nominated by the State Councils, which we have done in paragraph 137.

112. We also suggest that the prevalent idea that the Municipal Councils should act on behalf of the traditional authority in local government should be fostered by recognising the local ruler as the President of the Council for ceremonial purposes. He may preside on formal occasions.

113. The business of the Council should, however, be conducted by a Chairman elected by the Council. The local ruler can formally deliver his seal of office to the Chairman on his assumption of office. The authority of the ruler may also be signified by his presenting to the Council a gilded State Sword (or suitable equivalent) in lieu of the traditional Mace.

114. Municipal Councils should be autonomous, all-purpose bodies, and should normally discharge the same range of local government functions as are assigned to Class "A" Authorities.

Desirability of Creating New Municipalities

115. The populations of the present municipalities are as follows (1948 census):—

Accra	...	...	...	...	...	...	...	135,456
Cape Coast	...	...	...	...	...	...	...	23,061
Sekondi-Takoradi	...	...	...	...	...	...	...	44,130
Kumasi	...	...	...	...	...	...	...	77,689

(including suburban areas).

Other towns with populations of over 15,000 are as follows:—

Koforidua	...	...	...	...	...	...	...	17,715
Winneba	...	...	...	...	...	...	...	15,920
Tamale	...	...	...	...	...	...	...	17,372
Obuasi	...	...	...	...	...	...	...	15,833

116. We consider that the latter set of towns are not large enough to be given Class "A" status. We suggest that they should be constituted Class "B" Authorities with as wide a range of functions as their resources may warrant, but linked up with their District (Class "A") Councils which should retain those functions which can best be managed at District level. Other matters concerning the administration of the above and other towns are discussed below.

Some Local Administration Problems Discussed

117. *Accra*: The population of Accra municipality is about 135,000. The rest of the Ga State has a population of about 46,800. Taking into consideration the size of the population and the resources available to this area, we can only recommend a Class "B" Authority for the rural area of the Ga State. This should, however, be autonomous.

118. The economy of Accra is interwoven with that of the rural area. For instance, if the Accra Municipal Council decided to establish a fuel reserve, it would depend on the rural area to provide the land.

We recommend, therefore, that for purposes of co-operation, a Joint Committee of the Accra Town Council and the Ga Rural Area Authority should be formed. This should not preclude the Ga Rural Area Authority from forming other associations with neighbouring authorities for specific purposes.

119. *Cape Coast*: The position of Cape Coast Town Council as an all purpose local authority has to be further examined. Its population is small as compared with the other municipalities, and its resources are not very

great. The following comparative estimates figures for 1949-50 throw this problem into relief:—

	Total Revenue	House Rates including Government contribution	Net Bus Service earnings
	£	£	£
Accra	283,331	71,000	44,075
Cape Coast	28,400	6,388	—
Sekondi-Takoradi	93,225	20,000	11,916
Kumasi	238,318	34,916	7,696

120. We recommend that the Cape Coast Town Council should be enlarged to include Elmina township. Even so, it is probable that the extended area would only qualify as a Class "B" Authority although it should remain as completely autonomous as possible.

121. *Kumasi*: The population of Kumasi township is about 77,700. The remainder of the Kumasi Division within the present administrative district of Kumasi has a population of about 220,000. We consider that this rural district of Kumasi is large enough to constitute a Class "A" Authority by itself, separate from the Kumasi Town Council, and we recommend accordingly.

122. *Koforidua*: We have given consideration to the possibility of constituting an urban authority for Koforidua town. To carve an urban area out of the New Juaben state of which Koforidua is a part, would make the rest of the State difficult to administer. All the villages of New Juaben are really suburbs of Koforidua, and their economic life is closely bound up with it. With these facts in mind, we recommend that a Class "B" Urban Area Authority be constituted for Koforidua and the villages of New Juaben, with a special Committee charged with the administration of the services of Koforidua town.

123. *Winneba*: Should be treated on lines analogous to the treatment suggested for Koforidua.

124. *Tamale*: We recommend that there should be instituted for Tamale a Class "B" Urban Authority under the Dagomba District Council.

125. *Obuasi, Tarkwa-Abosso*: We recommend that these places be given Class "B" Urban Authorities analogous to the one suggested for Tamale. Similar provisions may be made for the other mining towns of Nsuta, Bogosu and Prestea in the Wassaw district. Wherever possible, towns close to each other should be administered by one authority.

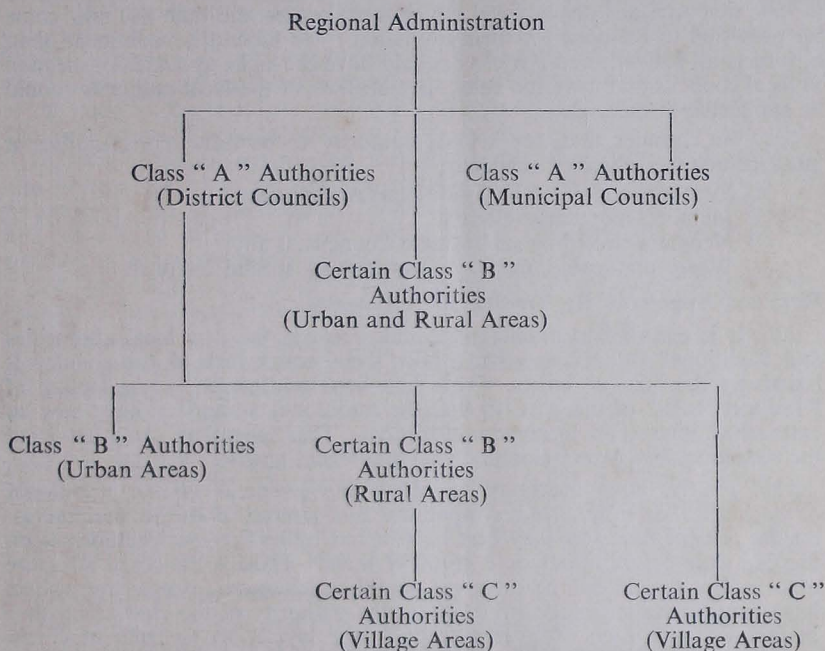
126. *Nsawam*: The town of Nsawam spreads across the boundary between Akwapim and Akim-Abuakwa. The situation is further complicated by the fact that the people of Adoagyire and Sakyikrom (on the Abuakwa side of the boundary) owe allegiance to the Akim-Kotoku and Akwamu chiefs respectively. It is clear, however, that the two parts of the township must be administered as one unit to avoid unnecessary duplication of staff and services. We believe that neither the Akwapim State nor the Abuakwa State will agree to their part of the town being made a part of an urban authority under the other state. In fact, we know that there is considerable opposition to the creation of a special urban authority.

127. Nevertheless, we recommend that an urban authority of Class "B" status, independent of any Class "A" Authority, be instituted for Nsawam township. Both State Councils should be represented on the council.

128. Consideration may be given to applying a name other than "Nsawam" to this authority. The name can, however, be determined when the authority is established.

129. We also recommend that those services which may fall outside the jurisdiction of the urban authority be provided by a Joint Committee of the District Councils to which Akim-Abuakwa and Akwapim may belong.

130. The framework of local administration suggested is illustrated in the following diagram:—



SECTION III—COMPOSITION AND FUNCTIONS OF LOCAL AUTHORITIES

Sizes of the Councils

131. The number of Councillors on the various Councils should be as small as possible, having regard to the financial resources of the areas and the need to keep down administrative costs.

Class "C" Council memberships should not exceed nine.

Class "B" Council memberships should not exceed eighteen.

Councillors on Class "A" Councils, as distinct from "Elders"* should total any of the following numbers:—

18, 21, 24, 27.

Composition of the Local Authority Councils

Representation of all elements essential

132. The importance of ensuring that all elements of the community are represented on the local authorities is generally realised. We agree with the

* Paragraph 154.

principle of representation enunciated at the London Conference of 1948, namely, "if local government institutions are to be fully representative, they must provide representation for the traditional elements, the emerging professional and commercial classes, the educated element generally from which the most politically-conscious members of the community emerge, as well as for the great mass of the rural population. It is important that local government bodies should be representatives of all genuine residents of the area whatever their origin, rather than merely of the principal tribe".

133. Although it may not have been intended that this principle should include non-Africans on the local government bodies, the time has now come for provision to be made for their admission. We therefore recommend that, in future, all resident non-Africans should have the right to stand for election to local councils and have the vote. But all laws of the local authority should be applicable to them also.

134. We consider that, for a local authority to be fully representative, it must include the following elements:—

- (a) Members appointed by Traditional Authorities.
- (b) Members popularly elected.
- (c) Members elected by subordinate Councils, if any.
- (d) Where applicable, members representing special interests.

Members Appointed By Traditional Authorities

135. It is essential to maintain the link between the new local authorities and traditional authorities. The whole social framework of the country is based on the rule of chiefs. This has been reinforced by the policy of "Indirect Rule" of the past, so that the traditional authorities have now an entrenched interest in local administration. Their complete exclusion from the new councils will, therefore, be inadvisable and unwise.

136. Firstly, it is necessary to retain the goodwill of the traditional authorities. Secondly, local sympathies and interest must be maintained. At the present time this may best be fostered by basing local authorities on existing state organisations or a group of them. Thirdly, the social structure of a society should not be disturbed unduly. Moreover, people everywhere have expressed a strong desire to retain the authority of the chiefs, and they in fact vie with each other in asserting their loyalty to the rule of chiefs. And finally, it is important to retain the valuable and responsible experience of the chiefs.

137. We therefore recommend that a proportion of the seats on all local authorities should be reserved for the appointees of traditional councils. This should nowhere be less than one-third.

Members Popularly Elected

138. There is a general demand in the country, particularly in the Colony and Ashanti, for a larger representation on local authority councils and for popular elections to the councils. The people claim that they are the tax-payers and rate-payers and, therefore, that they should have a say in the spending of local government funds. Their elected representatives would be in a better position to explain the policy of the Councils to the people and carry back the wishes of the people to the Councils. This point has been admitted in principle by the traditional authorities wherever it has been put to them, although the degree of elected representation which they are prepared to concede has varied greatly.

139. It has been claimed by some chiefs that by virtue of election to the Stools (or Skins), they themselves represent the people, and that it is part of customary election procedure that the candidate for a chieftaincy should be approved by the people. These arguments have, however, lost much of their force in recent times owing to the mixing of tribes.

140. In view of the foregoing, it is our considered view that there should be elected majorities on all local authority councils, and the aim should be to have up to two-thirds of the members popularly elected including those elected by the subordinate councils.

141. A point in favour of an elected majority on the Councils is that the elected members cannot evade responsibility for actions of the Council, and that the frequent attacks, not always justifiable, on traditional authorities will lose their force.

142. We recognise that this principle may seem unnecessarily revolutionary when applied to certain areas of the country, particularly North Ashanti, the Northern Territories and certain parts of the Western Province of the Colony. During the tours of the Sub-Committee on Local Government to various parts of the country, the members observed a wide variety of local administrations and their stages of development.

143. We therefore recommend that this policy should be adopted as an aim to be achieved in the shortest possible time. Its application should be progressive, and in defining the composition of the local authorities, the aim should be to make it so elastic that it will develop ahead of the pressure of advancing public opinion.

144. Subordinate Chiefs who wish to stand for election as elected members should not be debarred from doing so.

145. Election of members to local government councils should be direct by whatever method will command local confidence. Election by ballot may be unavoidable in cosmopolitan urban areas, but elsewhere other methods of election such as election by popular acclamation, the use of coloured cards or coloured boxes also deserve consideration. The risk of corrupt practices will still be there, but it is a risk that will have to be taken. A possible check to the practice of people voting more than once is for each voter to show the previous year's tax receipt to the returning officer, which will be stamped after voting, or to make all those who vote dip their thumbs in indelible ink immediately after voting.

Members Elected by Subordinate Councils

146. We also recommend that District Council membership should include some representatives from Rural and Urban Area Councils under it. This is necessary to ensure co-ordination of policy between the different classes of Councils.

Members Representing Special Interests

147. There are certain areas in the country where commercial and mining companies have large interests. At this stage, it is necessary that these interests should be adequately represented, as they would contribute substantial sums in local taxation. Moreover, the normal process of elections, for some time to come, may not guarantee the inclusion of members with special knowledge of commercial and other problems, which will be of value.

148. To assure these bodies that there is no intention to discriminate against them, and to provide them with opportunity to express their point of view in the Council Chamber, we recommend that a limited number of seats be reserved for them wherever necessary.

Qualifications for Voting and Membership

149. The franchise should be given to adults who have been in residence in the locality for at least six months, have registered as voters, and have paid their local tax or contributed to the payment of rates.

150. Membership of the local authority councils should be limited to those qualified to vote, who have registered as voters, and, in addition, have an annual gross income assessed at not less than £100. If any difficulties

should arise in the Northern Territories in respect of the income qualification, the matter should be determined later in consultation with the existing Northern Territories Territorial Council.

Literacy Test

151. To make for easy and efficient dispatch of business, it is necessary that members of Municipal Councils and District Councils should be literate. We realise, however, that in some areas this principle cannot be wholly applied to District Councils, and some relaxation of it may be necessary, but literacy tests should be applied as early as practicable.

Life of the Councils

152. *Class "C" or Village Area Councils:* The life of these Councils should be two years. All members should retire at the end of a two-year term when general elections should take place. Members should be eligible for re-election.

153. *Class "A" and "B" Authority Councils:* The life of these Councils should be three years, one-third of the members retiring each year, after the first year. Arrangements would therefore have to be made for the election of three representatives from each ward. Members should be eligible for re-election.

"Elders" for all Class "A" Councils

154. In order to ensure the continuity of policy of the Councils and to secure the benefit of the cumulative experience of Councillors and other men of proved worth, we recommend that the principle of the election of "Elders," equivalent to Aldermen in Britain, should be established after the first six years for Class "A" Councils. These Elders will serve for six years, twice the ordinary life of the Council, half of them retiring every three years. The principle of aldermen is not really a new one to the traditional constitution of this country. It is virtually embodied in the idea of Elders.

155. Elders should be chosen because of their knowledge and their experience of local government work. They should be elected from amongst the members of the Councils, or from those qualified to be members, provided that not more than half the Elders should be elected from outside the Councils.

156. There would be a bye-election in any ward where a Councillor is elected an Elder.

157. The number of Elders for each Council should not be more than one-third of the number of Councillors.

Committees

158. Each Class "A" or Class "B" Council should work through Committees. For District and Municipal Councils the following Committees are essential, and their appointment should be required by the ordinance setting up local authorities:—

- (a) Standing Finance Committee ;
- (b) Watch Committee for Police ;
- (c) Health Committee ; and
- (d) Education Committee.

Other Committees may be appointed as necessary.

159. Provision should be made, in the appointment of Committees, for the co-option of members other than Councillors so as to bring in people whose technical and special knowledge and experience may be useful to the Council. A proper use of this power of co-option will make large membership of Councils unnecessary.

Presidency of the Councils

160. As a general rule, chiefs, or their representatives, should be presidents of all classes of Councils (except in municipalities). Each Council should have the power to elect its Chairman, who will be deputy to the President. It should, however, be left open to each to decide whether the chief or some other member should fill the position, having regard to the particular occupant of the stool. The Chairman will preside over all business meetings of the Council. It may be necessary in some areas in which the chief is not also the Chairman that the elected Chairman should shoulder practically all the administrative responsibilities of the President.

161. Where a Chief, who is the elected Chairman of the Council, is involved in any form of constitutional dispute, provision should be made for the election of an interim Chairman until the Chief is in a position to act again, or, in the case of destoolment or abdication, until a new Chief is elected.

Joint Committees

162. In some cases, especially in the Colony, it may not be possible to obtain combinations of states large enough to form Class "A" Authorities. As a solution of this problem, the device of Joint Committees may be used.

163. By this device, two or more Councils can co-operate by the appointment of some of their members to form a Joint Committee. To this Joint Committee may be delegated all those functions, such as primary education and district roads, which can best be discharged over a wider area as may be dictated by finance, geography or convenience.

164. These Joint Committees would take the place of District Councils for the limited purposes delegated to them. Each member Council would have to allocate an agreed sum of money to be used to finance the services of the Joint Committee.

165. The main difference between a Joint Committee and a Class "A" Council is that a Class "A" Council is elected direct by the people in the district and is responsible direct to them. A Joint Committee, however, is the creation of two or more Councils and is immediately responsible to the Councils by which it is established.

166. The idea could be extended, for a limited range of functions, by the formation of Joint Committees of two or more Class "A" Councils, where necessary.

Functions of Local Authorities

167. The functions which local authorities would discharge may be roughly classified as follows:—

(i) *Welfare Services*, including Health and Sanitation, Education, Water Supplies, Public Lighting and implementing policy as to Town and Country Planning.

(ii) *Protection Services* including Fire Brigade, and regulation of the sale of foods and drugs.

(iii) *Communal Services*, including Roads, Community Centres, Libraries, Recreation grounds.

(iv) *Revenue Earning Services*, including Transport Services, Fuel Reserves, Markets, Lorry Parks, Ferries and River Ports (Landing Places) and Licences.

168. In allocating functions to the various grades of local authorities, regard would be had to the economic resources of the areas and whether they can afford the services and can command the necessary staff. No hard and fast guide to these functions can be laid down; they will be

largely determined by local circumstances.] A suggested basis for the detailed assignment of functions to various authorities is given in Appendix X.

169. In the following paragraphs is given the main outline of the functions which may be performed by the respective Councils:—

170. Class "A" Authorities should be responsible for all major local government functions. They should command adequate staffs to run their services and provide advice for subordinate Councils.

171. Rural Area Councils should provide the necessary supervisory and executive staff for their services and for Village Area Councils under them, if any. Where no Village Area Councils exist, functions which they would perform will devolve on Rural Area Councils.

172. Urban Area Councils should have the same functions as Rural Area Councils, except that the services of the former will be more complex. According to their competence and resources, the Class "A" Councils may delegate to them, with the approval of the Regional Administration, such further functions as fall within their territorial scope.

173. *Police*: We do not recommend the formation or retention of Local Authority Police Forces. It is important, however, that the Central Government Police should enforce Local Authority bye-laws as well as Central Government Legislation. It is essential also that the Police posted to each district or municipality should co-operate fully with the District or Municipal Council, as the case may be. We have therefore recommended that there should be a Watch Committee for each Class "A" Authority, on which a senior Police Officer should serve. The Watch Committee, among other things, should be the medium for co-operation between the Local Authority and the local police.

Relationship Between State Councils and Local Authorities

174. Before the Native Authority and Native Courts Ordinances came into force, the traditional authorities were engaged in:—

- (a) Customary and constitutional functions.
- (b) Political matters.
- (c) Local government functions and general administration.
- (d) Judicial functions.

175. In the past, owing to the very narrow range of services required, this system worked well, and the traditional authorities were able to maintain their sovereignty.

176. It is clear that whilst modern changes and stresses require more complex methods of administration, the present councils have not shown that their system is sufficiently elastic to meet the impact of the new conditions.

177. Moreover, if government at all levels is to work according to a co-ordinated plan, it is necessary that the states surrender a part of their powers.

178. The position created by the Native Authority Ordinances and Native Courts Ordinances is that there are now three separate functional bodies:—

- (i) The State Councils, dealing with functions (a) and (b) as listed above;
- (ii) Native Authorities, carrying out local government functions; and
- (iii) Native Courts.

The personnel of the three bodies is almost always identical, and in consequence the division of functions is very much obscured.

179. We recommend therefore that a clear distinction should be made between the functions of State Councils and the new local authorities, and that all local government functions should be assigned to the local authorities. These bodies will then come under the control of the Regional Administration.

180. There is, however, a real need to preserve the link with traditional authorities. We hope that the recommendation we have earlier made that a proportion of the members of the Council should be appointed by them and the fact that the local chief or his representative will be the president of the Council will fulfil this requirement.

181. There is no question of reducing the influence of the traditional authorities in local affairs, nor is it the intention to tamper with the traditional relationship of chiefs and their subjects. Customary allegiances and services should not be affected by the creation of local authorities which will only be concerned with the provision of services that make for the health, education and social welfare of the people. State Councils will retain their power to determine customary and constitutional issues as at present. If there is a demand for it, these Councils may be made more democratic.

182. State Councils should have the power to make declarations having the force of law on all customary and constitutional matters and on subjects affecting the social and cultural life of the people, such as marriage laws, inheritance etc., subject always to proper control. State Councils should also be clothed with traditional power in customary law and the Oath should be preserved to them.

183. In some States, the desire has been expressed that the members of the new local authorities should also constitute the State Councils. This may not be desirable but it is a matter for each locality to decide for itself.

184. Judicial matters are dealt with in Section VII.

SECTION IV—PERSONNEL

185. Personnel is the sinews of administration. As mentioned already, one of the weaknesses of the existing system of local administration, particularly of the Native Authorities, is the lack of a sufficient number of suitably trained and qualified officials, which in turn is due largely to inadequate finance.

186. It seems to us that two types of men must be available, if the new Local Authorities are to be an improvement on the old.

187. First, there are the councillors who should be actuated by a desire to serve their communities—a pre-requisite of democratic local government. Only the continuous flow of such persons will guarantee success. As education spreads and knowledge of local government grows, more and more of such people should come forward, but in the meantime every effort should be made to widen the experience and increase the knowledge of councillors of modern local administration by

(1) conferences and

(2) visits to different parts of the country and, whenever possible, other countries.

✓ 188. We recommend that actual out-of-pocket transport expenses should be paid to all councillors while on duty.

✓ 189. Second, there are the servants of the councils, who will bear the brunt of administration and will carry out the decisions of the councils. They must be loyal and technically efficient. In order to attract the right kind of persons, they must be guaranteed conditions of service comparable with what they could get elsewhere. To ensure this, we recommend that

(1) a Local Civil Service Appointments Board should be established which will fill, on behalf of each local authority, after due advertisement, all but the most junior posts; and

(2) a contributory superannuation scheme should be established, which will enable persons engaged by one authority to move elsewhere without loss of superannuation rights.

190. It will take a considerable time for an adequate number of local persons with the requisite training to be available for the various posts. It will be necessary, meanwhile, for the Central Government to second to Local Authorities its officers who are interested and willing to serve the new councils. This is essential in the case of the clerk and treasurer of the District and larger subordinate councils, who, we recommend, should be designated Secretary and Executive Officer and Financial Officer respectively. All such officers should be given the opportunity to see the best local administrations in the United Kingdom and elsewhere at work. Contrary to English practice, the Secretary and Executive Officer should be first and foremost an administrator and not necessarily a solicitor, and his colleague should be more than a mere accountant. The Secretary and Executive Officers of Class "A" Authorities must be of a high calibre.

191. Another way of helping and improving the standard of local administration is to provide facilities for the further training locally or elsewhere of

- (1) persons who have already proved their worth in local government and
- (2) recruits.

Recognisable technical qualifications should be laid down for the various grades of posts.

SECTION V—FINANCE

192. If personnel is the sinews of administration, finance is its life blood and local autonomy must go hand in hand with local willingness to shoulder the financial responsibility that it entails. It is through taxation of various kinds that members of the community contribute to the local revenue, and the acquisition of sufficient revenue and the proper use of it is one of the greatest tasks of all governments.

193. Much progress has been made since the passing of the Stool Treasuries Ordinance and the Native Authority Ordinances whereby the imposition of annual tax to be used for the benefit of the people, was legalised. In 1947-48 the total amount collected was £271,623 (Colony—£99,086; Ashanti—£124,007; Northern Territories—£48,530).

194. In some areas not only has the initial hostility to taxation been overcome, but the people have voluntarily imposed additional taxes on themselves in order to find funds for schools and the other amenities they wish to have. There are, still, however, not a few places where hostility to local taxation persists, and progress is virtually halted. The reasons for this attitude can be found in

- (1) the alleged mishandling of funds in the past, and,
- (2) a suspicion that money collected will not be properly used or accounted for.

This vicious circle must be broken. But the continued willingness to pay tax (apart from the apparent universal dislike of taxation) as well as the conversion of the hostile areas to the need for taxation for local purposes, will depend upon:

- ✓(1) the fuller participation of the people in the administration of the services on which the taxes they pay are spent; (provision has been made for this in our recommendations on the constitution of the Councils;*)
- (2) the education by all possible means of the people as a whole on the work being done by the local authorities and the cost of their services; and
- (3) the availability of account books for public inspection.

* Vide paragraphs 138-145.

✓ 195. In addition, we recommend that the public should be invited to the Estimates meetings of the various Councils. As a concrete example of public education as to how monies collected are spent, we suggest that the tax receipts issued to taxpayers should have printed at the back the amounts received from the chief sources of revenue in the preceding year, the amounts spent under the main heads of expenditure, and the estimates of revenue and expenditure for the current year.

196. These various means suggested above should help to inculcate a sense of financial responsibility where this is lacking.

197. Granted an efficient council in the affairs of which the people through their representatives participate, what should be the sources of revenue of the local Councils? These may be divided into two main groups, namely, (1) locally raised revenue, and (2) financial aid from outside the locality. Under (1) may be included:

- (a) local fees;
- (b) revenue from certain services;
- (c) local direct tax;
- (d) an agreed proportion of revenue at present accruing to the stools from lands, concessions, leaseholds of various kinds;
- (e) local revenue from any other sources.

198. We feel it is necessary at this stage to dwell first on the existing sources of local revenue. The local direct tax, called annual rate or levy, varies from state to state: it may be as large as 20s. or as small as 2s., and there is differentiation according to sex and traditional rank. Women (where they pay taxes) pay half the rate paid by men, and all chiefs of whatever rank pay a higher rate than ordinary citizens, the higher the rank of the chief the higher the rate he pays. In one state the figures are as follows:—

	£	s.	d.
Omanhene	5	0	0
Divisional Chief	2	0	0
Chief	1	0	0
Elder Councillor or Linguist	10	0	
All other individual men	4	0	
All other individual women	2	0	

199. This crude grading for direct tax implies some appreciation of ability to pay, but the present basis is arbitrary and does not represent any justifiable test of ability to pay. It is, therefore, an unfair tax, more particularly because, to enable every able-bodied adult to pay, the general rate must be the lowest possible. In so far as this is the case, it is clear that the maximum amount of individual contribution is not forthcoming, while if the many services which are everywhere demanded by the people are to be provided, a substantial increase in local contribution to local revenue is clearly necessary.

200. There are two ways in which this increased revenue may be obtained. The first would be to replace the existing virtually flat rate of annual tax by a varying rate based on financial ability which itself may be determined by the main indices of wealth in the locality. By this method, three or four categories of taxpayers may be created and each person will be placed in one or other of the categories by a Local Assessment Committee from whose decision appeal should lie to a higher authority. Even though the establishment of such a system might present administrative difficulties, these are not insuperable and experience elsewhere shows that, given local support and understanding, it is a practicable proposition.

201. The second method of achieving equity in local taxation is to retain a modified form of the existing annual rate, and in addition to impose

a tax on property and/or other indices of wealth in the locality which will have the effect of making the wealthier members of the community contribute more to revenue than the less wealthy. In order to ensure uniform standards of valuation of property, we recommend that the Central Government through the Regional Administrations should provide a trained corps of valuers whose services should be made available to localities at agreed fees.

202. Whichever of the two methods of local taxation is adopted will depend on local circumstances and the distribution of economic resources of the area. The essential principle to stress is that all able-bodied adults should contribute as much as possible to the cost of the services in the area, and that the most practicable means of ensuring equity in the incidence of taxation should be adopted.

203. Secondly, we feel it wrong that rates or profits from municipal enterprise should be looked upon either separately or collectively as the chief source of local government revenue. The owners and occupants of buildings should indeed contribute their share to revenue. The existence of buildings creates a demand for services which Local Authorities must provide. Municipal enterprise starts as a form of public control of services which as a rule develop into monopolies. It can only continue by proving its economic superiority over alternative forms of enterprise and by making available to the public goods or services at the lowest practicable price. Profits from such enterprises should not be a veiled means of subsidising the general services of the council. We therefore recommend that the net profits from municipal enterprises after providing for loan charges, depreciation, etc., should be distributed as follows:—

(1) a fixed percentage should go into the general revenue of the Council as guarantor of its stock, and for providing administrative machinery for the enterprise, and

(2) the rest should go towards improving, and, where possible, cheapening the service to the public.

204. Thirdly, varying amounts of revenue come from gold, timber and other concessions, from the leases of Stool Lands, and from other sources. The various Native Authority Ordinances provide that all these heads of revenue should be paid into the Stool Treasury. But it is a well-established fact that in almost all areas, it has been impossible to enforce this provision to the full and to ensure that land revenues are brought to account. Moreover, the Ordinances do not stipulate what proportion of the revenue from these sources may be used for local authority services, and in many places the Stool Treasuries receive these monies only to pay them out again as shares to chiefs.

205. It is necessary therefore to arrange that all revenue from Stool Lands, and all lands held in trust for the people or sections of them, is accounted for and that there is as little opportunity as possible for such monies to go astray. It is also necessary to ensure that not only a fair proportion of this money is appropriated to the services of the community, but also that adequate allowances are provided for the chiefs to maintain themselves in their position of dignity.

206. The Stools hold communal lands in trust for the people. In the past, all revenue and services in relation to the land has gone direct to the chiefs and it has been left to them and their councillors to determine what proportion would be made over to the subjects. In these days of rapid economic development with the consequent enhancement of the value of land, some regulation of the uses to which Stool Land revenues should be put is vital so as to ensure that the people have their due share in the form of social and other services.

207. We recommend therefore that in each Local Authority area, by agreement with the traditional authority of the area, a fair proportion of the sums thus collected should be paid to the Local Authority. The actual proportion should be determined *in situ* and will depend on local circumstances and on the amounts involved. The remainder of the money will remain the perquisites of the traditional authority for the maintenance of the positions of the chiefs. In cases of disagreement the Regional Administration should decide the matter. In all cases the local government bodies should act as estate agents for the whole of the revenue accruing to the Stools. This will be necessary as they alone will have the necessary staff for this work. It should not, however, deprive the Stool of any rights of ownership over their lands.

208. We recommend further that a scheme should be established for ensuring minimum personal incomes to chiefs whose positions it is considered desirable to maintain. This would help to determine the proportions of land revenue that should go to the Local Authorities and to the Traditional Authorities. Where such local resources are not adequate to meet the minimum allowances to the chiefs, we suggest that a regional fund managed by the Regional Administration should be established and applied to make up differences.

209. The second group of sources of revenue accruing to local authorities will consist of subventions from the Regional Administration as follows:—

(1) reimbursements for services rendered by local authorities as agents of the Regional Administration, e.g., at present certain local authorities are reimbursed for expenditure on the construction, maintenance and repair of roads for which the Central Government is primarily responsible;

(2) percentage grants in respect of such services as education and maintenance of roads;

(3) block grants to be given as a supplement to even out differences in the resources of the various local authorities.

210. Class "A" and Class "B" Authorities should in addition, be empowered under the usual safeguards to borrow money for capital expenditure on the recommendation of the Regional Administration with the approval of the Central Government.

211. Unless otherwise provided, the Class "A" Council in each area should be recognised as the sole rating and tax authority, and each of its subordinate councils, which will be represented on it, should issue a requisition to it in respect of revenue which it requires for the services under its direct control. The actual tax for the whole area, but varying according to the varying amounts of the requisitions, will be imposed under the authority of the Class "A" Council. The collection will be done by each subordinate authority which will retain the portion of the tax belonging to it, and pay the rest to the rating authority. Those Class "B" Authorities which are completely independent, will be responsible for their own rating and taxation.

212. It is assumed that provision will be made for auditing the accounts of all local authorities by the Audit Department of the Central Government.

213. Any person making any payment not authorised under the approved estimates of a local authority should be liable to refund the amount with such penalties as may be laid down by legislation.

SECTION VI—POWERS AND FUNCTIONS OF REGIONAL ADMINISTRATIONS IN RELATION TO LOCAL AUTHORITIES

214. We envisage that the Regional Administrations, when established, will assume the power of supervision over local authorities within their territorial boundaries. In that event, we recommend that the Central Government should delegate all its powers in relation to local authorities to the Regional Administrations.

215. As already mentioned, the Central Government, through the Regional Administrations, should provide a "pool" of valuers whose services should be made available to local authorities for an agreed fee.

216. They should also have the power to provide local government services if a Local Authority Council becomes recalcitrant, and to enforce the imposition of rates to cover the cost of these services.

217. There is a fuller discussion of the powers of Regional Administrations in paragraphs 294 and 315 below.

SECTION VII—LOCAL COURTS

218. The problem of Native Courts does not strictly come within our terms of reference. But our survey of the functions of Local Authorities will be incomplete if no suggestions are made for the improvement of these courts whose decisions affect a considerable proportion of the people of this country.

219. Hitherto, the administration of what are really local courts, but are commonly called Native Courts or Native Tribunals, has been associated with Native Authorities. This position has arisen because there was, under the traditional administration of the country, no real differentiation of the functions of government. Under the Native Courts Ordinances, a step was taken to separate judicial functions from local administration, but since the members of the panels of the local bench are usually also members of the traditional authority, their link with the administration has not been completely severed.

220. The administration of justice at this level has been one of the causes of friction between members of the community, of distrust of the traditional authorities, and, in the past, it has been one of the underlying causes of destoolment. In fact, in some places, the Native Courts have fallen into disrepute, although it is only fair to say that in general they have maintained a fairly high standard of efficiency as the small number of appeals from their judgments shows. It is necessary, however, to restore confidence in the local courts and make them really efficient.

221. The public generally desire that the administration of justice in the local courts be improved. On the question of what method of approach should be adopted to bring about the improvements desired, there appear to be two schools of thought.

222. On the one hand, there are those who advocate the appointment of paid magistrates to preside over all local courts, these magistrates to be persons who have legal training and also have a sound knowledge of local customary law. They need not be full-time in all cases. In land cases and other cases involving customary law, it is suggested that they should sit with lay members (as for instance, chiefs) as Assessors.

223. It is argued that the appointment of qualified men as magistrates would make for expeditious dispatch of business and would produce efficiency. It might also avoid most of the alleged abuses which have been imputed to the present Native Courts.

224. On the other hand, there are those who hold the view that the English system of lay magistrates, or Justices of the Peace, provides a more satisfactory model for the development of local courts in this country. Local men with local knowledge construing the law in the light of local needs would best ensure justice in petty cases. Those appointed to the benches of the local courts must be respected locally and should generally be men and women of substance, stable character and sound wisdom.

225. These occupants of the local bench would have little technical knowledge and, therefore, the standard of qualifications of Registrars or Clerks of the Courts would have to be raised considerably. This would mean the payment of adequate salaries. They would, when necessary, then be able to advise the lay benches on the technicalities of the law, although the responsibility for the decisions would be the latter's.

226. We realise that even if it were technically desirable that all local courts should be presided over by qualified part-time or full-time magistrates, it would take some time before persons of the requisite training would be available in sufficient numbers. Our suggestions for improvement are made in the light of the above and also with a desire to preserve the local character and independence of these courts.

227. We suggest, therefore, that the practice in the Colony of appointing a special panel of adjudicators for the local courts should be encouraged and that the members should be more and more people who are not members of the State Councils or local authorities of the areas concerned. There should be a fairly large panel of such lay magistrates so that regular sessions can be arranged without imposing too great a strain on individuals.

228. The appointing authority should, as at present, be the Central Government, but it is necessary that there should be a body of persons with local knowledge to advise the Government. We suggest, therefore, that the State Councils be the recommending bodies.

229. The lay magistrates should not be paid but they should receive allowances to cover out-of-pocket expenses so as to make it possible for men from all walks of life of the requisite character to be appointed.

230. We suggest also for consideration the appointment of paid qualified magistrates in the large urban areas. The appointments may be extended to other areas as suitably qualified men in adequate numbers and funds become available.

231. There should be fewer grades of local courts than at present. These should have jurisdiction in criminal and civil cases equivalent to that enjoyed by the higher grades of the present Native Courts. The local courts should universally be used for all petty cases. Cases which are too difficult for lay benches, and those in which it may be inexpedient for a local bench to sit, should be transferred to, or be heard in, local courts presided over by professional magistrates.

232. A local authority is the best medium for the financing of local courts, that is, paying the staff, and providing allowances, buildings and equipment. In return, it should receive the revenue derived from the courts.

233. The local courts should be subject to the control of the Chief Justice and be supervised by judicial officers working under him. Appeals from local courts should lie direct to the Supreme Court.

234. The above suggestions indicate broadly the objectives to be achieved at as early a date as possible. We recognise that the problem of our local courts requires expert treatment. We therefore suggest, finally, that a special Committee be set up to examine the whole question of local courts.

SECTION VIII—SUMMARY OF RECOMMENDATIONS

235. Our recommendations may be summarised as follows:—

Designation (Report paragraph 83)

The term "Local Authorities" should be used instead of "Native Authorities."

Classification of Local Authorities (Report paragraphs 88-90)

236. There should be established three classes of Local Authorities to be designated Class "A," Class "B," and Class "C" Local Authorities or Councils. Class "A" Authorities will comprise "District Councils" and Municipal Councils; Class "B" Authorities will include "Urban Area" and "Rural Area" Councils; and Class "C" Authorities will be "Village Area" Councils directly under District Councils or under Rural Area Councils, according to circumstances.

Non-Municipal Class "A" Local Authorities (Report paragraphs 91-96)

237. State Areas which are large enough and whose resources are adequate for the purpose should be constituted as Class "A" or District Councils. Otherwise two or more state areas should be combined to form such a council. A special Commissioner should be appointed to demarcate the boundaries of the new districts.

Class "B" Local Authorities (Report paragraphs 97-104)

238. Class "B" Local Authorities should normally be under Class "A" Authorities, though autonomous in the sphere of functions assigned to them. There may be cases where, for practical reasons, independent local authorities will have to be constituted for units which are too small or too poor to be classified as an "A" Authority. Such authorities, though autonomous, will be given the powers of Class "B" authorities and be designated as such.

239. All urban areas (towns and surrounding villages) of populations of about 10,000 or more should be constituted Urban Area Local Authorities (Class "B") under the District Councils.

240. Rural Areas of populations approximating to 25,000 or more should be constituted Rural Area Local Authorities (Class "B") under the District Councils.

Class "C" Local Authorities (Report paragraphs 105-108)

241. Class "C" Local Authorities may have to be created for areas which are too small to qualify as Class "B" authorities and which cannot be amalgamated with neighbouring areas for that purpose. These, when formed, would deal direct with the District Councils.

242. The possibility of up-grading the lower classes of authority, as circumstances permit, should not be ruled out.

Municipal Councils (Class "A" Authorities) (Report paragraphs 110-129)

243. Municipal Councils should be charged with all local government powers and duties within their areas. There should be no other authority with local government powers in the area of a Municipal Council.

244. We do not recommend the creation of any new Municipal Councils of Class "A" type, but we have made special recommendations in respect of the existing municipalities and a number of other towns. (See paragraphs 117-129).

Sizes of Councils (Report paragraph 131)

245. Class "C" Council membership should not exceed nine. Class "B" Council membership should not exceed eighteen. Councillors on Class "A"

Councils, as distinct from "Elders," should total any of the following numbers: 18, 21, 24, 27.

Composition of Councils (Report paragraphs 132-148)

246. All local residents whether Africans or not should have the right to stand for election and have the vote. But all laws of the local authority should apply to them also.

247. A proportion of the seats on all local authorities should be reserved for the appointees of traditional councils. This should nowhere be less than one-third.

248. As a matter of policy, the members of the local authority who are popularly elected should be in a majority. The aim should be to have up to two-thirds of the members composed of those popularly elected and those elected from subordinate councils. This policy could be progressively applied in certain areas.

249. The method of election should be direct by whatever method will command local confidence, that is, by secret ballot, acclamation, use of coloured boxes or coloured cards.

250. District Council (Class "A") membership should include a limited number of representatives from Class "B" Councils under it.

251. A limited number of seats should be reserved for commercial and mining interests wherever necessary.

Qualification for voting and membership in all Local Authorities (Report paragraphs 149-151)

252. The franchise should be given to adults who have been in residence in the locality for six months, have registered as voters, and have paid their local tax.

253. Membership of the local councils should be limited to those qualified to vote, who have registered as voters, and in addition are worth a gross annual income of not less than £100, except in the Northern Territories where the last qualification should be determined in consultation with the existing Northern Territories Territorial Council.

254. Members of District Councils should, whenever possible, be literate. Literacy tests should be applied as early as possible in all areas.

Life of Councils (Report paragraphs 152-153)

255. Class "C" Councils should have a life of two years, all members retiring at the end of a two-year term. They should be eligible for re-election.

256. Class "A" and "B" Councils should have a life of three years, one-third of the members retiring each year, after the first year; members should be eligible for re-election.

Elders (Report paragraphs 154-157)

257. The principle of electing "Elders" (equivalent to Aldermen in Britain) should be established after the first six years of all Class "A" Councils. These Elders should sit for six years, half of them retiring every three years.

258. The Elders should be elected from amongst the members of the Councils and from those qualified to be members, provided that not more than half should be elected from outside the Councils.

259. The number of Elders should not exceed one-third the number of Councillors. There will be a bye-election in any ward where an elected Councillor is elected an Elder.

Committees (Report paragraphs 158-159)

260. Each of the Class "B" and Class "A" Councils should work through Committees. For District and Municipal Councils, the following Committees are essential and their appointment should be required by the ordinance setting up local authorities:

- (a) Standing Finance Committee;
- (b) Watch Committee for Police;
- (c) Health Committee; and
- (d) Education Committee.

The principle of co-opting persons to the Committee other than Councillors should be established.

Presidency of the Councils (except Municipal Councils) (Report paragraphs 160-161)

261. As a general rule, Chiefs, or their representatives, should be the presidents of all non-municipal councils. Each Council, however, should have the power to elect its Chairman, who, if he is other than a Chief, should be deputy president, but the way should be left open to each to decide whether the Chief should also be the Chairman.

Joint Committees (Report paragraphs 162-166)

262. Two or more local authorities can co-operate by appointing some of their members to form a Joint Committee to which may be delegated all those functions which can best be discharged over a larger area because of finance, geography or convenience.

263. Where it is not possible to arrange combinations of State areas to form District Councils, this device may be used; but the idea may be extended to Joint Committees of two or more Class "A" local authorities, where necessary, for a limited range of functions.

Functions of Local Authorities (Report paragraphs 167-173)

264. The functions which local authorities should discharge may be roughly classified as follows:—

(i) *Welfare Services*, including Health and Sanitation, Education, Water Supplies, Public Lighting, and implementing policy as to Town and Country Planning.

(ii) *Protection Services*, including Fire Brigade and regulation of the sale of food and drugs.

(iii) *Communal Services*, including Roads, Community Centres, Libraries, Recreation Grounds.

(iv) *Revenue Earning Services* including Transport Services, Fuel Reserves, Markets, Lorry Parks, Ferries and River Ports, and Licences.

A suggested basis for the detailed allocation of functions to the various classes of local authorities is given in Appendix X.

Relationship Between State Councils and Local Authorities (Report paragraphs 174-184)

265. The division of functions between State Councils and the Local Authorities should be made clear and distinct, all local government powers and functions being assigned to the Local Authorities. The Local Authorities should come directly under the control of the Regional Administrations.

266. The appointment of a proportion of the members of the Local Authority Councils by the State Councils, and the fact that the local Chiefs will be the presidents of the Councils, should preserve the link of these Councils with the traditional authorities.

267. State Councils should retain their power to determine all customary and constitutional issues as at present. They should also have the power to make bye-laws affecting customary and constitutional matters, and the social, cultural life of the people, subject always to proper control.

Personnel (Report paragraphs 185-191)

268. Members of the Local Authority Councils should not be paid but actual out-of-pocket transport expenses should be paid to all Councillors while on duty.

269. A Local Civil Service Appointments Board should be established which will fill, on behalf of each local authority, after due advertisement, all but the most junior posts.

270. A contributory superannuation scheme should be established which will enable persons engaged by one authority to move elsewhere without loss of superannuation rights.

271. The Central Government should, meanwhile, second to local authorities its officers who are interested and willing to serve the new councils. This is essential in the case of the clerk and treasurer of the District and large subordinate councils, who should be designated Secretary and Executive Officer and Financial Officer respectively.

272. Recognisable technical qualifications should be laid down for the various grades of posts.

Finance

Local Revenue (Report paragraphs 192-208)

273. Two methods of taxation are recommended. The first is the replacement of the existing flat rate of annual tax by a varying rate based on ability to pay which itself may be determined by the main indices of wealth in the locality. Alternatively, a modified form of the existing annual rate and, in addition, a tax on property and/or other forms of wealth in the locality should be imposed.

274. Local Assessment Committees will be necessary for the first alternative. For the second, the Central Government through the Regional Councils should provide a trained corps of valuers whose services should be made available to localities at agreed fees. This will ensure efficient, more up-to-date and uniform standards of valuation of property.

275. The net profits from municipal enterprises, after providing for loan charges and depreciation, should be distributed as follows:—

(a) a fixed percentage should go into the general revenue of the Councils ; and

(b) the rest should be used to improve and, where possible, cheapen the service to the public.

276. In each local authority area by agreement with the traditional authority of the area, a fair proportion of the sums collected from stool lands should go to the local authority. In all cases, the local authorities should act as agents for all revenue accruing to the stool.

Central Contribution (Report paragraphs 209-210)

277. The subventions from the Regional Administrations will be as follows:—

(a) Reimbursements for services rendered by local authorities as agents of the Regional Administrations.

(b) Percentage grants in respect of such services as education, and maintenance of roads.

(c) Block grants to even out differences in the resources of various local authorities.

Rates and Taxation (Report paragraph 211)

278. The Class "A" Council in each area should be recognised as the sole rating and tax authority, and each of its subordinate councils should issue a requisition to it in respect of revenue which it requires for the services under its direct control. The collection will be done by each subordinate authority which will retain the portion of the tax belonging to it, and pay the rest to the rating authority.

279. Class "B" Councils which are completely independent should be responsible for their own rating and taxation.

Liability of Members of the Council (Report paragraph 213)

280. Any person making any payment not authorised under the approved estimates of a local authority shall be liable to refund the amount with such penalties as will be laid down by legislation.

Powers of Regional Administrations (Report paragraphs 214-217)

281. The Regional Administrations, when established, should have the power of supervision over Local Authorities within their territorial boundaries. The Central Government should delegate all its powers in relation to Local Authorities to the Regional Administrations.

282. The Regional Administration should have the power to provide local services if a Council becomes recalcitrant and to enforce the imposition of rates to cover these services.

Local Courts (Report paragraphs 218-234)

283. A number of suggestions have been made for the improvement of the standard of justice in Local Courts, now called Native Courts, and it is suggested that a special Committee be set up to examine the whole question.

PART IV—REGIONAL ADMINISTRATIONS

SECTION I—GENERAL CONSIDERATIONS

Desirability of Regional Organisations

284. In the course of our deliberations, we have given much earnest consideration to the fundamental issue of whether Regional Organisations are desirable, or whether they would, in fact, merely impose an unnecessary "post office" between the Local Authorities and the Central Government. To this end we have examined certain alternative proposals to the effect that Local Authorities should deal direct with the Central Government, from which they should receive wide powers, both executive and administrative. We feel, however, after careful scrutiny, that such proposals, although theoretically ingenious, would not stand the test of practice. For one thing, they are based upon the assumption that the Central Government would be capable of dealing direct with, and co-ordinating the activities of, a very large number of individual Local Councils, and no less with the Heads of those Departments the scope of which lies outside the purview of the Local Authorities.

285. Such a task, we consider, would inevitably lead to a further concentration of power in the hands of the Central Government, and to additional centralisation in an already over-centralised system. For while, as we believe, it would be theoretically possible to decentralise to Local Authorities, in practice, due to inexperience and ignorance of the new obligations, a large measure of guidance, control and co-ordination will be necessary if they are to function successfully. At the same time, in order to ensure that the day-to-day administration of the country may proceed smoothly and expeditiously, we are satisfied that a large measure of decentralisation of functions and of devolution of power by the Central Government is a necessity, and even today that it is already overdue. We note the delays now inevitably resulting from an overburdened Central Secretariat. This fact, taken in conjunction with our belief in the unwisdom of delegating too wide powers direct to Local Authorities, and with our reluctance to approve that the Central Government should undertake the task of co-ordinating the activities of the large number of Authorities likely to be concerned, has therefore confirmed us in the opinion that there is a very real need for some organisation to be interposed between the Local Authorities and the Central Government.

286. If we may illustrate our proposition with a homely example, Town "A" and Town "B" in neighbouring Districts both require funds to establish a sewage scheme. If the monies available will not permit both projects to be implemented, a decision may be required that one town shall have priority. It would be preferable that this decision should be taken, not in the remote atmosphere of the Central Government, but at a lower level where the full knowledge would exist of the relative needs of towns "A" and "B," and that it should be made by men who are themselves intimately concerned with developments of this nature.

287. We are also agreed that the establishment of Regional Organisations would permit a greater number of persons to participate and to receive training in the administration of the country. In this way, too, local unity would be fostered while the advance of the Gold Coast as a whole to nationhood would in no way be impaired. It is against this background that we have considered the various issues involved.

Designation of Regional Organisations

288. We have discussed the various titles which might serve to denote the status of the Regional Organisations which we have in mind. Such organisations in our view should be designated "Regional Administrations," which term will be used henceforward in this Report.

SECTION II—POWERS AND FUNCTIONS OF REGIONAL ADMINISTRATIONS

289. There would appear to be no infallible test of principle to decide whether any particular service should be performed by the Central Government or by Regional Administrations of the nature which we envisage. It has therefore been found difficult to frame a clear and concise definition of the powers and functions which, in our view, the Regional Administrations should exercise and perform. One difficulty has been the inescapable fact that all power delegated to them must emanate from the Central Government, which must be able to ensure that its policies are adequately carried out. This principle would appear to imply first, the passage of a great volume of legislation, in which the powers and functions of the Regional Administrations, in all aspects, will be defined by Ordinance. It would imply also that the Central Government must retain overriding control, both financial and legal, over the Regional Administrations.

290. It is apparent, therefore, that much will depend upon the willingness of the Central Government to delegate responsibility to the Regional Administrations. With these reservations we wish to make the following observations concerning the powers and functions which, in our view, should be delegated to the Regional Administrations:—

291. In general, we are of the opinion that the Central Government should, to the maximum possible degree, decentralise its powers to the Regional Administrations. These powers should be both administrative and executive. We think that this principle should be clearly stated in the new Constitution. Obviously, however, certain matters will lie outside the scope of the Regional Administrations. Such matters may include:—

(a) Any subjects "reserved" to the Governor, which will similarly be reserved at the Regional level.

(b) Matters which affect more than one Region, for example:—

Departmental Headquarters.

Training and Research.

Aviation.

Customs and Excise.

Transportation (Railways and Harbours).

Posts and Telegraphs.

Higher Education.

Audit.

Commerce and Industry.

Forestry.

Lands.

Police.

(c) Matters which for convenience or expediency should be controlled by the Central Government although in fact susceptible of devolution. In some cases the criterion may be the question of expense, in others it may be that of paramount administrative convenience.

292. What, then, will remain for the Regional Administrations to perform? In our view, they will act as the agents of the Central Government in such of those fields excluded from the three categories listed in paragraph 291 above, as may be specifically assigned to them, in which they

should exercise both administrative and executive control to the fullest extent. We have not attempted, in this Report, to provide any detailed classification of the various activities of Government under Central and Regional heads. As an indication of the lines on which such an analysis might proceed, we think it profitable to draw attention to Sir Sidney Phillipson's report* on the Financial Relations between the Central Government and the Native Administrations in Nigeria. We are of the opinion that a detailed analysis of a somewhat similar nature must be made of the relations which should exist between the Central Government and the Regional Administrations, in conformity with the broad principles enunciated above. The necessary legislation should then be introduced to place this relationship on a statutory basis. Initially, pending the introduction of this legislation, an Enabling Ordinance may be necessary to permit decentralization to proceed at the discretion of the Executive of the Central Government.

293. Although we appreciate that any recommendations which we may make on this point must be subject to the results of the detailed analysis and to the provisions of any subsequent legislation, we feel that it will not be out of place to record our views on certain aspects of the question. In general, we recommend that the spheres in which power should be delegated to the Regional Administrations should include Health, Education, Public Works and Social Services. We think that, in those spheres in which power is not delegated, the Regional Administrations should be empowered to submit such recommendations as may be deemed appropriate to the Executive of the Central Government.

294. We are also of the opinion that the Regional Administrations, as the agents of the Central Government, should supervise the activities of the Local Authorities, and should control their finances through the approval of their Estimates.

In this connection, it may be that a Regional Administration will require to impose sanctions, in extreme cases of unsound administration or financial policy, against a Local Authority. Although we consider that such instances will be extremely rare and that in most cases the advice of the Regional Administration will be accepted, yet we feel that some provision must be made to meet the eventuality. One sanction which would be available would be the withholding of grants to the Local Authority in question. In most cases this will probably prove effective, but, should it prove otherwise, we consider that the Regional Administration should be empowered to recommend to the Central Government that the Council of the Local Authority should be dissolved and should be superseded, for such period of time as may appear desirable, by an "ad hoc" Management Committee.

295. We wish also to state our opinion that, in the sphere of Education, the Regional Administrations should primarily concern themselves, in so far as power is delegated to them by the Central Government, with all types of Secondary education. Primary education is the proper concern of the Local Authorities, subject to the general supervision exercised by the Regional Administrations as recommended above. Post-Secondary education we regard as being, at this stage, a subject which must inevitably remain under the direct control of the Central Government.

296. We wish also to record our opinion that the Regional Administrations should not impose direct taxation or themselves raise revenues by other means. As the agents of the Central Government, it would appear appropriate that the Regional Administrations should be financed by revenues raised by the Central Government. Moreover, we have noted a definite

* "Administrative and Financial Procedure under the New Constitution: Financial Relations between the Government of Nigeria and the Native Administrations".—Printed by Government Printer, Lagos, 1946.

antagonism in the country to any procedure whereby taxes are imposed by a distant authority and are devoted to purposes not directly or immediately advantageous to any particular locality. These two factors have led us to the view that revenue should be raised by two bodies only, namely, by the Central Government and the Local Authorities.

297. We do not consider it desirable to establish separate Civil Services for each Region. Apart from difficulties connected with Colonial Regulations and with the position of the Unified Services, we feel that there are solid advantages in having one Civil Service for both the Central Government and the Regional Administrations. These advantages may be summarised as follows:—

(a) From the large common pool it will be easier to select the right man for the right job, bearing in mind such factors as the relative seniority and experience of potential candidates.

(b) The position of “unpopular” areas, e.g. the Northern Territories, where service is disliked, is safeguarded, since staff can be transferred there from other areas.

(c) Uniform conditions of service and common standards can be maintained.

(d) The service as a whole and individuals in particular will benefit by cross-postings between the Central Government and the Regional Administrations.

(e) In the case of specialists in short supply, e.g., Medical Officers—a fair distribution can be made.

298. We have also considered the desirability of forming separate Constabularies for each Region, which project we have discussed fully. As a result, we are satisfied that such a measure would prove retrogressive. Certain of the advantages referred to in paragraph 297 above would be lost, while operational and administrative requirements would not be fully satisfied. We are informed that in Nigeria, where the Police Force has been “regionalized” the position has proved unworkable, in consequence of which it is now proposed to reintroduce a centralized system. Hence we are of the opinion that, at least in the transition period, the existing channels of operational and administrative control should remain undisturbed. We have made recommendations covering co-operation between the Police and Local Authorities in paragraph 173 above.

SECTION III—NUMBER OF REGIONAL ADMINISTRATIONS TO BE ESTABLISHED

Position of Togoland under United Kingdom Trusteeship

299. One major problem which we encountered was the question of the number of Regional Administrations which should be established. This issue was complicated by the peculiar position of that part of Togoland under United Kingdom Trusteeship. It is our considered view that the Trusteeship Council of the United Nations may be expected to favour, either the formation of one Administration for the whole of Western Togoland, or alternatively the retention of the present affiliations of the Northern and Southern Sections. We consider, however, that the powers exercised by His Majesty's Government by virtue of the terms of the Trusteeship Agreement* are such as to permit the implementation of any reasonable proposals which may be advanced, irrespective of possible adverse opinion which may be expressed in the Trusteeship Council.

300. With regard to the Northern Section of Togoland under United Kingdom Trusteeship, we have been advised that a plebiscite is now being

* Vide Article 5 (a) of the Trusteeship Agreement.

undertaken in the Krachi district in order to determine whether that area should continue to be administered as part of the Northern Territories, or alternatively, whether it should "move south" to join with the Colony. We have been informed, unofficially, that every indication points to the fact that the inhabitants of Krachi wish to be joined with the Colony, but we feel that no recommendation as to the future of the area can properly be put forward until the result of the plebiscite has officially been made known. Excluding Krachi, however, the balance of the Northern Section has such strong connections with the Northern Territories Protectorate that we are of the opinion that it should be included in the Regional Organisation of the Protectorate.

301. As for the Southern Section, whether or not including Krachi, as the result of the plebiscite might indicate, we had considered that the various states/Native Authorities lying to the East of the River Volta, including those now forming part of the Colony proper (excluding that part of Akwamu State East of the River and also the Guan territories, but including the area of the Tongu Confederacy West of the River) should be constituted into a separate Regional Administration. The advantages of this proposal appeared to be that it would more closely associate the Ewe States of the Gold Coast proper with those of Southern Togoland, which we understood to be in accordance with the desire of the inhabitants. It would also provide what appeared potentially to be a reasonable administrative unit, with an approximate population, including Krachi, of 470,000. Furthermore, it seemed to us that the subtraction of those states now included in the Colony proper might, in certain circumstances, permit a more workable Regional Administration to be established in that Territory. We must add, however, that this proposal was opposed by representatives from Asogli, Atando and Buem, who argued that the Southern Section of Togoland under United Kingdom Trusteeship, including Krachi, should form a separate unit. This counter-proposal, envisaging the creation of a small unit of approximately 140,000 persons, economically far from being self-supporting, we regarded as unsound. We were therefore faced with two alternative possibilities, either to proceed with our original recommendation, or to make no special provision for Southern Togoland beyond associating it with the organization recommended for the Colony proper, as might appear most convenient from an administrative point of view.

302. In reaching a decision upon this point we have been influenced by certain factors. In the first place, it appears that the opposition of the aforementioned representatives was to some extent inspired by the campaign undertaken against the Regional Administrations in some quarters. In the second place it seems that they had not wholly understood the purposes of the Regional Administrations, and that their attitude to a certain extent, had been conditioned by a lack of knowledge as to the future position of the Krachi area, with which they naturally wished to be associated. Of greater force is our belief that their fear that they would be the victims of exploitation as a result of our proposal is unwarranted. We have also to bear in mind the desirability, for economic reasons no less than for the general development of the area, of rejecting the counter-proposal which had been put forward.

303. We have therefore seen no valid reason for departing from our original suggestion, which is that the various states/Native Authorities lying to the East of the River Volta, whether at present forming part of the Colony proper or of the Southern Section of Western Togoland, excluding that part of the Akwamu State to the East of the River, and also the Guan Territories, but including the area of the Tongu Confederacy West of the River, should be constituted into one Regional Administration.

Position of the Remaining Territories

304. With regard to the remaining territories of the Gold Coast, bearing in mind not only tribal and geographical factors but also administrative convenience, we consider that one Regional Administration should be established in each of the three main existing Territorial Divisions of the country, namely the Northern Territories, Ashanti and the Gold Coast Colony. The Northern Territories, for this purpose, shall include the Northern Section of Togoland under United Kingdom Trusteeship, but shall not necessarily include Krachi. The Colony shall exclude that area which will form part of the Transvolta—Southern Togoland Region.

Position of Krachi

305. We further recommend that the position of Krachi be decided in the light of the result of the plebiscite to which reference has already been made, the area being included, as may appear appropriate, in either the Northern Territories or the Transvolta—Southern Togoland Region.

306. We believe that these recommendations will meet with the approval of the inhabitants of the areas concerned.

SECTION IV—REGIONAL FINANCE

307. We have already remarked upon certain aspects of Regional Finance. As we have said, Regional Administrations should not be responsible themselves for raising revenues. We have also observed that the Central Government must retain control over the Regional finances, which means that their Estimates must be subject to the approval of the Central Government. It remains to discuss in greater detail the problems of Regional Revenue and Expenditure.

Revenue of the Regional Administrations

308. As to revenue, we consider that the possible sources may be listed as follows:—

(a) Subventions for work done as the agent of the Central Government (e.g. the construction of Central Government works, etc.).

(b) Block grants from the Central Government.

In listing these sources we have assumed, not only that the Local Authorities will be enabled to impose direct taxation, but also that certain revenues now accruing to the Central Government will in future accrue direct to the Local Authorities. Such revenues, we consider, will be those

(i) which are identifiable with the locality and are locally collected by the Local Government Authorities.

(ii) In respect of which no national or important considerations of policy are likely to arise.

In this category we include such sources of revenue as licences, etc.

309. There remains the difficult problem of allocating grants to the Regional Administrations. Here we note two conflicting principles:—

(a) The principle of derivation which may be summed up in the phrase "to him that hath shall be given". In other words, if Region X produces two-thirds of the revenue accruing to the Central Government, according to this principle Region X should receive a proportionately large grant.

(b) The principle of even progress, under which backward areas, which in general will make comparatively small contributions to the revenues in question, should receive sufficient grants to enable them to keep pace with the rest of the country in progress and development.

310. The difficulty, to some extent, lies in the fact that the Regional Administrations must be informed, well in advance of the time when their

own Estimates are prepared, of the approximate amount which they may expect by way of Government grants. Their own Estimates will in turn be based upon this information, and will be finalised upon its confirmation. No satisfactory formula for reconciling the conflicting principles enumerated above has occurred to us, and the only reasonable solution which we can suggest is that the General Finance Committee of the Central Government, with the advice, if necessary, of additional members from each Region, should, as early as possible in each year, prepare a plan for the allocation to the Central Government and to the Regional Administrations of the anticipated revenue for the next financial year. Details of such allocations, which will be tentative at that stage, may then be supplied to the Regional Administrations to assist them in the preparation of their draft Estimates which will be confirmed later. It will be open to the Central Assembly at the Budget Session to revise the block allocations.

311. We appreciate that this is an "ad hoc" solution, but we can see no other method of reconciling the conflicting principles which we have stated in paragraph 309 above.

Regional Expenditure

312. We thus reach the position where the Regional Administrations, as the agents of the Central Government, have information as to the amount of funds which they may expect in order to implement the policies laid down on the various subjects entrusted to them. Estimates will then be prepared for the approval of the Central Government.

313. Certain modifications to existing practice may be necessary when these Estimates are submitted for approval. We consider, for example, that there might be five Select Committees for Finance in the Central Assembly, a General Select Committee and a Select Committee for each Region. The General Select Committee would review the Estimates of the Central Government and also the Regional votes, although not the details of the Regional Estimates. The Regional Select Committees would not be summoned unless an increase or decrease is made in the Regional votes in which case they may be called upon to adjust the Estimates of the Regions.

314. In the matter of approving unforeseen or supplementary expenditure we consider that the General Standing Committee on Finance, to which reference has been made in paragraph 310, should perform this function. If necessary, where Regional expenditure is concerned, certain additional members should be co-opted from the Councils of the particular Regions concerned.

Financial Relationship of the Regional Administrations with Local Authorities

315. So much for the financial relationship of the Regional Administrations with the Central Government. It remains to consider their financial relationship with Local Authorities. In this sphere we have envisaged the functions of the Regional Administrations to be two-fold. First, they should be responsible for approving the Estimates of Local Authorities, drawing attention to any item of revenue or expenditure which they consider to be unsound or unwarranted. If the Estimates of the Local Authorities do not receive approval by the Regional Administration, sanctions should be imposed, which might initially consist of withholding the grants which the Regional Administration will disburse as the agent of the Central Government. We have discussed this subject earlier in this part of our Report.*

Second, the Regional Administrations, as indicated above, will be responsible for allocating to the Local Authorities the block grants which they will receive from the Central Government.

* Vide paragraph 294 above.

SECTION V—REGIONAL COUNCILS

Relationship of Regional Councils with Existing Territorial Councils

316. We now pass from the subject of Regional Administrations to that of Regional Councils, which we envisage will be the directing bodies within each Administration.

The first question is whether these Councils should be developed from the existing Territorial Councils, that is to say, the Northern Territories Territorial Council, the Ashanti Confederacy Council and the Joint Provincial Council, remodelled to a greater or a lesser extent by the introduction of an elected element. The chief points in favour of this proposal are that we should be building upon the traditional institution of the country, namely the chieftaincy, and would also be maintaining, to some extent, the principle of the sovereignty of the various states. Against these there appears to us to be the danger that the introduction of the elective principle would, in the long run, destroy the traditional institutions, and in particular, in the case of Ashanti, the Confederacy Council. There is also the risk that the continued maintenance of the chiefs in a privileged position may give rise to popular discontent.

317. After much careful consideration we have arrived at the conclusion that it would not, in fact, be desirable for the Regional Councils to be based upon the existing Territorial Councils, except in the case of the Northern Territories, which territory presents many features not present elsewhere in the Gold Coast. This conclusion has led us to consider the future of the existing Territorial Councils, other than the Northern Territories Territorial Council, namely the Joint Provincial Council, the Ashanti Confederacy Council and the embryo Provincial Council of Southern Togoland. Of these, we consider that the Ashanti Confederacy Council should remain, with its existing composition, as a separate institution, distinct from the Regional Council. In making this recommendation we have had in mind the unique significance of the Confederacy Council in its relation to the several states of Ashanti, and no less the special functions which it now exercises, and which it might with advantage continue to exercise even when the Ashanti Regional Administration has been established.

318. These functions are, or may be:—

(a) Constitutional

(b) Traditional, and

(c) In so far as Constitutional and Traditional issues are concerned, Judicial.

(d) To nominate chiefs, *qua* chiefs, to serve on Councils, etc.

319. As far as the Joint Provincial Council and the embryo Provincial Council of Southern Togoland are concerned, there would appear to be no real necessity for their retention, except in so far as they may provide useful electoral colleges for the election of chiefs to a possible second chamber of the Central Legislature. We feel, however, that the door should be left open for the development of these Councils into institutions similar to the Ashanti Confederacy Council with similar functions. In the Northern Territories we understand that the Territorial Council is at present composed of 17 members selected by the various Native Authorities. These Native Authorities may send either chiefs or non-chiefs to the Council, although the general practice is now to send chiefs only. This Council is, in essence, already similar to a Regional Council of the nature we envisage, and we therefore hold that it can be modified, without difficulty or undue distortion, to serve as the Regional Council for the Northern Territories.

Size and Composition of the Regional Councils

320. We come next to the size of the Regional Councils. Here we have been anxious to provide for a Council which, while being of a size adequate to perform its functions, will not be such as to be unwieldy or to constitute an unnecessary expense to the community. At the same time, for the sake of administrative convenience, it appears desirable that the constituencies used for the election of its members should correspond either to those in use for elections to the Central Government or to Local Authorities. We have proposed elsewhere* that the various Territories should be represented in the Lower House of the Central Legislature as follows:—

The Colony	...	...	...	...	...	...	...	29
Ashanti	...	...	...	...	...	...	...	19
The Northern Territories	...	...	...	...	...	...	...	19
Transvolta-Southern Togoland	...	...	...	...	...	...	...	8

321. So far as concerns Ashanti and the Colony, we believe that the number of elected members in the Regional Councils may well be equivalent to the numbers returned to the Lower House. On the same basis, however, the Northern Territories would return 19 elected members to the Regional Council. We doubt seriously whether, after meeting the requirements of the Central Legislature, this number of suitable elected members would be available. Accordingly, in the case of the Northern Territories, we are of the opinion that the proposed constituencies should be grouped to permit, as an interim measure, the election of ten elected members only.

322. A different problem is posed by the Transvolta-Southern Togoland Region, where the number of members (eight) is too small to provide a Council of an adequate size. In the case of this Region we therefore suggest that each proposed constituency should return two members, making a total of 16 elected members on the Regional Council.

323. Having thus determined the numbers of elected members, we considered the proportion in which chiefs should be included on the Councils. In general, we are of the opinion that the correct ratio should be one-third chiefs to two-thirds non-chiefs or as near as may be arithmetically possible. Such a proportion appears most suitably to fulfil the demands of the people for their legitimate share in the administration of the Region, while at the same time providing a leavening of chiefs, whose administrative experience will be essential, and whose position also entitles them to a voice in the Regional Administration. We have already, however, recommended that the Northern Territories should initially send only 10 elected members to the Regional Council. In the Protectorate, it seems to us that the chiefs remain, in the broadest sense, the leaders of the people. In our view, therefore, the ratio of one-third chiefs to two-thirds non-chiefs should not be maintained in the Northern Territories but that the Regional Council should be formed initially by the existing 17 members of the Territorial Council (who may be chiefs or non-chiefs) to whom there should be added the 10 elected members referred to in paragraph 321 above.

324. The suggestion has been made that certain special interests, e.g., Local Chambers of Commerce, might be afforded separate representation upon the Regional Council, and additionally that there might be certain ex-officio members of each Council. These proposals appear undesirable to us, except in the single instance of the Northern Territories, where as shown in paragraph 327 below, we recommend that an official President be appointed.

* Vide paragraph 373.

325. To recapitulate, therefore, our views on the size and composition of the Regional Councils are as follows:—

- | | |
|-----------------------------------|--|
| (a) For the Colony: | A Council of 29 elected members plus 15 chiefs. |
| For Ashanti: | A Council of 19 elected members plus 10 chiefs. |
| For the Northern Territories: | A Council of 10 elected members plus 17 members of the existing Territorial Council. |
| For Transvolta-Southern Togoland: | A Council of 16 elected members plus 8 chiefs. |

(b) The Councils should include no representatives of special interests, nor, except in the case of the Northern Territories, where there should be an official President, should there be any ex-officio members.

Method of Election

326. As to the method of election to the Regional Councils, we consider that the system should follow that recommended in respect of elections to the Central Legislature, that is:—

(a) with regard to chiefs, election in a manner to be determined by existing Territorial Councils in the case of Ashanti and the Northern Territories, and by states in the case of the Colony and the Transvolta.

(b) With regard to non-chiefs, direct election in certain municipalities and indirect election elsewhere.

Similarly, the qualifications for standing for election to the Council and for voting in the elections should follow those recommended in respect of the Central Legislature.

Selection of President

327. With regard to the selection of the President of each Council, we are of the opinion that the procedure may well vary from Region to Region. In the Northern Territories, for example, we consider that, at any rate for the present, there should be an ex-officio president, who will provide the experience which will otherwise be lacking. This proposal appears to be in accordance with the expressed wishes of the people of the Territory. Under such a system, no Vice-President would appear necessary, and no recommendation for such an office is therefore made. Again, in Ashanti, it is suggested that the Asantehene should be invited to become the President of the Council. Here again, no Vice-President is necessary, since in the event of the Asantehene being absent, his place will be filled automatically according to the rules of customary procedure. We feel, however, that in this instance an additional officer, who might appropriately be designated the "Assistant to the President" should be elected by the members of the Council from among their number.

In the Colony and the Transvolta-Southern Togoland Region, we are of the opinion that both the President and the Vice-President should be elected by members of the Council from among their number.

Number of sessions to be held each year

328. In considering the number of sessions of Council which should be held in each year, we appreciate that until the volume of work can be accurately assessed, no hard and fast rules can be laid down. We are therefore content to state that each Council should hold a minimum of two sessions per annum, a budget session and one other, and that further sessions should be held if found necessary.

Life of the Council

329. As to the life of each Council, we think it undesirable, so far as is practicable, that elections should be held in the same year as elections to the Central Legislature. Hence we are of the opinion that the life of the Regional Councils should be one year less than that of the Lower House of the Central Legislature, the life of which, it is recommended in Part V, should be four years.

Location of Councils

330. We have also considered the centres at which the various Councils shall normally be located, which we suggest should be:—

For the Colony Regional Administration—Cape Coast.

For Ashanti Regional Administration—Kumasi.

For the Northern Territories Administration—Tamale.

For the Transvolta-Southern Togoland—Ho.

SECTION VI—THE EXECUTIVE OF THE REGIONAL ADMINISTRATIONS

Position of the Existing Chief Commissioners

331. In examining the nature of the Executive of the Regional Administrations, our attention was naturally directed to the position of the three existing Chief Commissioners. We recommend that these officers should remain and perform the following functions:—

(a) The duties of the Chief Executive Officers of the Central Government in their respective territories, in respect of those fields in which the Regional Administrations will play no part.

(b) Duties in connection with the Regional Administrations.

It is with this last-named aspect only that we are concerned in this Part of our Report.

332. Before touching further upon this subject, we think it advisable to record our views upon the Executive of the Regional Administration. As has been implied already, the full Council will probably meet at comparatively infrequent intervals.* At the same time, the day-to-day administration must proceed, policy for the approval of the Council must be formulated and policy already determined by the Council must be carried out. Thus the frequent attendance of a smaller number of members, meeting as circumstances may dictate, will be required.

333. We think that the best result can be obtained by the creation of an Executive Committee composed of five members, who should be elected by the Council from among its members. This Committee, in discharging the functions listed in the preceding paragraph, will co-ordinate the work of such Standing or *ad hoc* Committees on special subjects as the Council may think it desirable to appoint, which Standing Committees, in our opinion, may well include officials and/or others who are not members of Council. Officials and/or other individuals may similarly be called upon, as may be necessary, to tender advice to the Executive Committee.

334. In such an organisation, we propose that the Chief Commissioner should become the Head of the Regional Executive, that is to say, the Chairman of the Executive Committee, in which capacity he should exercise a casting vote only.

* Vide paragraph 328.

335. It would appear desirable, in order to prevent possible confusion, that in so far as his functions in connection with the Regional Administration are concerned, he should have some title other than that of Chief Commissioner. As to this title we have no strong views, either the term "Regional Commissioner" or "Regional Administrator" being apparently satisfactory. On balance, however, we have a slight preference for the latter designation, which will be used henceforward in this Report.

336. As Regional Administrator, we consider that he should possess certain powers in the event of a conflict between the members of the Executive Committee and even with the full Council. Given tact, common sense and mutual understanding we are satisfied that such conflicts will not normally arise. Nevertheless, principally in order to prevent the Council or the Executive Committee from acting *ultra vires* we think that the Regional Administrator should have the power to refer any difference of opinion among the members of the Committee to the full Council, and that he should similarly be enabled to refer any conflict of views between himself and the full Council to the Central Government for determination.

337. The Administrator, as we see the position, will thus be associated with the Executive Committee in the discharge of its functions. In addition, the Council and the Executive Committee will require subordinate staff to undertake the actual routine work involved. The exact composition of such subordinate staff, however, appears to us to be a matter of administrative detail.

338. In addition to the three existing Chief Commissioners, we have considered whether a fourth official, of similar status, is likely to be required in the Transvolta-Southern Togoland Region. Bearing in mind the size and population of that Region, we are of the opinion that an official of such rank is unnecessary, and that the functions performed elsewhere by Chief Commissioners might, in this Region, be carried out by an officer not below the rank of a Class I officer.

339. Finally, in our view, the Chief Commissioner or Regional Administrator should not, in the future, be appointed solely from the ranks of those Civil Servants who are looking to one further appointment as the final stage of their career. The choice should be from as wide a field as possible, on the analogy of the Indian system whereby Provincial Governors were selected from the ranks of public men. As this is a quasi-political appointment, the Regional Administrator being the representative of the Central Government in the Region, we recommend that all such appointments should, after recommendation by the Public Services Commission, be approved by the Governor-in-Council.

SECTION VII—SUMMARY OF RECOMMENDATIONS

340. As a result of our consideration of the various factors set out in this Part of our Report, we submit the following Recommendations:—

Designation of Regional Organisations (Report paragraph 288)

341. The title "Regional Administrations" shall be adopted.

Powers and Functions of Regional Administrations (Report paragraphs 289-298)

342.—(a) The Central Government shall, to the maximum degree possible, decentralise its powers, both administrative and executive, to the Regional Administrations. This principle shall be clearly stated in the new Constitution.

(b) The Central Government shall not delegate to the Regional Administrations:—

(1) Reserved subjects.

(2) Matters which affect more than one Region.

(3) Matters which, for the sake of expediency should not be decentralised, although susceptible of decentralisation.

(c) An analysis shall be made by Government in order to determine, outside these subjects, the various activities which can be decentralised to the Regional Administrations, and their relationship, in those fields, with the Central Government.

(d) Thereafter, that relationship should be defined in detail, by Ordinances, pending the introduction of which, as a temporary measure, an Enabling Ordinance should be passed to permit decentralisation to proceed at the direction of the Executive of the Central Government.

(e) Subject to the findings of the analysis and to the provisions of the legislation in question:

(i) the spheres in which powers should be delegated to the Regional Administrations should include Health, Education, Public Works and other Social Services ;

(ii) in spheres in which power is not delegated to the Regional Administrations, they should be empowered to submit such recommendations as they may deem appropriate to the Executive of the Central Government ;

(iii) the Regional Administrations should supervise the activities of the Local Authorities and should control their finances. They should have the power in extreme cases of imposing sanctions against the Local Authorities, either by withholding grants, and/or by recommending to the Central Government that the Council of the Local Authority shall be dissolved and shall be superseded, for such period of time as may appear desirable, by an " ad hoc " Management Committee ;

(iv) the Regional Administrations should exercise a general supervision of primary education, and should in particular concern themselves with all types of secondary education. They should not be concerned with post-secondary education ;

(v) the Regional Administrations should not themselves impose direct taxation or raise revenues by other means ;

(vi) Regional Administrations should not maintain separate Civil Services. The Civil Service should remain the service of the Central Government ;

(vii) during the transition period, separate Constabularies for each Region should not be established.

Number of Regional Administrations to be Established (Report paragraphs 299-306)

343.—(a) Four Regional Administrations shall be established.

(b) Of these, one, the Transvolta-Southern Togoland Region, shall be composed of the various states and/or Native Authorities lying to the East of the river Volta, whether at present forming part of the Colony proper or of the Southern Section of Togoland, excluding that part of Akwamu state lying to the East of the River, and also the Guan territories, but including the area of the Tongu Confederacy West of the River.

(c) The remaining Regional Administrations shall be established respectively in each of the three main Territorial divisions of the country, namely the Northern Territories, Ashanti, and the Gold Coast Colony. The Northern Territories, for this purpose, shall include the Northern Section of Togoland under United Kingdom Trusteeship, but shall not necessarily include Krachi. The Colony shall exclude that area which will be subtracted to join the Transvolta-Southern Togoland Region.

(d) The position of Krachi shall be determined in the light of the result of the plebiscite now being undertaken, the area being included, as may be appropriate, in either the Northern Territories or the Transvolta-Southern Togoland Regional Administration.

Regional Finance (Report paragraphs 307-315)

344.—(a) The revenues of the Regional Administrations shall comprise the following:—

(1) Subventions for work performed as the agents of the Central Government.

(2) Block grants from the Central Government.

(b) Recommendations for the allocation of revenues to the Regional Administrations shall be made by the General Finance Committee of the Central Government, with the advice, if necessary, of additional members co-opted from the Councils of the particular Regions concerned and shall be confirmed by the Central Legislature.

(c) Similarly, the General Finance Committee, in approving unforeseen or supplementary expenditure of such revenues by a Regional Administration, shall, in like manner, if necessary, obtain the advice of additional members from the Regional Councils concerned.

(d) The votes, although not the details of the Regional Estimates, may be reviewed by the General Select Committee of the Central Government.

Regional Councils (Report paragraphs 316-325)

345.—(a) Except in the case of the Northern Territories, the Regional Councils shall not be based upon the existing Territorial Councils.

(b) The Ashanti Confederacy Council, as at present constituted, shall be retained as a separate institution, separate and distinct from the Regional Council, and shall exercise the following functions:—

(i) Constitutional

(ii) Traditional, and

(iii) In so far as the above functions are concerned, Judicial.

(iv) The nomination of chiefs, *qua* chiefs, to serve on Councils, etc.

(c) The number of elected members in the Regional Councils shall, in general, be based upon the number of elected representatives returned by the Regions to the Central Legislature, using the same constituencies. Provided always that in the case of the Northern Territories the number of elected members in the Regional Council shall initially be one half the number of such elected representatives, this number being increased to the full number of 19 at the discretion of the Regional Council. And provided further that in the case of the Transvolta-Southern Togoland Region the number of elected members shall be equivalent to twice the number of such representatives.

(d) To these elected members there shall be added a number of chiefs, equivalent to one half the number of elected members, or as near as may be arithmetically possible. Provided always that in the Northern Territories, the elected members shall be added to the 17 members of the existing Territorial Council and with them shall form the Regional Council.

(e) There shall be no ex-officio members of the Regional Council, and no separate representation of special interests.

(f) That is to say, the Regional Councils shall be composed as follows:—

In the Colony, of 29 elected members plus 15 chiefs.

In Ashanti, of 19 elected members plus 10 chiefs.

In the Northern Territories, of 17 members of the existing Territorial Council, plus 10 elected members.

In Transvolta-Southern Togoland, of 16 elected members plus 8 chiefs.

(g) The way should be left open for the development of the Joint Provincial Council and the embryo Southern Togoland Provincial Council into institutions similar to the Ashanti Confederacy Council.

Method of Election to the Regional Councils (Report paragraph 326)

346.—(a) The method of election shall be similar to that recommended in respect of elections to the Central Legislature.

(b) The qualifications for standing for election to the Council and for voting in the elections shall be similar to the requirements in respect of elections to the Central Legislature.

Selection of President and Vice-President (Report paragraph 327)

347.—(a) In Ashanti the Asantehene shall be invited to become President. No Vice-President shall be appointed, but, instead, an "Assistant to the President" shall be elected by the members of the Council from among their number.

(b) In the Northern Territories the President shall for the present be the Regional Administrator. No Vice-President shall be appointed.

(c) In the Colony and the Transvolta-Southern Togoland Regions a President and a Vice-President shall be elected by each Council from among the members of the Council.

Number of Sessions to be Held each Year (Report paragraph 328)

348. Each Council shall hold a minimum of two Sessions each year, a Budget Session and one other. Further Sessions shall be held if found necessary.

Life of The Regional Council (Report paragraph 329)

349. The life of each Regional Council shall be three years.

Headquarters of the Regional Administrations (Report paragraph 330)

350. The following shall be the Headquarters of the various Regional Administrations, and shall be the normal places for the meetings of Council:—

Colony Regional Administration—Cape Coast.

Ashanti Regional Administration—Kumasi.

Northern Territories Administration—Tamale.

Transvolta-Southern Togoland—Ho.

The Executive of The Regional Administrations (Report paragraphs 331-338)

351.—(a) Each Regional Administration shall have an Executive Committee, which shall be responsible for routine administration, for the formulation of policy for consideration by the Council and for the carrying out of policy already determined by the Council.

(b) This Committee shall be composed of five members, who shall be elected by the Council from among its members. Except in the case of the Transvolta-Southern Togoland Region the Chief Commissioner, who shall be designated the Regional Administrator, shall be the Head of the Regional Executive and shall act as the Chairman of the Executive Committee. In this latter capacity he shall have a casting vote only.

(c) In the Transvolta-Southern Togoland Regional Administration the functions performed elsewhere by Chief Commissioners may be carried out by an officer of lower rank.

(d) The Executive Committee shall co-ordinate the work of such other Committees, on special subjects, as the Council may think it desirable to

appoint. These Committees may include officials and others who are not members of Council. Similarly officials and other individuals may be called upon, as may be necessary, to tender advice to the Executive Committee.

(e) In the event of a conflict of opinion between the members of the Executive Committee and the Regional Administrator, the matter may be referred to Council for a decision. In the event of a conflict of opinion between Council and the Regional Administrator the matter may similarly be referred to the Central Government for determination.

Regional Administration Staff (Report paragraph 337)

352. Subordinate staff shall be provided for the Regional Council and Executive.

PART V—THE LEGISLATURE

SECTION I—GENERAL CONSIDERATIONS

353. After long and anxious deliberation, the Committee, by a majority of 20 votes to 19, has voted in favour of a bicameral Legislature.

(i) Some of the reasons in support were:—

(a) A Second Chamber would serve as a check on hasty legislation and would enable emotional issues to be considered in a calmer atmosphere.

(b) It would enable paramount chiefs and other persons of eminence who would not be disposed to stand for ordinary election, to make a valuable contribution to the government of the country in a place befitting their rank, dignity and position.

(c) It would ensure permanence in, and respect for, the traditions of the country by establishing a House of Elders.

(d) It would provide for equal representation of the Regions, and would permit the representation of interests which would otherwise have no voice in the Legislature.

(e) It would maintain the sovereign authority of the various states.

(ii) The arguments against the proposal stressed:

(a) the probability of friction between paramount chiefs and people if the former were confined to a Second Chamber;

(b) the added expenditure in setting up an additional Council for chiefs and Elder Statesmen, involving as it would the journey to and stay at Accra of a greater number of Chiefs, with their attendants, for long Sessions;

(c) the consequent stagnation in the immediate affairs of more states than under a unicameral system which would be affected by the absence of their chiefs;

(d) the effect on the number and quality of members available for a first chamber, a point which may be particularly applicable to the Northern Territories;

(e) that the interaction of thought between elected members and "Elders" in a unicameral Chamber would not only be beneficial but would be in consonance with the accepted traditions of the country;

(f) that once a Second Chamber is established it would be extremely difficult to disestablish it should it later be found unnecessary. The status of the chiefs might be destroyed in the process.

354. Although, therefore, recommendations are made on the basis of a bicameral legislature, alternative recommendations are set out for consideration if a Single Chamber legislature is ultimately approved.

355. The composition of the Second Chamber would be: nine members elected by each of the four regions in a manner to be determined by the existing Territorial Councils in the case of the Northern Territories and Ashanti and by states in the case of the Colony and Transvolta. And in addition, one member of each would be elected for their special interests by the Chamber of Commerce and the Chamber of Mines.

356. The Second Chamber would not be subject to dissolution, but at regular intervals of three years would renew itself by the retirement and election of one-third of the members representing each Region.

First House

357. It is suggested that the First Chamber should be called the House of Assembly.

358. Its composition is set out in paragraph 373. The Northern Territories should be given their full number of seats but, if necessary, they would be filled progressively as and when candidates become available.

359. The method of election of members has had very full consideration. A Commission will be necessary to define constituencies outside the existing municipalities.

360. In the existing municipalities, elections would be direct in a single stage by ballot. In the other constituencies, comprising urban and rural districts, there would be a primary election by universal adult suffrage, by a method appropriate to each constituency, of delegates to an electoral college of the constituency. Those delegates would, at a secondary election, elect by ballot a nominated candidate for membership of the House of Assembly. The electoral colleges would remain in being for bye-elections. It is suggested that the electoral college for a constituency should consist of not less than 200 delegates to ensure a fair election on the broadest practicable basis.

361. Males and Females of the age of 25 years and over should have the vote. A voter should previously have registered, and, in addition, should either have paid or contributed to the payment of rates or have paid levy or annual tax.

362. We wish to add one further point in connection with the membership of the House of Assembly. We consider, as an interim arrangement designed to assist in providing adequate numbers of suitable candidates, that local government employees should not be debarred from seeking election, always providing that they have the permission of the Local Authority so to do.

363. The other recommendations do not require special comment.

SECTION II—RECOMMENDATIONS

General

364. The Legislative and Executive Councils, as at present constituted, shall cease to exist.

Composition of Second Chamber

365. There shall be a Second Chamber, which shall be called the Senate, consisting of thirty-eight members, who shall be called Senators. Of these Senators, nine shall be elected by each of the four Regions, not less than one-third of this number being non-chiefs. Such members shall be elected in a manner to be determined by existing Territorial Councils in the case of the Northern Territories and Ashanti and by states in the case of the Colony and Trans-Volta. The two remaining Senators shall be elected, one by the Chamber of Commerce and the other by the Chamber of Mines.

Qualifications for Admission to the Senate

366.—(a) The minimum age of entry shall be thirty-five.

(b) The disqualifications for membership shall be as prescribed for the Lower House, and, further, in the case of a Chief, also if he ceases to be a Chief.

Tenure of Office of Senators

367. The normal term of office of a Senator shall be nine years, but one-third of the Senators returned by each Region shall retire every three years, and shall be eligible for re-election.

Provided always that the Senators elected by the Chamber of Mines and the Chamber of Commerce shall be excluded from the above procedure, their seats becoming vacant every three years.

Election of President of Senate

368. The Senate shall elect its own President. Provision shall be made for the Senate to select one Senator to perform the functions of the President during his absence.

Quorum of Senate

369. A simple majority of the Senate shall constitute a quorum.

Ministers from the Senate

370. Two Senators shall be appointed Ministers without portfolio.

Transaction of Business

371. Questions shall be decided by a majority of Senators present. Provided that neither the President, nor, in his absence, the presiding Senator, shall exercise any vote.

Legislature (Lower House of Bicameral System)

Designation of Lower House

372. The Lower House shall be called the House of Assembly.

Size of House of Assembly

373. The House of Assembly shall consist of not more than 78 members: 29 from the Colony, 19 from Ashanti, 19 from the Northern Territories, 8 from the new Transvolta-Southern Togoland Region, and not more than 3 ex-officio members.

Election of Members

374. Members shall be elected, in municipalities by direct election and elsewhere by indirect election in two stages. Each candidate should lodge a deposit of £50 which should be forfeited if he fails to obtain votes equivalent to one-sixth of the total number of votes polled, either in the direct or the indirect election as may be applicable.

375. There shall be a six-months residential qualification for delegates to the electoral colleges in the indirect elections.

Delimitation of Constituencies

376. A Delimitation Commission shall be appointed by the Governor to divide the country into suitable constituencies. This Commission should comprise a Chairman and two members.

Qualifications for Membership

377. The minimum age limit shall be twenty-five. Additionally the candidate must be qualified to be registered as a voter. There shall be no residential qualification.

Disqualifications

378. No person shall be capable of being elected a member of the House of Assembly, or having been elected, shall sit or vote in the Assembly, who at the time of election

(1) is, by virtue of his own act, under any acknowledgment of allegiance, obedience, or adherence to a foreign power; or

(2) is the holder of any office of emolument under the Crown in the Gold Coast; or

(3) is an undischarged bankrupt; or

(4) has, in any part of His Majesty's Dominions or in any territory under His Majesty's protection, been sentenced to death or penal servitude or to imprisonment for a term exceeding twelve months or has been convicted for any offence involving dishonesty: Provided that if five years or

more have elapsed since the termination of the imprisonment or the grant of free pardon the person convicted shall not be incapable by reason only of such conviction of being elected a member of the Assembly or of sitting or voting in the Assembly ; or

(5) is a lunatic so found under any law for the time being in force in the Gold Coast ; or

(6) is disqualified for election under any law for the time being in force in the Gold Coast relating to offences connected with the election of members ; or

(7) is a party to any subsisting contract with the Government of the Gold Coast, in relation to the public service and has not published within one month before the day of the election, in the Gazette or in some newspaper circulating in the area for which he is a candidate, a notice setting out the nature of such contract and his interest therein.

Vacation of Seats

379.—(1) The seat of an elected member of the House of Assembly shall become vacant :

(a) upon his death ; or

(b) if he shall, without the leave of the Speaker previously obtained, be absent from the meetings of the House for a continuous period of one month throughout which the House is in Session ; or

(c) if he shall cease to be a British subject ; or shall take any oath, or make any declaration or acknowledgment, of allegiance, obedience or adherence to any foreign power or state ; or shall do, concur in, or adopt any act done with the intention that he shall become a subject or citizen of any foreign Power or state ; or

(d) if he shall be adjudicated a bankrupt ; or

(e) if in any part of His Majesty's Dominions or in any territory under His Majesty's protection, he shall be sentenced to death or penal servitude or to imprisonment for a term exceeding twelve months ; or shall be convicted for any offence involving dishonesty ; or

(f) if, without the prior consent of the House he shall become a party to any contract with the Government of the Gold Coast for or on account of the public service ; or

(g) if he shall become disqualified for membership of the House under any law for the time being in force in the Gold Coast relating to offences connected with the election of members ; or

(h) if he shall be found or declared insane under any law in force in the Gold Coast ; or

(i) if he shall by writing under his hand addressed to the Speaker resign his seat in the House ; or

(j) if he shall be appointed permanently to any office of emolument under the Crown in the Gold Coast ; or

(k) if he shall become a member of the Senate ; or

(l) if he shall cease to be qualified to be registered as a voter for the election of members of the House of Assembly for some constituency.

(2) If any member of the House of Assembly shall be appointed temporarily to any office of emolument under the Crown in the Gold Coast, he shall not sit or vote in the House so long as he continues to hold or to act in that office.

(3) Whenever the seat of a member of the House becomes vacant, the vacancy shall forthwith be reported to the Governor in writing by the Speaker of the House.

Position of Local Authority employees with regard to Membership of the House

380. Local Government employees, assuming that they possess the necessary qualifications, shall be eligible to stand for election to the House of Assembly, provided that the prior approval of the Local Authority has been obtained.

Life of the House of Assembly

381. The life of the House shall be four years.

Election of the Leader of the House of Assembly

382. The Leader of the House of Assembly shall be the person elected as such by the Assembly and appointed by the Governor.

Election of Speaker

383. A speaker shall be elected by the House at its first meeting, either from among its own members or from outside. The Speaker shall have neither an original nor a casting vote. A Deputy Speaker, or Chairman of Committees, shall also be elected from among the members; when acting for the Speaker this person shall retain his original vote but shall have no casting vote.

Quorum of the House

384. A Quorum shall be not less than 25 members.

Sessions

385.—(i) The Sessions of the Senate and the House of Assembly shall be held at such times and places as the Governor shall from time to time by proclamation appoint. There shall be a Session of each Chamber once at least in every year, so that a period of twelve months shall not intervene between the last sitting in one Session and the first sitting in the next Session of either Chamber.

(ii) The Governor may at any time, by Proclamation, prorogue the Chambers, or dissolve the House of Assembly.

(iii) The Governor shall dissolve the Assembly at the expiration of four years from the date of the return of the first writ at the last preceding general election, if it shall not have been sooner dissolved.

Dissolution of the House of Assembly

386. A general election of members of the House of Assembly shall be held within three months after every dissolution of the House of Assembly.

Qualification for Voting in Elections

387.—(a) *Qualifications*: The minimum age limit for a voter shall be 25 years. In addition, the voter shall have registered as a voter, and shall either have paid or contributed to the payment of rates or have paid levy or annual tax.

(b) *Disqualifications*: No person shall be registered as a voter, or being registered shall be entitled to vote for the election of a member of the Assembly who

(i) has been convicted of treason, or has within the previous five years been convicted of felony or any offence involving dishonesty; or

(ii) is a lunatic so found under any law for the time being in force in the Gold Coast.

Legislation and the procedure for Legislation

Power to make Laws

388. Laws shall be made by the Governor, with the advice and consent of the Senate and the House of Assembly.

Power to initiate Bills in the Legislature

389.—(i) Subject to the provisions of the Standing Orders of the Senate and of the Assembly, any Senator or Member may propose any question for debate in in the Senate or the House of Assembly, as the case may be, and such question, if seconded by any other Senator or Member, as the case may be, shall be debated and disposed of according to the Standing Orders:—

Provided that

(a) no Bill shall be introduced and no motion, resolution or vote shall be proposed, without the approval of the Executive Council if the Speaker shall have certified in writing that it is a money measure ;

(b) a Bill so certified shall be first introduced in the House of Assembly ; and

(c) no Bill intended to implement the policy of Government shall be introduced without the approval of the Executive Council.

(ii) If the Executive Council so resolve, the Governor—

(a) may send by message to the Speaker the draft of any Bill, motion, resolution or vote which it appears to the Governor should be introduced or moved in the House of Assembly ; and

(b) may in the same or a later message require that the Bill, motion, resolution or vote shall be introduced or moved not later than a date specified in such message ;

and if such requirement is not complied with, the Bill, motion, resolution or vote shall be deemed for all purposes to have been introduced in the House on the date so specified.

(iii) For the purposes of this procedure, a Bill, motion, resolution or vote shall be regarded as a money measure if the Speaker of the House of Assembly, after consultation with the Legal Secretary, is of opinion that it contains only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration or regulation of taxation ; the imposition for the payment of debt or other financial purposes of charges on public money or the variation or repeal of any such charges ; supply ; the appropriation, receipt, custody, issue or audit or accounts of public money ; the raising or guarantee of any loan or the repayment thereof ; or subordinate matters incidental to those subjects or any of them. In this subsection the expressions “taxation”, “public money”, and “loan”, respectively, do not include any taxation, money or loan raised by local authorities or bodies for public purposes.

Power to Originate Bills in the Senate

390. There shall be power to originate Bills, other than Finance measures, in the Senate.

Conflict between the Senate and the Assembly

391.—(i) If any Bill is passed by the House of Assembly in two successive Sessions and having been passed to the Senate at least one month before the end of the Session, is rejected by the Senate in each of those Sessions, that Bill shall, on its rejection for the second time by the Senate, unless the House of Assembly otherwise resolve, be presented to the Governor for his assent and, if the Governor shall assent thereto, or if he shall reserve the Bill for His Majesty's pleasure and His Majesty shall assent thereto, the Bill shall thereupon become law notwithstanding that the Senate have not consented to the Bill.

Provided that this provision shall not have effect unless one year has elapsed between the date of the second reading in the first of those Sessions of the Bill in the House and the date on which it passes the House in the Second of those Sessions.

And provided also that the Senate shall have no power to reject or amend or delay beyond one month a money Bill.

(ii) If any Bill is passed by the Senate and rejected by the Assembly it shall be deemed lost.

Decision of questions in the Legislature

392. Save as otherwise provided, all questions in the Senate or in the House of Assembly shall be determined by a majority of the votes of members present.

Assent to Bills

393. When a Bill is presented to the Governor for His Majesty's Assent, he shall declare, according to his discretion, that he assents in His Majesty's name, or that he withholds assent, or that he reserves the Bill for the signification of His Majesty's pleasure.

Disallowance of Bills by Secretary of State

394.—(i) Any law to which the Governor shall have given his assent may be disallowed by His Majesty through a Secretary of State.

(ii) Whenever any law has been disallowed by His Majesty, the Governor shall cause notice of such disallowance to be published in the *Gazette*.

(iii) Without prejudice to anything lawfully done thereunder, every law so disallowed shall cease to have effect as soon as notice of such disallowance shall be published as aforesaid, and thereafter any enactments repealed or amended by such law shall have effect as if such law had not been made.

Remuneration of Senators and Members

395. The remuneration of Senators and the members of the House of Assembly shall be fixed by Ordinance.

Oath of Allegiance

396. The present Oath of Allegiance as set out in Cap. 206 shall be retained for Senators and for Members of the Assembly.

SECTION III—ALTERNATIVE PROVISIONS RELATING TO A UNICAMERAL SYSTEM

Proportion of Chiefs in a Unicameral Legislature

397. One-third of the seats or as near as may be arithmetically possible shall be filled by members (who may be either chiefs or non-chiefs) to be elected in a manner to be determined by existing Territorial Councils in the case of the Northern Territories and Ashanti and by states in the case of the Colony and the Transvolta.

Number of Ex-Officio Members

398. There shall be not more than three ex-officio members.

Number of Members representing special interests

399. There shall be two members one of whom shall represent the Chamber of Mines and the other the Chamber of Commerce.

Selection of Ministers without Portfolio

400. Two Ministers without portfolio shall be appointed, from the House at large, by the same procedure as has been recommended in respect of the other Ministers.

PART VI—THE EXECUTIVE

SECTION I—GENERAL CONSIDERATIONS

401. The most important change suggested in the existing Constitution is the abolition of the present Executive Council which places upon the Governor the responsibility of Government, and the establishment of an Executive Council as the chief instrument of policy with responsibility to the proposed House of Assembly.

402. The Executive Council will consist of:—

(a) The Governor as Chairman.

(b) The Leader of the House of Assembly (the elected Leader of the Executive).

(c) Not less than five Ministers who will be appointed by the Governor from the House of Assembly in consultation with the Leader.

(d) Not more than three ex-officio members chosen from among the Chief Secretary, Financial Secretary, and Legal Secretary. It is assumed that the titles Chief Secretary and Legal Secretary will be used in lieu of Colonial Secretary and Attorney-General.

(e) Two Ministers without portfolio appointed from the Senate by the Governor in consultation with the Leader of the House of Assembly.

403. In the transition stage of the Constitution, at least until parties emerge in the House of Assembly sufficiently to enable the Governor to ask the member who commands the largest following to assume office as Leader, the Leader of the House, who will become the Elected Leader of the Executive Council, will be elected by a majority of the members of the House of Assembly present.

404. It is unusual to define the size of a Cabinet in a Constitutional instrument as circumstances may necessitate an increase in numbers.

405. The recommendation is that there should be not less than five Ministers apart from the Leader of the House of Assembly. They would be appointed by the Governor in consultation with the Leader.

406. To solve as far as is practicable the recognised difficulty of associating in an Executive Council, ex-officio members deriving authority from the Secretary of State with elected members deriving authority from the Legislature, it is proposed that members of the Assembly be appointed as Under-Secretaries for the Chief Secretary, Legal Secretary, and Financial Secretary.

407. It is recommended that the position of these official members be reviewed as early as possible, if advisable, before the Constitution itself is reviewed, because, in the event of a divergence of view, there is no easy way, where conciliation and compromise break down, of securing the unity of action desired.

408. Experience in Canada, and more recently in Malta, has shown that acute conflict was the inevitable result where irremovable executive councillors were set up with a popular assembly. Accordingly it is proposed that an ex-officio member may for good cause be removed from the Executive Council upon a memorial signed by not less than two-thirds of all the members of both the Senate and the House of Assembly.

409. The provision for the appointment of two Ministers without portfolio may enable members of the Second Chamber to take part as members of the Executive Council in the Government.

410. Following constitutional practice in the United Kingdom, the members of the Executive Council will be, collectively responsible to the Assembly for the policy of the Council and the elected members will be liable to vacate office if the Leader suffers a vote of no confidence.

SECTION II—RECOMMENDATIONS

411.—(i) There shall be an Executive Council composed of Ministers with the Governor as its Chairman. The Executive Council shall be the principal instrument of policy and shall be responsible to the House of Assembly.

(ii) The Executive Council shall consist of:—

(a) The Governor, as Chairman.

(b) The Leader of the House of Assembly (elected Leader of the Executive).

(c) Not more than three official members chosen from among the Chief Secretary, Financial Secretary and the Legal Secretary.

(d) Not less than five persons who are members of the House of Assembly to be styled Ministers.

(e) Two persons from the Senate to be styled Ministers without portfolio.

(iii) The Governor, in consultation with the Leader of the Assembly, shall appoint the other Ministers and shall allocate portfolios. These portfolios might be as follows:—

Internal Affairs and Justice.

Health.

Education.

Agriculture, Fisheries, Animal Health and Forestry.

Public Works, Communications and Transport.

Commerce, Industry, Labour and Mines.

(iv) The Governor, in consultation with the Leader of the Assembly, shall appoint two Ministers without portfolio from among the members of the Senate.

(v) The portfolio of Defence and External Relations shall be held by the Chief Secretary.

Responsibility of Executive Council

412. The members of the Executive Council, including the *ex-officio* members, shall be collectively responsible to the Assembly for the policy, decisions and acts of the Council.

Tenure of office of Executive Councillors

413.—(i) The seat of a member of the Executive Council shall become vacant—

(a) if he shall cease to be a member of the Senate or of the House of Assembly, as the case may be;

(b) if he shall resign his seat;

(c) if the Executive Council resigns collectively on a vote of no confidence;

(d) if the Legislature is dissolved.

(ii) Upon a vote of no confidence in the Leader of the House, in favour of which there are cast the votes of not less than two-thirds of all the members of the House, the Executive Council shall resign.

Removal of official members by prayer

414. The Governor may remove an *ex-officio* member from the Executive Council upon prayer, for good cause, signed by not less than two-thirds of all the members of the Senate and House of Assembly.

Summoning of Council

415. The Governor shall summon the Council either on his own motion, or at the request of the Leader or at the request of two-thirds of the Council.

Procedure in Council

416. The Governor shall be the Chairman of the Executive Council, but he may appoint a member to preside in his absence, and, in default of such appointment, the senior official member present shall preside. All questions proposed for decision in the Council shall be determined by the majority of the votes of members present. The Governor shall not have an original vote but shall have a casting vote. In the absence of the Governor, the member presiding shall be entitled to exercise his original vote as a member and shall also have a casting vote.

Ministerial Under-Secretaries

417. Ministerial Under-Secretaries shall be appointed from the Assembly for the Chief Secretary, Legal Secretary and the Financial Secretary. As soon as possible the position of the official members shall be reviewed. In addition, such other Under-Secretaries may be appointed as the Leader of the Assembly may advise.

Permanent Under-Secretaries

418. The Governor shall appoint a Permanent Under-Secretary for each of the Ministries.

Remuneration of Ministers and Ministerial Under-Secretaries

419. Ministers, Ministers without portfolio and Ministerial Under-Secretaries shall be full time and salaried. Their remuneration shall be fixed by Ordinance.

PART VII—GOVERNOR'S RESERVE POWERS

420. In Chapter V, Section vi (2) (page 29) of the Watson Report the Watson Commission makes the following recommendation:—

“The Governor should continue to exercise all the powers reserved by the Constitution including the power of Certification and Veto.”

421. We find ourselves unable to accept this proposal in its entirety, and we therefore make the following recommendations:

(i) *Power of Certification*

We recommend that the Governor shall have the power of Certification, but that

(a) this power shall be exercised only on the advice and with the prior approval of the Executive Council; or

(b) where the Executive Council refuses such approval, the Governor shall exercise the power only with the prior approval of the Secretary of State, except where urgency makes it impracticable for him to obtain such prior approval, in which case, he must immediately report the exercise of the power to the Secretary of State.

(c) The appointment of public officers (referred to in Section 38 (i) of the Gold Coast Colony and Ashanti (Legislative Council) Order-in-Council of 19th February, 1946), should be excluded from matters over which the Governor may exercise this power.

422. In recommending the exercise by the Governor of this power in cases of “urgency” we are fully aware of all the familiar, but none the less cogent, criticisms against the concentration of such a formidable power in the hands of one person, especially under a Constitution in which the Executive Council is to be responsible to an Elected Assembly. But we are guided by the Secretary of State's observations contained in the first sub-paragraph of paragraph 8 of his despatch on the Jamaica Constitution addressed to the Governor of Jamaica dated 10th February, 1943. In that despatch the Secretary of State writes as follows:

“I will deal finally with the question of the Governor's special powers. The memorandum referred to above deprecates any power of certification, by which I assume is meant authority vested in the Governor to give the force of law to a bill, resolution, motion, or vote which he considers necessary in the interests of good government, but which is rejected by the Legislature or passed by them with amendments of which he is unable to approve. I appreciate the strength of the opposition in principle to the vesting of such powers in the hands of the Governor, however rarely the occasion for their use may arise. None the less, I feel that at this stage some reserve power must be provided to meet the rare and unpredictable occasions when the public interest demands action which the Legislature may be unwilling to take. I propose, therefore, that this reserve power should be exercised by the Governor in accordance with the advice of the Executive Committee; that its exercise should be considered only on the written request of the Governor; that any decision to exercise it should be reported immediately to the Secretary of State; and that, except in cases of urgency, it should not be exercised without the Secretary of State's prior approval.”

423. We are further guided by the Secretary of State's despatch on the Trinidad and Tobago Constitutional proposals addressed to the Governor of Trinidad and Tobago dated 7th January, 1949. In paragraph 18 of that despatch, the Secretary of State writes as follows:—

“There is one further proposal of the majority report which requires modification. I refer to paragraph 24 of the report, which recommends

that the proviso to Clause 47 (2) (a) and (b) of the Jamaica (Constitution) Order in Council, 1944, should be applied in Trinidad and Tobago. The proposal of the present Legislative Council, with which I fully agree, that the elected members of Executive Council should be in a majority of one, creates a situation quite different from that envisaged in the Jamaica Order in Council; and the above-mentioned proviso would not be appropriate. It will be necessary to provide in Trinidad and Tobago that should the Executive Council in any instance refuse to authorise the Governor by resolution to use his reserve powers, he may nevertheless do so if (except where urgency makes this impracticable) the Secretary of State's consent is first obtained."

424. We hold the view that the suggestion contained in paragraph 18 of the Trinidad and Tobago despatch is more suitable to our needs in the immediate future than the suggestion contained in the Jamaica despatch above quoted. And the above recommendation has accordingly been made by us in the light of that view.

(ii) *Power of Veto*

425. We recommend that the Governor shall have the power to assent to, or to refuse to assent to, Bills, or to reserve Bills for the signification of His Majesty's pleasure. Here, again, we are guided by the observations contained in the second sub-paragraph of paragraph 8 of the Jamaica despatch already referred to, in which the Secretary of State states:—

"The memorandum also suggests that the power of veto, that is to say the power to refuse assent to a Bill, ought not to be in the hands of the Governor, or, if in his hands, should be subject to restriction prescribed in the Constitution. I feel that in this matter there may be some misunderstanding. Under every Colonial constitution, without exception, when a Bill is presented to the Governor for his assent on behalf of His Majesty, the Governor has a discretion to assent, to withhold his assent, or to reserve the Bill for His Majesty's pleasure. Any fetter expressly imposed by Constitutional instrument upon this discretion would be without precedent in the Colonies. Indeed, the legal position is the same in the self-governing Dominions, though in their case the practice is, of course, dependent upon principles of Constitutional usage. I should see no objection to an understanding that, on the rare occasions upon which the Governor is not prepared to assent to a Bill, he should in practice either reserve it for His Majesty's pleasure or, before refusing assent, consult the Executive Committee and, if they do not agree, the Secretary of State. I could not, however, agree to such a departure in Jamaica from established and universal constitutional law as would be involved in subjecting this power, exercisable by the Governor on behalf of His Majesty to statutory restrictions."

426. In accepting what, in the words of the Secretary of State, is an "established and universal constitutional law," we do so only in the hope that constitutional development in the Gold Coast will proceed on the basis of the establishment of that understanding between the Governor and the Executive Council envisaged by the Secretary of State in the passage quoted above. It is hoped that there will be at all times associated deliberation between the Governor and the Ministers and that in the resulting appreciation of each others' views the necessity for the exercise of this power would seldom arise.

(iii) *Royal Instructions*

427. We recommend that, should any future Royal Instructions to the Governor contain a provision regarding Bills which are not to be assented

to by the Governor without Instructions, such a provision shall be a modification of Section 16 of the Royal Instructions (Gold Coast) of 7th March, 1946. The aforesaid Section 16 shall, in that event, be modified in the following manner, that is to say, Sub-Sections 4, 9 and the Proviso shall be deleted.

428. We had intended to recommend the deletion from future Royal Instructions of any such provision as is contained in Section 21 (1) of the Royal Instructions (Gold Coast) dated 7th March, 1946. We had interpreted that provision to refer to such lands as are acquired under the Public Lands Ordinance, which are loosely called Crown Lands. Our attention has, however, been called to another interpretation of that provision, namely, that the section refers only to such properties as forts, castles and the like. If this latter interpretation is correct and if such properties as forts and castles are the only Crown Lands, then there appears to be no point in carrying our original intention into effect.

(iv) *Letters Patent*

429. Under this head, we recommend the retention in future Letters Patent, subject as hereinafter provided, of Sections 10, 11, 12 and 13 of the Letters Patent (Gold Coast) of 7th March, 1946 ; provided that, in the exercise of his powers under Section 12 of the Letters Patent aforesaid, it shall be provided that the Governor shall be guided by the advice of the Leader of the Assembly or the Minister for Internal Affairs and Justice ; and provided further than the appointment of Judges shall not be the responsibility of the Public Services Commission.

PART VIII—MISCELLANEOUS MATTERS

SECTION I—PUBLIC SERVICES

430. We are of the opinion that a Public Services Commission should be established, on a statutory basis, to advise the Governor upon matters relating to the Civil Service. The Public Services Commission should deal with appointments, promotions and conditions of Service. This Commission should also advise upon the selection of the Permanent Under-Secretaries whose appointments we envisage. It should not, however, deal with the appointment of Judges of the Supreme Court, a matter which should be left to the Governor in his discretion.

431. The composition and powers of the Public Services Commission should be on the lines of the Soulbury Report for Ceylon.*

432. In this connection, we note that a Select Committee of the Legislative Council has been appointed to investigate the problem of Africanisation of the Civil Service. We have been impressed by the strong feeling of urgency on this question throughout the country.

433. We hope, therefore, that the Select Committee's work will result in a more vigorous policy for the training and appointment of Africans to all classes of the Civil Service, administrative, technical and professional; and that the Public Services Commission will be guided by the need to give preference to local candidates in all appointments where they possess the requisite qualifications.

SECTION II—REVIEW OF THE CONSTITUTION

434. We wish to recommend that the Constitution be reviewed at the end of five years after the new Constitution comes into force.

SECTION III—PRIVY COUNCIL

435. A Privy Council appears to be unnecessary. If the Governor, or the King-in-Council, should consider, at any future time, that it is necessary, it may be created.

SECTION IV—THE NORTHERN TERRITORIES

436. There remains one other question for consideration, namely, the position of the Northern Territories in relation to Ashanti and the "Colony." Not possessing cocoa or timber nor as far as is known at present, a variety of minerals, the Northern Territories show little signs of the vigorous economic activity characteristic of the more fortunate southern regions. Materially the people are poorer than those of the rest of the country and the general standard of education is lower than in the South. Yet they are industrious and of great potential ability, and within the limits of their poor resources have shown a remarkable sense of civic responsibility unsurpassed anywhere in the country. The Northern Territories and the South will gain much of mutual benefit by closer association. Every effort must be made to foster this association, and, more than that, a forward and determined policy of economic, social and educational development should be undertaken by the Central Government in order to raise the standard of these people up to the average of the rest of the country. Anything less than that will give rise to suspicion and dissatisfaction.

437. We urge that increasing opportunities should be given to boys and girls from the Northern Territories to enter the Secondary Schools in the Colony and Ashanti until such schools can be established in their territory. This will, among other things, help in providing much-needed trained personnel for their own administration.

* Command 6677.

PART IX—ACKNOWLEDGMENTS

438. We cannot conclude this Report without an expression of our deep gratitude to the various individuals who, in their several spheres, contributed to the progress of our task and to the preparation of our Report.

439. Our work was based upon the efficient office organisation provided by our Senior Clerk, Mr. C. W. Y. Asamoah, ably supported by the other members of his team, upon all of whom fell a heavy burden which, at all times, they undertook with the greatest willingness.

440. We are indebted to the officers of various Government Departments for much statistical and other data supplied to us, the preparation of which must have involved great labour and have imposed much additional work upon all those concerned.

441. The mere acknowledgment, which was the only reply we were able to send to many who submitted memoranda for consideration, was no measure of our appreciation of the value of such contributions, and we desire to take this opportunity of expressing our gratitude to all those who thus assisted us.

442. Finally, we desire to express, in more than formal manner, our gratitude to our Secretaries, Mr. A. L. Adu and Mr. W. V. Dickinson, M.B.E. A heavy burden was placed upon their shoulders, and we gratefully recognise the able manner in which they have dealt with the mass of literature produced by the enquiry. They discharged, with great efficiency, the arrangements for the tours of the Sub-Committees throughout the country. Their knowledge of the Provinces, particularly of Ashanti, was invaluable to us, while throughout the preparation of this Report the Committee has been indebted to them for their industry, patience and ability, without which qualities in them, our work would not have been accomplished. We part from them with the memory and appreciation of their unflinching cheerfulness, courtesy and assistance during many long and trying sessions.

Signed at the King George V Memorial Hall, Accra,
this 17th day of August, 1949.

HIS HONOUR MR. JUSTICE J. H. COUSSEY (*Chairman*)

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| <p>REV. G. R. ACQUAAH.
HON. B. D. ADDAI.
MR. ASARE ADJABENG.
NANA ADJAYE BONBRA.
(ADANSIHENE.)
MR. E. AKUFO ADDO.
MR. J. P. ALLOTEY HAMMOND.
HON. NANA AMANFI III, C.B.E.
(OMANHENE OF ASEBU.)
HON. E. O. ASAFU-ADJAYE.
HON. REV. C. G. BAETA.
MR. K. A. BOSSMAN.
J. A. BRAIMAH. (KABACHEWURA.)
HON. DR. J. B. DANQUAH.
CANON C. H. ELLIOTT.
MR. W. G. ESSIEN.
MR. J. H. GAMBRAH.
NANA KWAME GYEBI ABABIO.
(ESSUMEJAHENE.)
MR. GEORGE A. GRANT.
J. A. KARBO. (LAWRA NA.)
MR. COBINA KESSIE.</p> | <p>HON. NENE AZU MATE KOLE.
(KONOR OF MANYA KROBO.)
MR. A. L. K. MENKA.
HON. G. E. MOORE.
HON. DR. F. V. NANKA-BRUCE, O.B.E.
HON. E. O. OBETSEBI LAMPTEY.
NANA OFORI ATTA II.
(OMANHENE OF AKIM ABUAKWA.)
HON. N. A. OLLENNU.
HON. E. C. QUIST, O.B.E.
MR. J. A. A. SALAAM.
MR. MAGNUS SAMPSON.
MR. W. E. G. SEKYE.
HON. C. W. TACHIE-MENSON, O.B.E.
YAKUBU TALI. (TALI NA.)
MR. W. W. TAYLOR.
HON. NANA SIR TSIBU DARKU IX,
KT., O.B.E. (OMANHENE OF ASSIN
ATTANDANSU.)
MR. S. WOOD.
MR. J. T. N. YANKAH, M.B.E.
MR. N. YENLI.</p> |
|---|---|

A. L. ADU.
W. V. DICKINSON, M.B.E. } *Joint Secretaries.*

NOTE.—Two members, Mr. M. Dowuona and the Hon. Dr. I. B. Asafu-Adjaye, M.B.E., were absent from the Gold Coast on the 17th August. Their approval of the Report was signified by cables received respectively on 20th August and 3rd October, 1949.

443. WE sign this Report subject to the rider that certain of the recommendations, especially those affecting the constitution of the Central Government, are not consistent with, and do not logically and sufficiently carry out, the unanimous resolution of the Committee that although the Governor is to remain Chairman of the Executive Council or Board of Ministers, the Executive Council should cease to be advisory to the Governor and become a Board of Ministers with collective responsibility to the Assembly and should initiate policy.

444. It is of the utmost importance to emphasize this resolution by reason of the fact that it constitutes a deliberate choice and acceptance by the Constitutional Committee of paragraph 122 V (4), page 29 of the Watson Commission's Report and an equally deliberate rejection of the "suggestion" by His Majesty's Government of the United Kingdom (page 9 of Colonial No. 232) that "during the formative period of the building up of the new system, it would be preferable to retain the formal arrangement in the Constitution under which it (the Executive Council) is advisory to the Governor."

445. The uniform voice of the "public in the Gold Coast itself" as expressed by a fully representative committee, i.e. this Constitutional Committee, set up locally by the Governor with the "agreement of the Legislative Council"*—having resolved and decided upon the extent to which the Watson Commission's views can be accepted by the people of the Gold Coast, we consider that we should have failed in our duty to the Chiefs and people of this country, and, in particular, to the Legislative Council, were we to weaken in the pursuit of that purpose and were to recommend that the manner in which that deliberate choice should be implemented must be less than is warranted by the reality of that choice.

446. Unfortunately that is precisely what the Report does in its recommendation that the Executive Council or Board of Ministers which is to be the chief instrument of policy collectively responsible to the Assembly shall include ex-officio ministers.

447. Since ex-officio ministers, by the very nature of their appointment, cannot be responsible to an Assembly elected by the people, the recommendation for their inclusion in the Executive Council is a patent anomaly.

448. This anomaly is recognised in the Report and well bewailed. In paragraph 406 the anomaly is described as "the recognised difficulty of associating in an Executive Council, ex-officio members deriving authority from the Secretary of State with elected members deriving authority from the Legislature." But the Committee retained the anomaly from a belief that that "recognised difficulty" would, "as far as practicable," be solved if members of the Assembly were appointed as Under-Secretaries for the three proposed ex-officio members of the Executive Council."

449. As, however, these Under-Secretaries would not be serving as such in the Executive Council but only in the Assembly, nor would such Under-Secretaries be answerable for the acts of their respective principal Secretaries in the Executive Council, the solution proffered can be seen to solve nothing.

450. The doctrine of "collective responsibility" imports unity of action in the initiation, in the decision, and in the execution. In the event of a divergence of view where responsibility is not collective there is not, as is rightly pointed out in paragraph 407 of the Report, any "easy way of securing the unity of action desired if conciliation and compromise break down." The experience of Canada, and more recently of Malta, was brought to the notice of the Committee and it was shown that where irremovable executive councillors, as here proposed, were set up with a popular assembly "acute conflict was the inevitable result."

* Colonial No. 232, p. 7.

451. It is our view that as the Gold Coast has had its share of "acute conflicts" that should be experience enough, and we are not in a position to advise that, with our eyes open, the Gold Coast should bargain for the creation of obvious conditions of government generating "acute conflicts" in the ranks of those charged with the security and government of the country.

452. It is our view, further, that no tangible and workable solution of the possibility of acute conflicts is available in the proposals put forward in paragraph 408 of the Report that "an ex-officio member may for good cause be removed from the Executive Council upon a memorial signed by not less than two-thirds of all the members of both the Senate and House of Assembly."

453. And the reason against this is plain enough. Responsibility "to the Assembly" is not the same as responsibility to "not less than two-thirds of all the members of both the Senate and House of Assembly." If therefore ex-officio members are only removable not, like other members of the Executive, when "the Leader suffers a vote of no confidence," but only when both the Senate and the Assembly by an absolute majority so determine, it must be obvious that the centrifugal force of the Assembly is unaccountably displaced by an extraneous element, namely, the imponderable and unpredictable combined factors of the Senate and the Assembly sitting together and engrossing their names upon a memorial addressed to the Governor.

454. His Majesty's Government in their Statement on the Watson Commission's Report declared that should the Watson proposals for a substantial measure of constitutional reform become acceptable to opinion in the Gold Coast His Majesty's Government for their part would regard them as broadly acceptable and would be prepared to arrange for their early implementation. But neither in His Majesty's Government's Statement nor in the Report of this Committee are any fundamental reasons assigned why the consequential implementation of the form of constitution accepted by local opinion should include ex-officio ministers in the Executive Council.

455. The Watson Commission would appear to have recommended the inclusion of ex-officio ministers in the Executive Council from a belief that in so doing the illiterate population would be protected from the fear that "power in the hands of a small literate minority" would tend to be used "to exploit the illiterate majority in accordance with the universal pattern of what has happened elsewhere in the past throughout the world."

456. To this there is this answer. If illiteracy, as such, as the predisposing cause for a people being exploited, then illiterates in the Gold Coast would not escape being exploited whether the literate people governing them be their own kith and kin, interested permanently in their welfare, or whether the literate people governing them be expatriate members of the old colonial system, chiefly men drawn from members of the European race. Quoting from the *Manchester Guardian*, at the 1948 African Conference, Mr. Creech Jones said, "Leadership is no longer the monopoly of men of European race." It is our view that, apart from ex-officio members in an Executive with collective responsibility to the Assembly being unworkable, three ex-officio members in a minority on the Executive Council could not save any illiterate population from being exploited. Responsibility to the Assembly, i.e. to the people, both literates and illiterates, is the surest guarantee of good government. The success of true democracy everywhere is an ample demonstration of that assurance.

457. The only argument worth mentioning that has been urged in justification of the Committee's recommendation is that based on precedent. It is argued that at some time or other in the history of the constitutional development of former colonies such a system did exist, and the Gold Coast must therefore conform to pattern. It is easily forgotten, however, that the supreme lesson

443. WE sign this Report subject to the rider that certain of the recommendations, especially those affecting the constitution of the Central Government, are not consistent with, and do not logically and sufficiently carry out, the unanimous resolution of the Committee that although the Governor is to remain Chairman of the Executive Council or Board of Ministers, the Executive Council should cease to be advisory to the Governor and become a Board of Ministers with collective responsibility to the Assembly and should initiate policy.

444. It is of the utmost importance to emphasize this resolution by reason of the fact that it constitutes a deliberate choice and acceptance by the Constitutional Committee of paragraph 122 V (4), page 29 of the Watson Commission's Report and an equally deliberate rejection of the "suggestion" by His Majesty's Government of the United Kingdom (page 9 of Colonial No. 232) that "during the formative period of the building up of the new system, it would be preferable to retain the formal arrangement in the Constitution under which it (the Executive Council) is advisory to the Governor."

445. The uniform voice of the "public in the Gold Coast itself" as expressed by a fully representative committee, i.e. this Constitutional Committee, set up locally by the Governor with the "agreement of the Legislative Council"*—having resolved and decided upon the extent to which the Watson Commission's views can be accepted by the people of the Gold Coast, we consider that we should have failed in our duty to the Chiefs and people of this country, and, in particular, to the Legislative Council, were we to weaken in the pursuit of that purpose and were to recommend that the manner in which that deliberate choice should be implemented must be less than is warranted by the reality of that choice.

446. Unfortunately that is precisely what the Report does in its recommendation that the Executive Council or Board of Ministers which is to be the chief instrument of policy collectively responsible to the Assembly shall include ex-officio ministers.

447. Since ex-officio ministers, by the very nature of their appointment, cannot be responsible to an Assembly elected by the people, the recommendation for their inclusion in the Executive Council is a patent anomaly.

448. This anomaly is recognised in the Report and well bewailed. In paragraph 406 the anomaly is described as "the recognised difficulty of associating in an Executive Council, ex-officio members deriving authority from the Secretary of State with elected members deriving authority from the Legislature." But the Committee retained the anomaly from a belief that that "recognised difficulty" would, "as far as practicable," be solved if members of the Assembly were appointed as Under-Secretaries for the three proposed ex-officio members of the Executive Council."

449. As, however, these Under-Secretaries would not be serving as such in the Executive Council but only in the Assembly, nor would such Under-Secretaries be answerable for the acts of their respective principal Secretaries in the Executive Council, the solution proffered can be seen to solve nothing.

450. The doctrine of "collective responsibility" imports unity of action in the initiation, in the decision, and in the execution. In the event of a divergence of view where responsibility is not collective there is not, as is rightly pointed out in paragraph 407 of the Report, any "easy way of securing the unity of action desired if conciliation and compromise break down." The experience of Canada, and more recently of Malta, was brought to the notice of the Committee and it was shown that where irremovable executive councillors, as here proposed, were set up with a popular assembly "acute conflict was the inevitable result."

* Colonial No. 232, p. 7.

451. It is our view that as the Gold Coast has had its share of "acute conflicts" that should be experience enough, and we are not in a position to advise that, with our eyes open, the Gold Coast should bargain for the creation of obvious conditions of government generating "acute conflicts" in the ranks of those charged with the security and government of the country.

452. It is our view, further, that no tangible and workable solution of the possibility of acute conflicts is available in the proposals put forward in paragraph 408 of the Report that "an ex-officio member may for good cause be removed from the Executive Council upon a memorial signed by not less than two-thirds of all the members of both the Senate and House of Assembly."

453. And the reason against this is plain enough. Responsibility "to the Assembly" is not the same as responsibility to "not less than two-thirds of all the members of both the Senate and House of Assembly." If therefore ex-officio members are only removable not, like other members of the Executive, when "the Leader suffers a vote of no confidence," but only when both the Senate and the Assembly by an absolute majority so determine, it must be obvious that the centrifugal force of the Assembly is unaccountably displaced by an extraneous element, namely, the imponderable and unpredictable combined factors of the Senate and the Assembly sitting together and engrossing their names upon a memorial addressed to the Governor.

454. His Majesty's Government in their Statement on the Watson Commission's Report declared that should the Watson proposals for a substantial measure of constitutional reform become acceptable to opinion in the Gold Coast His Majesty's Government for their part would regard them as broadly acceptable and would be prepared to arrange for their early implementation. But neither in His Majesty's Government's Statement nor in the Report of this Committee are any fundamental reasons assigned why the consequential implementation of the form of constitution accepted by local opinion should include ex-officio ministers in the Executive Council.

455. The Watson Commission would appear to have recommended the inclusion of ex-officio ministers in the Executive Council from a belief that in so doing the illiterate population would be protected from the fear that "power in the hands of a small literate minority" would tend to be used "to exploit the illiterate majority in accordance with the universal pattern of what has happened elsewhere in the past throughout the world."

456. To this there is this answer. If illiteracy, as such, as the predisposing cause for a people being exploited, then illiterates in the Gold Coast would not escape being exploited whether the literate people governing them be their own kith and kin, interested permanently in their welfare, or whether the literate people governing them be expatriate members of the old colonial system, chiefly men drawn from members of the European race. Quoting from the *Manchester Guardian*, at the 1948 African Conference, Mr. Creech Jones said, "Leadership is no longer the monopoly of men of European race." It is our view that, apart from ex-officio members in an Executive with collective responsibility to the Assembly being unworkable, three ex-officio members in a minority on the Executive Council could not save any illiterate population from being exploited. Responsibility to the Assembly, i.e. to the people, both literates and illiterates, is the surest guarantee of good government. The success of true democracy everywhere is an ample demonstration of that assurance.

457. The only argument worth mentioning that has been urged in justification of the Committee's recommendation is that based on precedent. It is argued that at some time or other in the history of the constitutional development of former colonies such a system did exist, and the Gold Coast must therefore conform to pattern. It is easily forgotten, however, that the supreme lesson

that precedent teaches in this respect is that such a system, wherever it existed, never did work successfully.

458. Included in the duties recommended by the Committee for retention by the Chief Secretary as an ex-officio member is the portfolio of Defence (paragraph 411 of the Report). As regards this, the precedent of Ceylon and Malta may be followed in the Gold Coast for special provisions to be inserted in the Constitution to safeguard external security. Should the portfolio be given to a Secretary of Defence instead of being retained by an elected member of the Executive Council then the Defence Secretary should not be a member of the Assembly nor of the Executive Council. He should be available as adviser to the Governor-in-Council.

459. We welcome the pronouncement by the Secretary of State for the Colonies, the Rt. Hon. Mr. Creech Jones, made at the African Conference, 1948, that "Where the new Dominions stand to-day, East and West and Central Africa may stand to-morrow *if their peoples have the will to make the effort.*"

460. We believe that our possession of the will to make the effort was demonstrated by our forefathers and by succeeding generations continuously up till to-day. The establishment of the Ashanti Confederacy in the seventeenth century, followed by the Constituent Assembly of the Colony in 1852, and the effort to establish a Fanti Confederation 1867-1874, the latter of which was, however, defeated by the failure to implement the Earl of Kimberley's despatch of the 10th March, 1873, provide ample evidence of the will of the people of the Gold Coast to choose the form of Government under which they would live.

461. That will remains unspent, and we recommend that the Gold Coast should be given opportunity to make the supreme effort for a stand now as a self-governing country within the Commonwealth.

462. We need hardly add that in view of the recommendation in the Report that the Governor should be Chairman of the Executive Council and that he should have a casting vote but not an original vote, it will be inconsistent with his exercise of freedom in the Executive Council as both participator, debater and, by his casting vote, as final arbiter of the balance of votes in the Council, to arm him further with the exclusive power to veto Bills against which he already may have exercised his casting vote.

463. It is admitted that the Power of Veto is usually reserved for the head of a State by constitutional understanding, especially when the head is not himself a participator in the councils and discussions of the Executive. But the Committee's recommendations make the Governor Chairman and participator of the meetings and discussions of the Executive Council. In any case, we fail to see the justification for insisting upon the inclusion of such a power in a modern constitution in which the Ministers are not responsible to the Governor but to the Assembly. The argument that the power is usually reserved but rarely exercised tells against, not in favour of, its retention. Its usefulness has apparently been outgrown by modern conceptions of democracy. We therefore recommend that there should be no provision in the constitution for the power of veto by the Governor.

464. We recommend that the proposed Executive Council or Board of Ministers shall, apart from the Governor as Chairman, be composed only of elected members, and not otherwise. We therefore sign this Report with this proviso.

Dated at King George V Memorial Hall this 17th day of August, 1949.

B. D. ADDAI.

W. G. ESSIEN.

NANA OFORI ATTA II.

E. AKUFO ADDO.

GEORGE A. GRANT.

COBINA KESSIE.

DR. J. B. DANQUAH.

E. O. OBETSEBI LAMPTEY.

REGIONAL ADMINISTRATIONS AND REGIONAL COUNCILS

465. We find it impossible to agree with the Committee that Regional Administrations and Regional Councils are desirable, and that they should be established for the Gold Coast. In paragraphs 284-287 the reasons why the Committee agreed on the desirability of Regional Administrations are set down at great length. We regret to have to state that most of those reasons are either based upon false assumptions or are quite fallacious.

466. The suggestion, for instance, that District Councils, as proposed by the Committee, and to be organised under its recommendations, would be inexperienced and ignorant, but that Regional Administrations and Councils, also to be newly established, would be the opposite of inexperienced and ignorant cannot bear examination. The qualifications for membership of a District Council are in fact higher than for the candidate for membership of a Regional Council. In the one property qualification of £200 is stipulated, in the other the payment of annual tax or levy of an average of 10s., together with the fact that the candidate is of age 25, and is registered as a voter is all that is required.

467. We find it impossible to accept as either true or just the suggestion that the Central Government would be incapable of dealing direct with, and co-ordinating the activities of, "a very large number of individual Local Councils".

468. The total number of District Councils to be so dealt with by the Central Government, as proposed in the Report, will be not more than thirty-one, sixteen in the Colony, six in Ashanti, five in the Northern Territories and four in the Trans-Volta. At the present time the Central Government deals direct with a total of some 114 State, Divisional, or Native Authority administrations, and it is impossible for us to believe that thirty-one District Councils would be an overwhelming number for the new Central Government.

469. We are unable to sympathise with the Committee's further reasoning that they are reluctant "to approve that the Central Government should undertake the task of co-ordinating the activities of the large number of Authorities likely to be concerned, viz., the aforesaid thirty-one District Councils (Class "A"), including, in that total, three Class "B" Rural or Urban Area Councils for the Colony.

470. The further suggestion that the atmosphere of the Central Government would be remote from the village councils but that the Regional Administrations, say the Colony Regional Administration with its headquarters at Government Lodge, Cape Coast, would not be so remote, is equally based upon the fallacy that the persons in charge of the Central Government, say members of the Assembly or the Board of Ministers, would belong to a class or caste totally different and alien from the persons in charge of Regional Councils and would not be drawn from the same people, elected by the same electors, and responsible to the same constituencies.

471. Equally we find it impossible to accept as true or just the statement that, by establishing Regional Administrations for four territories at Cape Coast, Kumasi, Tamale and Ho, all in rigid compartments, with separate and rival claims on the Central Government for financial grants—the Regional Councils or Administrations not raising revenue themselves—"local unity would be fostered while the advance of the Gold Coast as a whole to nationhood would in no way be impaired".

472. It is our view that in so far as the Gold Coast is concerned a true "local unity" is best fostered by grouping together, as in the several confederacies formed since the 1944 Native Authority Ordinance, certain tribal or natural units belonging together by geography and common economic need as well as by the all important traditional and tribal factors of similarity and identity of local loyalties.

473. In this connection the correspondence in *The Times*, started by Sir Harold MacMichael, together with *The Times* editorial of April 29, 1949, was quite appropriately brought to the notice of the Committee by its Chairman. We agree with *The Times* editorial that in the rapidly changing conditions now being experienced by our country, as by other parts of Africa, the restraining element must be based upon organisations likely to evoke a loyalty "comparable to that evoked by the old tribal system."

474. It is our view that in so far as Central Government administration in the localities is concerned, the larger States together with the growing number of confederacies, should be the best media for Government reaching out to the individual. The individual, who, after all, is the factor that matters most in Government, knows his chief and his local council better than any other "regional" organisation fostered for him. His loyalty to his chief comes to him naturally from a long accumulated sense of values—moral, social and economic—and, on the lowest level, we should be chary of doing any damage to it by interposing what the Committee describes in paragraphs 284-287 as a "post office" between the Central Government and the individual's Local Authority or Chief.

475. And in so far as the purely local government system is concerned, it is our view that the District and Municipal Councils, together with the subordinate Rural and Urban Area Councils proposed by the Committee, should be quite adequate for the exercise and practice of local government powers.

476. It is possible that in the Northern Territories, and possibly in Ashanti, a larger or a higher local government authority than the District Council (100,000 to 200,000 population) may be required to integrate the activities of the widely scattered local government authorities in that vast territory. There can be no insuperable objection to such a "Regional" Council being established in the Northern Territories. But the Council should not be paraded as an "agent" of the Central Government in the Region armed with "delegated" powers. It should be an independent local government authority, armed with "conferred" powers, just as the London County Council, as a corporation, is armed with powers "conferred" strictly by statute.

477. In the Colony should ever the occasion arise to have "regional" Councils larger than the District Council for purely local government purposes, then more than one such authority would be required to cater for the needs of the differently conditioned economic unit of the Western Province, another for the large Fanti block in the Central Province, and another for the teeming cocoa producing area in the Eastern Province, each such area, in all cases, to be determined as to size and composition by the considerations of geographical contiguity, economic identity and tribal and linguistic associations.

478. The Committee did not give serious attention to these over-riding considerations, and we feel that we are not in a position to recommend either Regional Administrations tied to the apron strings of the Central Government and acting as agents for the so-called "remote" body, or real "Regional" Councils constituted as "corporations" each with a perpetual succession and a common seal, and each employing local resources and men for the higher local authority needs of the area.

479. It is our view that in planning a new constitution for our country it is best to tamper as little as possible with existing institutions so that the transition from the old to the new should be as smooth as possible. To instal for the Gold Coast immediately, or all within one year, not only a newly constituted Central Government, but four additional Regional Administrations—an incomplete picture of federal governments, but without the reality of independence and finance—is about the easiest way to confuse and disorganise the thoughts and dispositions of the people towards the new set-ups. When it is recalled that no less than five separate Select Committees and five Budget Sessions are proposed for each of the five separate “Administrations,” namely the Central Government and the four Regional Administrations, it can be seen that, apart from the possible prohibitive cost, a frightening bureaucracy of the kind not yet known to the Gold Coast is about to be loaded upon the shoulders of the people.

480. With the exception of the recent experiment of Regional Administrations in Nigeria the Committee was not informed that a system similar to that proposed for the Gold Coast is in operation anywhere in the world. There is not such a system in Switzerland where the canton system is similar to the State system in the Gold Coast. It does not exist in South Africa where the Provincial Governments are not fortunate, as the Gold Coast is, to possess the advantage of natural groupings into tribal or traditional states to which the people everywhere owe and acknowledge local loyalties. Whether the Nigerian experiment will succeed or not is quite another question, but it is worthy of note that a single Regional Administration in Nigeria covers an area and a population as large as the entire extent and population of the Gold Coast altogether.

481. For these reasons we recommend that approval should not be given to the proposal to establish four Regional Councils and Regional Administrations in the Gold Coast in addition to 31 District Councils, three or four Territorial Councils, including the Ashanti Confederacy Council and the Joint Provincial Council of Paramount Chiefs in the Colony, together with numerous other Rural and Urban Area Councils and the four Municipalities of Accra, Cape Coast, Sekondi-Takoradi and Kumasi. We advise that there should be economy in councils as well as in counsel, and we find ourselves unable to recommend the establishment of Regional Administrations and Regional Councils as “agents” of the Central Government. This Gold Coast, or as the country is increasingly growing to be known and called, this land of Ghana, requires peace and prosperity from a simple form of government controlled by the people at the centre, and Regional Administrations controlled by Civil Servants not responsible to the people should be entirely blotted out of the picture.

Dated at King George V Memorial Hall this 17th day of August, 1949.

J. B. DANQUAH.

E. O. OBETSEBI LAMPTEY.

482. This rider is purely of academic interest and has no direct bearing on the main subject of Constitutional and Political Reforms.

483. The General Survey (Part I), which makes reference to the military and constitutional history of the Gold Coast Colony, Ashanti and the Northern Territories is misleading in its account of the relations between Ashanti and Britain and paragraphs 12-17 in particular deduce the conclusion or rather give the impression that Ashanti was conquered.

484. There were altogether seven wars against the British and their “littoral allies” of the Colony.

485. The first campaign of 1806-7 in Anomabu "had been a complete success" and Colonel Torrane was compelled to agree to the Asantehene's terms. In the second war of 1824, Sir Charles McCarthy and his allies lost to the Ashantis. In the third, the Ashantis were defeated at Dodowa. In the abortive wars of 1863 and 1865, the Ashantis were victorious. In the more important Sagrenti War of 1874, the historian W. E. F. Ward writes "Kumasi was reached; but the war was not won"; it however ended in the Treaty of Fomena ("A History of the Gold Coast," page 276).

486. William Maxwell, on the order of Lord Ripon who was at that time the Secretary of State for the Colonies, sent an ultimatum to the Asantehene "requiring him to receive a British Resident forthwith." The Asantehene refused Britain's demand which led to the so-called War of 1896. As a matter of fact not a shot was fired by either the British or the Ashantis.

487. In 1896 the British made separate treaties with Bekwai, Agona, Offinsu, Ejisu, Nsuta, Mampon, Kumawu, Bompata and Kokofu, so that as far as the Gold Coast Government was concerned Ashanti as a unit had ceased to exist. The result was, in the last Asantewaa War of 1900, Britain had as allies many of the Ashanti states; clearly it was therefore not a war against Ashanti, more so as there was no King of Ashanti during that period.

488. From the preceding it is clear then that it is not a moot point "whether Ashanti was conquered or not." It is a fact of history and not an accident that the publishers of Major Wynyard Montagu Hall's book, "The Great Drama of Kumasi" should state without reservation that the "Ashantis are unconquered."

Dated at King George V Memorial Hall this 17th day of August, 1949.

COBINA KESSIE.

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APPENDIX I

Paragraph 122 of the Report of the Commission of Enquiry into Disturbances in the Gold Coast : 1948

122. Accordingly we make the following recommendations:—

I. LOCAL AUTHORITIES (excluding towns having a Town Council)

(1) Pending such changes as may be enacted hereafter by the Gold Coast Assembly (hereinafter referred to as "the Assembly") at the request of the Regional Council the administration of local government in relation to purely local affairs should be entrusted to Local Authorities.

(2) Such Local Authorities should be the territorial bodies, by whatever name called, which by statute or custom now discharge some of the duties of local government within a given area; provided always that the existing constitutions of such bodies are modified so as to give representation therein to a specified proportion of adult males within the area not now eligible for membership.

(3) As we conceive it, Local Authorities will ultimately be financed by grants from the Regional Council but, as the existing financial arrangement between the Central Government and existing "Local Authorities" admit of so much variation, any detailed recommendations at this stage are impossible. We suggest that a Committee with African representation be forthwith set up to study the whole question including the abolition of purely local imposts.

II. REGIONAL COUNCILS

(1) A Regional Council should be elected for each of (i) the Colony and (ii) Ashanti and (iii) the Northern Territories.

(2) The primary function of the Regional Council should be executive, but it should have certain powers under its constitution to make orders having the force of law just as a County Council in the United Kingdom can make bye-laws under Act of Parliament.

Normally a Regional Council should be financed by grants from the Assembly, but it may be necessary in considering the whole question of Local Government Finance to empower the Regional Council to levy rates. This question might form part of the enquiry which we have recommended in paragraph 122(3) above.

(3) The powers and duties of the Regional Council should be such matters of local government as are from time to time delegated by the Assembly. To begin with we suggest these should comprise such functions as Public Health, Education, Housing, local communications, and social services.

(4) The work of the Regional Councils should be discharged by ad hoc Committees of Members elected by the Council. These Committees should report to the Regional Council in full session four times in the year on dates fixed by the Constitution.

(5) The Regional Councils should in general be charged with the supervision of all Local Authorities within the Region.

(6) The Chief Commissioner of the respective provinces should become the Regional Commissioner. His duties in addition to such as may be imposed upon him by the Government should be:—

(i) to preside over the Regional Council;

(ii) to exercise all the discretionary or reserved powers in the Constitution of the Regional Council, which are not specially reserved to the Governor or to the Assembly.

(7) The membership of Regional Councils requires different considerations in each Region. Our recommendations are:—

(A) *In the Colony*

(i) representatives elected by the Town Councils now in being;

(ii) representatives elected by Local Authorities or groups of Local Authorities provided that not more than, say, one half of those elected should be members of a State Council.

(B) *In Ashanti*

(i) representatives elected by the Town Councils now in being;

(ii) representatives elected by the Ashanti Confederacy Council provided that not more than, say, one half of those elected should be members of any Divisional Council or similar body.

(C) *In the Northern Territories*

representatives elected by the Territorial Council provided that not more than two-thirds of those elected should be Chiefs or members of any State Council or similar body.

Provision should be made for extending the basis of election in the Northern Territories during the probationary period to bring it into line with the Colony and Ashanti, if circumstances permit.

(8) Provision should be made (a) to ensure as far as possible that members of the Regional Council are not drawn exclusively from citizens ordinarily resident in towns of the Region and (b) that one-third of the members retire annually after the first year.

III. TOWN COUNCILS

(1) The existence of a Native Authority dividing jurisdiction with an elected Town Council over the same area is an anomaly which in our opinion ought to disappear. ✓

(2) Accordingly we recommend that the sole authority in towns now enjoying an elected Town Council should be the Town Council, elected on the existing franchise. Subject to such reserved powers of the Governor as may be deemed advisable, such Town Councils should have complete jurisdiction over Public Health, Slum Clearance, Housing, Town Planning and Education within their areas and power within limits to levy rates and to borrow on the security of the rates.

(3) In order to preserve the ancient link with the Chiefs we recommend the creation of an office to be known as "Chief of Accra" or other town as the case may be, to be held by the occupant for the time being of the Stool of the Paramount Chief who now presides over the Native Authority in the town. Provision should be made that the Chief must be summoned to all meetings of the Town Council but need not attend. If he does so attend he should be entitled to preside but should not have a vote. In his absence the Town Council should be presided over by a Mayor to be elected annually from among the members. The Mayor should have a deliberative and when presiding also a casting vote.

(4) The Regional Commissioner of the Region in which the town is situated should exercise all discretionary and reserved powers under any statutes applying to the town.

(5) There are several large urban populations which do not now have the privilege of a town council. We think that in all such places where the population and circumstances warrant it provision should be made for the establishment of a Town Council.

IV. THE GOLD COAST ASSEMBLY

(1) The Gold Coast Assembly should be the Legislature.

(2) The Assembly should consist of:—

(a) forty-five elected members, 15 to be elected by each of the Regional Councils ;

(b) five members nominated by the Governor to represent trading and other country-wide organisations and

(c) ex-officio members of the Executive Council.

(3) Unless also a member of the Regional Council electing him, no one other than a native of the Region should be capable of election for that Region.

(4) The Assembly should be presided over by a Speaker elected from and by its own members. The Governor should no longer preside over the Legislature.

(5) Unless dissolved earlier by the Governor on the advice of the Board of Ministers, the Assembly should be elected for a period of four years.

V. THE EXECUTIVE COUNCIL

(1) The Executive Council should consist of a Board of nine Ministers. Of these five should be African members of the Assembly. Such African members should be nominated by the Governor. All such nominations should require approval by resolution of the Assembly. In the event of a motion of censure on any such nominated Minister being passed by a majority of not less than three-fourths of the Assembly, such Minister should leave office.

(2) The ex-officio members of the Board of Ministers should include (i) the Colonial Secretary who should be the Senior Minister, (ii) the Financial Secretary, (iii) the Attorney-General and (iv) the Secretary for Internal Affairs, covering Police, Prisons, Posts and Telegraphs. Ex-officio members should not lose office by reason of any adverse vote in the Assembly.

(3) Members of the Executive Council should be salaried full-time Ministers.

(4) The Executive Council should cease to be advisory and become a Board of Ministers with collective responsibility to the Assembly and should initiate policy.

(5) Each member of the Board of Ministers should have a permanent Under-Secretary drawn from the Civil Service, to whom would be responsible the Heads of the Departments forming parts of their Ministries. These Heads of Departments would be technical officers.

VI. THE GOVERNOR

(1) The Governor should preside at all meetings of the Executive Council which he attends. In his absence, the Colonial Secretary should preside.

(2) The Governor should continue to exercise all the powers reserved by the Constitution including the power of Certification and Veto.

APPENDIX II

Extract from the Statement by His Majesty's Government on the Report of the Commission of Inquiry

(Relating to paragraph 122 only)

In the view of His Majesty's Government and of the Gold Coast Government, the Commission's proposals must first be considered by representatives of the public in the Gold Coast itself, and for this purpose it is suggested that, subject to the agreement of the Legislative Council, a fully representative committee should be set up locally as soon as may be possible to examine the proposals in paragraph 122 of the Report and to consider the extent to which they can be accepted and the manner in which they should be implemented. It would be wrong for His Majesty's Government to form any final conclusions until the views of this committee are known, but if the proposals are acceptable to local opinion, and subject to the comments which follow, His Majesty's Government for their part would regard them as broadly acceptable and would be prepared to arrange for their early implementation.

Local Authorities other than Town Councils

His Majesty's Government agree with the Commission's view that local government bodies in the rural areas must be built up from the existing Native Authorities. As has already been stated, it is the settled policy of the Gold Coast Government that Native Authorities should be developed into efficient organs of local government and should be made fully representative of the people of the area, and the Chiefs are becoming increasingly alive to the necessity for this. Every effort is being made by the Gold Coast Government to speed up the process and this policy will be actively pursued. Considerable progress has already been achieved.

As regards finance, His Majesty's Government do not agree with the Commission's view that the ultimate aim should be for Local Authorities to be financed by grants from the Regional Councils and that rates should be levied by those Councils and not by the Local Authorities. The system of rates levied by the Local Authorities is now becoming well understood in the Gold Coast and it is doubtful whether the people would accept the substitution of regional levies. This would, moreover, be inconsistent with the process of decentralisation and the building up of a local sense of responsibility to which the Commission themselves attach importance.

Regional Councils

His Majesty's Government agree that Regional Councils should be built up in the Colony, Ashanti and the Northern Territories and that these should have executive functions with power to make bye-laws. They believe that these councils should be developed from the existing Joint Provincial Council for the Colony, the Ashanti Confederacy Council and the Territorial Council for the Northern Territories. The methods of financing the expenditure of Regional Councils; their relations with the central Government and Legislative Council and with Local Authorities; their procedure; their composition and the methods of election of their members are all matters for detailed consideration and recommendation by the local committee referred to above.

Town Councils

His Majesty's Government recognise the importance of clarifying the relationship between Town Councils and Native Authorities and this will be a matter for the local committee to consider. It is suggested, however, that it should not be necessary to create such an artificial office as the Chief of Accra as the Commission recommend.

The Gold Coast Assembly

His Majesty's Government agree that there is a case for increasing the membership of the Legislative Council; the actual numbers will no doubt be considered by the local committee in relation to the present needs of each region. They also agree that at this stage the elected members of the Council should be elected by the Regional Councils, apart from those for Accra, Cape Coast, Sekondi-Takoradi and Kumasi, where the existing methods will presumably be maintained. Finally they agree that it would be desirable for the Legislative Council to be presided over by a Speaker, but prefer and would suggest that he should be nominated by the Governor rather than elected by the Council, and should be chosen either from the members of the Council or from outside the Council at the Governor's discretion.

The Executive Council

It is the general policy of His Majesty's Government that the machinery of executive government in the African Territories should, where this is appropriate to local circumstances, be developed on the basis of Executive Councils of members each responsible for a group of departments. The Governor of the Gold Coast has been considering since his assumption of office means of introducing this system with the inclusion of Africans as members with executive responsibility. His Majesty's Government

therefore welcome the broad outline of the proposals made by the Commission under this head and they agree that the Executive Council should consist of nine members under the presidency of the Governor, four of whom would be ex-officio members and five would be Africans. They would suggest that the ex-officio members should be the Chief Secretary, who should be the senior member with responsibilities including defence and security, and the members with responsibility for justice, finance and economic affairs; and that there should be three full-time salaried African members drawn from the Legislative Council with responsibility for health, labour and social welfare, for education and for communications and works. In addition there would be two African members without executive responsibility who, at the Governor's discretion, might either be drawn from the Legislative Council or appointed from outside it. The Chief Commissioners would cease to be members of the Executive Council, since it would not be easy for them to attend the more frequent meetings which the new character of this body would require, but the Governor should be entitled to invite them to be present at meetings of the Council when matters of particular concern to them were being discussed.

His Majesty's Government agree with the Commission that the African members of the Executive Council should be nominated by the Governor, but as an alternative to the Commission's proposal in Section V (i) of paragraph 122 of the Report, they suggest that no formal arrangements should be laid down in the first instance for the approval of appointments by the Legislative Council or for the resignation of African members, but that it should be accepted that the Governor would consult with the unofficial members of the Legislative Council before appointing African members and equally that an African member who lost the confidence of the Legislative Council should resign.

The Commission recommend in Section V (4) of paragraph 122 that the Executive Council should cease to be advisory, but His Majesty's Government suggest that, during the formative period of the building up of the new system, it would be preferable to retain the formal arrangement in the Constitution under which it is advisory to the Governor. At the same time the Executive Council would be the body where all major questions of policy would be discussed and as such the foundation from which a cabinet system would ultimately be developed. All members of the Executive Council should be entitled to initiate subjects for discussion and the existing Constitution should be altered accordingly. Consideration should be given to alternative arrangements for the disposal of purely formal business at present coming before the Executive Council, whether by the setting up of a sub-committee of the Council or of some other suitable body or by the delegation of this class of business to the appropriate member of the Council. His Majesty's Government would suggest that the title of Minister proposed by the Commission would not be appropriate at this stage of political development and that it would be more suitable to use the term Member of the Executive Council.

His Majesty's Government agree with the Commission that each member should be served by a Secretary or Under-Secretary drawn from the Civil Service. In addition they would suggest that in appropriate cases deputy members might be appointed from the African unofficial members of the Legislative Council to enable them to gain practical experience of administration.

The discussion of the new constitutional arrangements and the subsequent drafting of the Constitution will necessarily take time, and the reorganisation of the central administrative machine of government will be complicated. In order that there may be no delay in this latter process the Governor has suggested that, subject to the approval of the Legislative Council, the member system should be introduced and two African members given responsibility on the Executive Council for groups of departments without awaiting the discussion of the Constitution generally. Subject to local agreement, His Majesty's Government would be prepared cordially to accept this proposal.

The Governor

His Majesty's Government entirely agree with the Commission that the Governor should continue to exercise all the powers granted to him by the existing Constitution including the reserve powers. They would emphasise the importance of ensuring that all officers of government, from the Governor downwards, have the necessary executive powers if they are to play the part required of them in assisting the people of the Gold Coast in the forward process of political, economic and social development.

In paragraph 100 of the Report the Commission recommend that their proposals should be adopted for a period of ten years, at the end of which the constitutional position should be reviewed in the light of the experience gained. While appreciating the intention of this recommendation, His Majesty's Government feel that it is not possible to lay down in advance the pace of political development. While, therefore, they would hope that the new arrangements to be worked out by the local committee would stand for a sufficient period to give political stability to the Gold Coast, they would not wish to lay down precisely the period within which further political advance would not be open to consideration.

APPENDIX III

Members of the Committee

CHAIRMAN: His Honour Mr. Justice J. H. Coussey.

MEMBERS:

Rev. G. R. Acquaaah.	J. A. Karbo (Lawra Na).
Hon. B. D. Addai.	Mr. Cobina Kessie.
Mr. Asare Adjabeng.	Hon. Nene Azu Mate Kole.
Nana Adjaye Bonsra.	Mr. A. A. K. Menka.
Mr. E. Akufo Addo.	Hon. G. E. Moore.
Mr. J. P. Allotey Hammond.	Hon. Dr. F. V. Nanka-Bruce, O.B.E.
Hon. Nana Amanfi III, C.B.E.	*Hon. E. O. Obetsebi Lamptey.
Hon. E. O. Asafu-Adjaye.	Nana Ofori Atta II.
Hon. Dr. I. B. Asafu-Adjaye, M.B.E.	Hon. N. A. Ollennu.
Hon. Rev. C. G. Baeta.	Hon. E. C. Quist, O.B.E.
Mr. K. A. Bossman.	Mr. J. A. A. Salaam.
J. A. Braimah (Kabachewura).	Mr. Magnus Sampson.
Hon. Dr. J. B. Danquah.	Mr. W. E. G. Sekyi.
Mr. M. Dowuona.	Hon. C. W. Tachie-Menson, O.B.E.
Canon C. H. Elliott.	Yakubu Tali (Tali Na).
Mr. W. G. Essien.	Mr. W. W. Taylor.
Mr. J. H. Gambrah.	Hon. Nana Sir Tsibu Darku IX Kt., O.B.E.
Hon. Nana Kwame Gyebi Ababio.	Mr. S. Wood.
Mr. George A. Grant.	Mr. J. T. N. Yankah, M.B.E.
	Mr. N. Yenli.

APPENDIX IV

Sessions of the Full Committee

- FIRST SESSION: 20th January to 22nd January.
SECOND SESSION: 3rd February to 8th February.
THIRD SESSION: 24th February to 26th February.
FOURTH SESSION: 31st March to 8th April.
FIFTH SESSION: 21st April to 23rd April.
SIXTH SESSION: 30th June to 6th July.
SEVENTH SESSION: 18th July to 23rd July.
EIGHTH SESSION: 11th August to 17th August.

* Hon. E. O. Obetsebi Lamptey was appointed a member on the 14th of March, 1949.

APPENDIX V

Appointment of Sub-Committees

1. Sub-Committee on Local Government.

(a) Terms of Reference:

(1) To consider the scope of existing local government bodies, the steps to be taken for their improvement and for increasing their functions and responsibility in local government.

(2) To consider the possible creation of new Town Councils.

(3) To survey the relationship between Town Councils and Native Authorities and to make recommendations relating thereto.

(4) To consider the relationship between the local government bodies and other government bodies.

(b) Membership:

Hon. Nene Azu Mate Kole (*Chairman*).

Yakubu Tali (Tali Na).

Nana Adjaye Bonsra.

Hon. Dr. J. B. Danquah.

Mr. K. A. Bossman.

Mr. Magnus Sampson.

Mr. M. Dowuona.

Hon. E. O. Asafu-Adjaye.

J. A. Braimah (Kabachewura).

2. Sub-Committee on Constitutional Relationship of the Gold Coast to the British.

(a) Terms of Reference:

(1) To examine the status of the three parts of the country in relation to the British.

(2) To present to the Committee a succinct report in a form which would be suitable as a preamble to the main recommendations of the Committee.

(b) Membership:

Mr. W. E. G. Sekyi (*Chairman*).

Hon. Dr. J. B. Danquah.

Hon. E. O. Asafu-Adjaye.

Yakubu Tali (Tali Na).

Mr. M. Dowuona—Secretary.

3. Sub-Committee on Regional Structures.

(a) Terms of Reference:

(1) To recommend the form and the powers of Regional Councils for the Gold Coast, including that part of Togoland under United Kingdom Trusteeship; such Regional Councils to be subordinate to the Central Government.

(2) To consider and advise upon the relations of Regional Councils with State Councils and with Local Authorities, and also with the Central Government.

(3) To consider and to recommend the number of such Regional Councils to be established.

(4) To consider, in particular, the demand of the peoples of the Transvolta Area and Trusteeship Territory for a separate Regional Council. Also to consider any special problems relating to the Krachi and Buem areas.

(5) To consider the question of Regional Finance.

(b) Membership:

Hon. Nana Sir Tsibu Darku IX, Kt., O.B.E. (*Chairman*).

Hon. Nana Kwame Gyebi Ababio.

Hon. Dr. I. B. Asafu-Adjaye, M.B.E.

Mr. J. A. A. Salaam.

Hon. Rev. C. G. Baeta.

Hon. N. A. Ollenu.

Mr. E. Akufo Addo.

4. Sub-Committee on Central Government.

(a) Terms of Reference:

(1) To consider the recommendations of paragraph 122 (V) of the Watson Report, with particular reference to sub-paragraphs (4) and (5), and to provide for a Gold Coast Assembly and Executive Council based upon a bicameral system of legislature, a Privy Council being incorporated if considered desirable.

(2) To consider and make recommendations as to the election of members to the Upper and the Lower Houses of the Legislature.

(3) To consider whether any proposed reform should apply immediately to all regions of the Gold Coast, or progressively to each Region as may be determined.

(b) Membership:

His Honour Mr. Justice Henley Coussey (*Chairman*).

Mr. W. E. G. Sekyi.

Mr. Akufo Addo.

Yakubu Tali (Tali Na).

J. A. Braimah (Kabachewura).

Hon. Dr. J. B. Danquah.

Hon. Nana Amanfi III, C.B.E.

Mr. Cobina Kessie.

Hon. Dr. I. B. Asafu-Adjaye, M.B.E.

Mr. K. A. Bossman.

Hon. N. A. Ollennu.

Hon. Nene Azu Mate Kole.

5. Sub-Committee on Governor's Reserve Powers.

(a) Terms of Reference:

To recommend the Reserve Powers which should be exercised by the Governor.

(b) Membership:

His Honour Mr. Justice J. H. Coussey (*Chairman*).

Mr. W. E. G. Sekyi.

Mr. E. Akufo Addo.



APPENDIX VI
Trekking Programme

Date	Place	Sub-Committee	Persons or organisations interviewed
March 28th ...	Odumase (Krobo) ...	L/G	Many Krobo Native Authority. The District Commissioner, Volta River District. Representatives, local branch, United Gold Coast Convention.
March 28th ...	Ho	L/G	Representatives, Akro Society. Chief Howusu and Asogli State Representatives.
March 29th ...	Ho	L/G	Senior District Commissioner, Ho-Keta district. District Commissioner, Kpandu. Assistant District Commissioner, Ho. Representatives of the Asogli, Awatime, Akpini and Buem States and Atando Native Authority. Representatives of the All-Ewe Conference.
March 30th ...	Keta	L/G	Assistant District Commissioner, Keta. Representatives, Tongu Confederacy. Representatives, Keta and Awunaga branches, United Gold Coast Convention. Representatives, All-Ewe Conference. Representatives, Ewe Youth Movement. Mr. W. S. Chapman. Anlo State Council.
April 27th ...	Swedru	L/G	Assistant District Commissioner, Winneba. Members, Agona Native Authority.
April 28th ...	Abakrampa	L/G	Omanhene of Abura and Elders.
April 28th ...	Saltpond	L/G	Members, Fante Confederacy.
April 29th ...	Cape Coast	L/G	Chief Commissioner for the Colony. Senior Judicial Adviser. Senior District Commissioner, Cape Coast.
April 30th ...	Tarkwa	L/G	Amanhene of Wassaw Fiase and Mphaw and their elders. Senior District Commissioner and Assistant District Commissioner, Tarkwa.
May 1st ...	Akropong	L/G	Certain members of the public. Omanhene of Wassaw Amenfi, his elders and the general public.
May 2nd ...	Axim	L/G	Assistant District Commissioner. Evalue-Ajomoro-Gwira Confederacy and some members of the public.
May 16th ...	Kumasi	L/G	Acting Chief Commissioner, Ashanti and Acting Senior District Commissioner. Members, Kumasi Divisional Council. Members, Kumasi Town Council.
May 17th ...	Bekwai	L/G	Bekwai Divisional Council and Representatives from Kokofu, Denyase and Essumeja.
May 17th ...	Obuasi	L/G	Also, members of the public. Members, Obuasi Sanitary Board.
May 17th ...	Fomena	L/G	Adansi Divisional Council and Members of the public.
May 18th ...	Mamponten	L/G	Chiefs and Area Committee of Kwabre No. III Area, and members of the public.

Appendix VI—cont.

Date	Place	Sub-Committee	Persons or organisations interviewed
May 19th ...	Odumase (Sunyani)	L/G	The Chiefs and elders of Odumase.
May 19th ...	Berekum	L/G	Berekum Divisional Council and members of the public.
May 20th ...	Berekum	L/G	Representatives, Dormaa Division.
May 20th ...	Sampa	L/G	Suma Divisional Council.
May 20th ...	Wenchi	L/G	Wenchi Divisional Council and members of the public.
May 21st ...	Wa	L/G	Wa Na and his Councillors, and members of the public.
May 22nd ...	Wa	L/G	Tumu Koro and his Councillors. Acting District Commissioner, Wa, and Assistant District Commissioner, Tumu.
May 22nd ...	Tamale	C/G	Sing Na and Dorim Na. Members, Wa Social Centre.
May 23rd ...	Damongo	L/G	Acting Chief Commissioner, Northern Territories.
May 23rd ...	Tamale	R/S	Yabumwura of Gonja and his Councillors.
May 23rd ...	Tamale	R/S	Acting Chief Commissioner, Northern Territories.
May 24th ...	Tamale	L/G	Acting Chief Commissioner, Northern Territories.
May 24th ...	Tamale	C/G & R/S	Assistant District Commissioner, Tamale.
May 24th ...	Tamale	C/G & R/S	Navro Pio and Sandema Na.
May 25th ...	Yendi	L/G	Ya Na of Dagomba and his Councillors, and members of the public.
May 25th ...	Yendi	L/G	Assistant District Commissioner, Yendi.
May 25th ...	Tamale	L/G	Meeting with Chiefs of Tamale, and nearby villages.
May 25th ...	Tamale	L/G	Members of Township Board and members of general public.
May 26th ...	Kumasi	C/G & R/S	Acting Assistant Chief Commissioner, Ashanti.
May 26th ...	Bolgatanga	L/G	Bolga Na and his Councillors and members of Bolga Township Board.
May 26th ...	Navrongo	L/G	Kassena-Nankani Native Authority members.
May 27th ...	Kumasi	C/G	Ashanti Confederacy Council (Executive Committee).
May 28th ...	Mampong-Ashanti...	L/G	Mampong Divisional Council.
May 28th ...	Kumasi	R/S	Some members of the public.
May 28th ...	Kumasi	R/S	Ashanti Confederacy Council (Executive Committee).
June 2nd ...	Cape Coast	R/S	Joint Provincial Council (Standing Committee).
June 3rd ...	Cape Coast	R/S	Acting Chief Commissioner for the Colony.
June 5th ...	Cape Coast	C/G	Joint Provincial Council (Standing Committee).
June 5th ...	Cape Coast	C/G	Acting Chief Commissioner for the Colony.
June 9th ...	Ho	R/S	Representatives of various States.

KEY:—

L/G = Sub-Committee on Local Government.

R/S = Sub-Committee on Regional Structures.

C/G = Sub-Committee on Central Government

APPENDIX VII

Analysis of Memoranda and Telegrams received (Excluding those from Official Sources)

A. List of Persons Submitting Memoranda

<i>Individual or Organisation</i>	<i>From</i>
Adansi Youth Improvement Association	Obuasi
Adjaye, Kwame	Kumasi
Adjei Akrong	Accra
Akro Society	Accra
Akyem Abuakwa State Council	Kibi
All-Ewe Conference, Keta Branch	Keta
Am-die Am-die Club	Sekondi
Anlo State Council	Keta
Anum, Kweku	Accra
Appiah, A.K.	Kumasi
Appiah, Kofi	Lagos, Nigeria
Asante Youth Association	Kumasi
Ashanti Confederacy Council	Kumasi
Awumee, Kwame	Accra
Chapman, W.S.	Keta
Community Centre	Bawku
Daaku, F.N.	Mampong, Ashanti
Dangme Kpe (Adangbe Union)	Accra
Denkyira Youth Movement	Dunkwa
Evalue-Ajomoro-Gwira Confederacy	Axim
Ewe Youth Movement	Keta
Ex-Servicemen's Union	Kumasi
Ex-Servicemen's Union	Obuasi
Ex-Servicemen's Union	Takoradi
Ga State Council	Accra
Gbese Divisional Council	Accra
Ghana Christian Fellowship	Sekondi
Ghanaland Modern Youth Movement	Sekondi
Ghana Youth Association	Sekondi
Ghana Youth Study Group	Prestea
Gold Coast Moslem Association	Accra
Gold Coast Teachers' Union	Accra
Grover, Kotei	Accra
Joint Provincial Council	Cape Coast
Konuah, K.G.	Accra
Kumasi Municipal Advisory Committee	Kumasi
Krachi State Council... ..	Kete-Krachi
Kwabre No. 3 Area Committee	Mampongten, Ashanti
Methodist Church of the Gold Coast	Accra
Northern Territories Progressive Society	Tamale
Nutsugah, J.W.K. and others	Vom, Nigeria
Nyaho, Kodjo	Accra
Nzima Youth Association	Bonyere
Okyere, Kwame	Koforidua
Owusu Ansa	Kumasi
Peki Ex-Servicemen's Welfare Club	Peki
Peki Improvement and Protection Society	Accra
Rate Payers Association	Sekondi
Roman Catholic Action Committee	Accra
Sakyi, Kwame	Akropong-Akwapim
Study Circle	Kumasi
Tamakloe, J.D.	Suhum
Togoland Union	Hohoe
Tongu Confederacy	Sogakope, Tongu
United Gold Coast Convention	Ada
United Gold Coast Convention	Anloga
United Gold Coast Convention	Agbozume
United Gold Coast Convention	Keta
United Gold Coast Convention	Odumase
United Gold Coast Convention	Winneba
Wassaw Confederacy	Tarkwa
Wassaw Fiase Youth Organisation	Tarkwa
Youth Commission of Togoland under United Kingdom Trusteeship	Amedzofe

B. Analysis of Memoranda by Matters discussed

Subject	No. of References
Bicameral Legislature	15
Universal Adult Suffrage	16
Full Self-Government	24
Constitution of Committee on Youth Organisation as published in Accra Evening News, 29th December, 1948	12
Executive Responsible to the Assembly	16
Regional Organisations	17
Local Government... ..	28

C. Analysis of Telegrams by Areas

Areas	No. of Telegrams
Accra	77
Sekondi-Takoradi	96
Cape Coast	3
Eastern Province (Excluding Accra)	78
Western Province (Excluding Sekondi-Takoradi and Cape Coast)	59
Togoland (Southern Section)	4
Kumasi	48
Rest of Ashanti	9
Northern Territories	9

D. Analysis of Telegrams by Main Subjects

Subject	No. of References
Bicameral Legislature	3
Universal Adult Suffrage	4
Full Self-Government	87
Constitution drawn up by Committee on Youth Organisation published in Accra Evening News of 29th December, 1948	191

APPENDIX VIII

Messages from the Secretary of State and His Excellency the Governor dated 20th January, 1949

1. *Message from the Secretary of State for the Colonies*

On the occasion of the first meeting of the Committee on Constitutional Reform under the Chairmanship of Mr. Justice Coussey I send my good wishes to him and to all who have undertaken to assist him in so important a task.

The work of the Committee will be a landmark on the road of constitutional advance. Their terms of reference cover the wide field of proposals contained in paragraph 122 of the Report of the Commission of Enquiry and the views on them of His Majesty's Government. The Committee will have to examine the whole history of past developments in the constitutional structure of their country and to consider, impartially and with a sense of practical realities, how the natural desire for further advance towards self-government can best be met consistent with the necessity to ensure stability, without which neither political nor economic nor social advance can proceed. Representing as they do all elements of Gold Coast society they are well fitted for this task. I send them an expression of my confident hope that their recommendations will be founded on a deep appreciation of the necessity I have mentioned, and of ensuring that justice is done to all and injustice to none.

It would be idle to assign any time-table to the Committee's deliberations. There will be need for diligence, patience, and, above all, deep thinking. I shall await their report with the keenest interest and I can assure them that it will be considered in the light of the declared policy of His Majesty's Government to assist the progress of the people of the Gold Coast towards self-Government.

A. CREECH JONES,
Secretary of State.

2. *Message from His Excellency the Governor*

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE,

The Secretary of State for the Colonies has asked me to convey to you the message, reproduced opposite, which he has sent to you on this momentous occasion in the history of the Gold Coast.

The importance of the trust committed to your care requires no emphasis on my part; the grave responsibility, which lies upon you, is in the thoughts of all who have the future well-being of this country at heart. I am confident that with the full appreciation of the structure of society which is rooted in this country, and of the social and economic factors which must condition political thinking, the Committee will reach conclusions which will no less safeguard the well-being of the peoples of the Gold Coast in the spheres of economic and social development than provide for further political evolution. I am equally confident that no member of the Committee will have any misunderstanding of the task for which he has accepted responsibility—and that, indeed, no member of the community who has thought the matter out for himself will have any misunderstanding of that task. I send to each and all of you my sincere good wishes in the work which lies before you.

The full consideration of the many fundamental problems which it will be necessary for you to discuss cannot be expected to be completed within any brief period of time; the issues involved are complex, and they will require searching and dispassionate examination and the most thorough and exhaustive study. When in due course you have reached your conclusions and when your recommendations have been placed by the Chairman in my hands, you may be assured that I, for my part, will give my closest personal attention to ensuring that they are speedily forwarded for the consideration of His Majesty's Government in the United Kingdom, whose views we shall all await with keen expectation.

I pray that God's guidance may be with you all.

GERALD CREASY, Governor.

APPENDIX IX

Address given by the Chairman of the Committee for Constitutional Reform, Mr. Justice Coussey at the first Session on Thursday the 20th January, 1949

NANANOM AND GENTLEMEN,

I desire at this, the first meeting of the Committee, to offer you a hearty and cordial welcome to the capital town of the Gold Coast, and I express at the outset a hope, in which you will all share, that our deliberations may be conducive to the welfare of this country.

As our first act, I am sure you will join with me in offering our humble duty to His Majesty the King and an assurance that he has constantly been in our thoughts during the recent indisposition, from which he is now happily convalescing.

Among the vacant seats at this table to-day, is that of the Municipal member for Cape Coast, the Hon. Mr. George Moore whose illness prevents his attendance. You would, I know, wish to send him the good wishes of the Committee for his speedy recovery, and I will ask the Secretaries to do so.

The Legislative Council agreed at a meeting in September last that a representative Committee be set up to go into the questions of constitutional reform, as discussed in the Report of the Watson Commission and in the Government White Paper setting out the views of His Majesty's Government on that report.

As you are no doubt aware, the three Territorial Councils of the country have each chosen four persons to serve on the Committee.

The Municipal members of the Legislative Council are natural inclusions by virtue of their interest and concern in the problems for consideration.

The selection of the remaining members of the Committee was left by the Legislative Council to His Excellency the Governor, and the Governor has chosen, accordingly, twenty-three other gentlemen from different parts of the country, whose special knowledge or experience of some aspect of the subjects to be enquired into is generally recognised.

You have all received, with the first Agenda paper, copies of the Report of the Watson Commission and the statement of His Majesty's Government to which I have just referred.

As there appears to be a misconception in some sections of the Press, and among some elements in the country, as to the scope and purpose of this Committee, I desire to read to you now our terms of reference, although you have no doubt familiarised yourselves with them

They are:

"To examine the proposals for constitutional and political reform in paragraph 122 of the 'Report on the Commission of Enquiry into disturbances in the Gold Coast 1948', and, due regard being paid to the views expressed on them by His Majesty's Government, to consider the extent to which they can be accepted, and the manner in which they should be implemented."

It is natural that I should survey briefly the stage of constitutional and political development to which we have attained today when we embark upon the study of a further advance. For this purpose I take the year 1850 as a starting point, although the peoples of the Gold Coast and Ashanti were in some degree politically organised before the arrival at Elmina of the first Portuguese settlers some 450 years ago.

In 1850, when a Legislative Council was first established, upon the Gold Coast being erected as a separate colony from Lagos, it consisted of two government officers and two gentlemen nominated by the Crown. Apparently the main difficulty in appointing African members lay in the fact that those otherwise suitable and with the necessary knowledge of English, were in the service of Government and would have had to resign to accept membership of the Council.

In 1852, however, a gathering of Chiefs under the Governor constituted itself a Legislative Assembly of Native Chiefs and passed a Poll Tax Ordinance. This Assembly met only once.

It seems that the first Ordinance to provide for the establishment of municipal councils was passed in 1858, but no town councils were formed under it.

In 1868, a number of Kings and Chiefs formed a Confederation in the belief that their people were about to lose British protection. In 1871 they assembled at Mankessim and, together with educated Africans, drew up a Constitution for mutual protection and the material improvement of the country. The Constitution provided that the Kings and Chiefs in council should be known as the Representative Assembly

of the Fanti Confederation, and should be a legislative body and the Confederation should co-operate with the British administration. When in 1872 it became apparent that the British did not intend to withdraw from the Gold Coast, the main anxiety was allayed and the Assembly dispersed.

The Gold Coast was again proclaimed as a Colony in 1874.

In 1876 Government Headquarters were removed from Cape Coast to Accra and the Colony was divided into the Western, Central and Eastern provinces.

With the economic prosperity of the country, brought about by the cessation of petty wars, the rubber boom, the opening up of mines and the cultivation of cocoa, political progress followed.

The first African Legislative Councillor was John Sarbah, the father of John Mensah Sarbah, C.M.G., who was appointed in the year 1889.

In 1894 a Town Councils Ordinance was passed and it was applied to Accra in 1896, to Sekondi in 1904 and to Cape Coast in 1905.

In 1897, the Gold Coast Aborigines Rights Protection Society was formed. In 1898, it secured the Secretary of States' withdrawal of a Bill to regulate the administration of public land, on the ground that under native law there was no land without an owner and therefore there could be no public land.

The Executive Council in 1897 consisted of four officials with the Chief Justice, while the Legislative Council was composed of the same members of the Executive Council with the addition of three unofficial members. In 1901 a fourth unofficial member was added to the Legislative Council.

By the Constitution of 1916, the Legislative Council was enlarged to 11 official members and 10 unofficial members.

The National Congress of British West Africa was founded in 1917. In 1920, at its meeting at Accra it claimed a Legislative Council, an Upper House, one-half elected, and a House of Assembly containing the members of the Legislative Council with the addition of six financial members to control the money vote. The Congress also claimed unofficial majorities for the town councils, the founding of a West African University and the appointment of Africans to judicial office.

The Constitution of 1925 was an advance in that it provided for elected members to the Legislative Council. Under it the Executive Council was gradually enlarged to eight members and in 1942 two African unofficial members were added. The new Legislative Council consisted of the Governor as President, 13 ex-officio government officers, two nominated official members, nine African provincial members and three municipal members who were always Africans, together with five European unofficial members, of whom the Chamber of Mines and the Chamber of Commerce each elected one while the other three were nominated members.

Provincial Councils were established under the 1925 Constitution and they have developed into the Joint-Provincial Council as we know it today, being the electoral body for provincial members to the Legislative Council and also an advisory body.

When a delegation from the Chiefs and people went to Downing Street in 1934, on the Seditious Bill and the Waterworks Bill, it also asked that African representation on the Legislative Council be increased to one-half of the total number and that there should be African representation on the Executive Council.

Turning to Ashanti, although the Gold Coast Colony and Ashanti were constitutionally separate before 1946, from 1934 the Executive Council of the Gold Coast was the Executive Council of Ashanti and the Northern Territories and, by an Order in Council of that year, laws were enacted by the Governor and Legislative Council for the Colony but by the Governor alone in respect of Ashanti and the Northern Territories.

Ashanti was annexed by the Crown in 1901.

In 1935, the Ashanti Confederacy was restored. The Ashanti Confederacy Council is in some respects the counterpart of the Colony Joint-Provincial Council. A Public Health Board was established in 1935 which was superseded in 1943 by the Kumasi Town Council with an unofficial elected majority.

The Northern Territories were declared a protectorate in 1901. As I have mentioned already, the Governor legislates for the Northern Territories. Native Authorities, native courts and native treasuries have been established since 1932, some of which, I am informed, are models of African local government.

The first and second Native Jurisdiction Ordinances of 1878 and 1883 had fallen into abeyance when, in 1910, an amending Ordinance revived the Jurisdiction and authority of the Chiefs.

With the introduction of the idea of indirect rule, a Native Administration Ordinance was passed in 1927 which laid emphasis on the state council of a Stool and on the Provincial Councils of the 1925 Constitution.

It was hoped by the Native Administration Treasuries Ordinance of 1939 to bring into the service of the Stools, not only clerks, but men of education and experience to manage the finances of the Stool and to promote the welfare of the village and district which the stabilisation of funds would permit.

In 1944 the Native Authority (Colony) Ordinance and the Native Courts (Colony) Ordinance were passed.

In Ashanti, a Native Jurisdiction Ordinance was passed in 1924. Native Authorities courts and treasuries were established in 1935.

The present Constitution was erected in 1946. It is unnecessary to enter into the composition of the Legislative Council as it exists today because you are all familiar with it. It became the Legislature for Ashanti. The official majority for the first time disappeared and were replaced by an African elected majority. It is still not the legislature for the Northern Territories, although the Secretary of State announced that it was intended to bring the remaining part of the Colony into the Council when it became possible to have the Northern Territories represented by unofficials.

We have traced the constitutional progress, first of the Gold Coast through the several stages of a small Council of officials and nominated members to elected African unofficial members, and then to the stage when the Colony, and Ashanti with it, attains representative government.

The British Commonwealth has been pictured as a "procession" of communities passing through the Crown Colony stage to representative government and finally to responsible government. Indeed, in 1946, the Gold Coast made, in constitutional law, the most important advance that a Crown Colony can make before it reaches the frontiers of responsible government.

The White paper states that His Majesty's Government is pledged to assist the people of the Gold Coast, by all means in their power, in their progress towards self-government, and that they are anxious that this progress should be as rapid as the interests of the peoples themselves, and the needs of good government permit.

That pledge is also the concern of the world community, for it is stated in these terms in Article 73 of Chapter 11 of the Charter of the United Nations passed at San Francisco in 1945:

"Declaration regarding non-self-governing territories. *Article 73.* Members of the United Nations which have or assume responsibilities for the administration of territories whose people have not yet attained a full measure of self-government recognise the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and to this end:

(a) to ensure with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement, their just treatment, and their protection against abuses:

(b) to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement."

The destiny of the Gold Coast, therefore, is self-government and we are offered now by His Majesty's Government a substantial instalment.

It should be unnecessary for me to state that this Committee does not meet to form a Ministry composed entirely of Africans to assume, immediately, power and responsibility for the government of the country.

That is not within the recommendations of the Watson Report, nor of the proposals of His Majesty's Government nor of our terms of reference. Although it is the cry of some, who have not considered fully its implications, that self-rule should be granted at once, it must be obvious to those who place foremost the true welfare of the masses, that a system must be created, flexible and progressive enough to permit the orderly evolution to responsible government within the shortest practicable time.

The objective is to be achieved by constitutional means, by fostering public spirit, promoting national unity, developing the intellectual and moral gifts, organising the economic resources of the country, educating the people in the grammar of democracy and studying urgently the complex machinery of government.

Local self-government is the basis of any system of true democracy. Some people are acquiring the habit of thinking of democracy at the top, but democracy at the top cannot be a success unless it is built on a foundation of local government. There will be a call for skilled specialists. It is in this sphere that their entry into local government, by election, will enable educated men and women of the country to discharge energetically the ever increasing services required by a progressive community. Councils composed of individuals qualified for the performance of local duties are foci of the spirit of citizenship, the true nurseries of self-government.

As to finance, you will consider whether local authorities should continue to levy taxes and rates for local services, or whether a regional or territorial body should assume these responsibilities.

It will be for you, Gentlemen, to consider whether regional or territorial Councils on an elective basis should be established and, if so, the outline of the requisite administrative requirements, some of which are suggested in the White Paper.

You will also examine and recommend from the enquiries that will be made, whether town councils can be established in more towns. It may be possible for a sub-committee to visit places in the country when investigating this question.

The difficult problem of the relationship in a town between the traditional authority and a local government body, the conflict between the territorial jurisdiction of a town council and the personal jurisdiction of the local chief, falls to you for solution.

The form and composition of the Gold Coast Legislature, the method of election to it, the position of the chiefs and the appointment of a Speaker, are all matters upon which you will be asked to make recommendations.

The country falls naturally into three sections, all of which will be represented in the new Legislature. We have the Northern Territories with a larger population than Ashanti, whose people, at a different stage of development, are not of inferior intelligence and virtue to those in other parts of the country. We have Ashanti with its own interests and traditional institutions, now prospering greatly as an agricultural country, and we have the Colony proper whose maritime states have a long association with Europe and whose people take the initiative in political affairs.

The advantages of the Gold Coast in relation to some parts of Africa are a relatively homogeneous people with an indigenous democratic system, capable, with adaptation, of development on the model in which we have been nurtured. Happily we have no colour bar and no serious racial prejudice, religious cleavage nor communal problem. There is no white-settler complication.

It is in these conditions that an Assembly representative of the people is to be set up.

It will be necessary to provide that the method of election is adapted to the people. A sub-committee may be appointed to study the question in the light of the methods used in other countries whose conditions are comparable to ours.

The Executive Council as envisaged is an advance to the quasi-cabinet of a semi-responsible system. In it there is hope of further constitutional advance if Europeans and Africans are able to work harmoniously and without the blight of racial prejudice in the development of the institutions of democratic government.

The Governor would have the reserve powers that accompany constitutional advance.

In order that members of the Committee may express themselves freely I have decided that our deliberations should be private. Comprehensive minutes will be made of our proceedings, which will be confidential, but copies will be available for every gentleman for reference. The question of the issue of official information to the Press and to the general public will be dealt with presently when we consider our procedure. Meantime, gentlemen will please treat our proceedings as entirely confidential.

To use the words of Burke in 1783, "We are on a conspicuous stage, and the world marks our demeanour." Our conclusions will be discussed in many lands.

I ask you to approach the subject with an anxious desire to promote the true welfare of the country. We must set aside all prejudices, all the preconceived opinions that we may have formed. We must not obstinately reject the views of others simply because they differ from the outlook we cherish for it is only in that spirit that the work of the Committee can be successful and our recommendations receive support.

APPENDIX X

FUNCTIONS OF LOCAL AUTHORITIES

Class "A" Authorities

These should be responsible for all major Local Government functions. They should command adequate staff to run their services and provide for subordinate Councils.

(1) *Welfare Services:*

(i) *Sanitation and Health* including small hospitals (if possible) clinics, health centres, major sanitary structures, control of buildings.

(ii) *Larger Water Supplies* where these involve a substantial capital expenditure. It is envisaged, however, that in the provision of major water supply schemes, e.g. pipe borne water, the Central Government may contribute to the capital expenditure leaving District Councils to provide the rest of the capital and recurrent expenditure and management.

(iii) *Primary Education:* District Councils should have executive power to plan and organise schools and take measures to prevent wastage caused by rivalry between Educational Units. Co-operation with Educational Units, as at present, is essential as their financial resources develop to take over financial responsibility for the existing schools.

(iv) *Town and Country Planning:* Putting into effect schemes approved by the Central Town and Country Planning Board.

(v) *Nurseries* for distribution of seedlings for horticultural and other purposes.

(vi) *Public Lighting.*

(2) *Protective Services:*

(i) *Fire Brigade*, where necessary.

(ii) *Control of Sale of Foods and Drugs.*

(3) *Communal Services:*

(i) *District Feeder Roads.*

(ii) *Libraries.*

(iii) *Recreation grounds and Nature Reserves.*

(iv) *Livestock Farms.*

(4) *Revenue Earning Services:*

(i) *Transport Services*—the risk involved in providing these services should be taken into consideration before undertaking them, but it may be necessary to run transport services in order to ensure a more even distribution of foodstuffs throughout a district.

(ii) *Ferries and River Ports (Landing Places).*

(iii) *Licences and Permits:* It is strongly recommended that as many of the licences and permits at present controlled by the Central Government as possible should be handed over to Local Authorities.

(iv) *Fuel Plantations.*

Class "B" Authorities

(1) *Welfare Services:—*

(i) *Sanitation and Health* including dispensaries and provision of sanitary structures.

(ii) *Provision of local water supplies* where this does not involve major capital works.

(2) *Communal Services:* Social Centres.

(3) *Revenue Earning Services:*

(i) *Markets.*

(ii) *Lorry Parks.*

Class "C" Authorities

(1) *Welfare Services:* Village Sanitation including incinerators, conservancy, slaughter slabs and bush clearance. Keeping Village water supplies in good order.

(2) *Communal Services:* Footpaths, Playing Fields, Community Centres. ✓

APPENDIX XI

Possible Combinations of State Areas for Local Authorities

NOTE.—Population figures are approximate only and are based on the 1948 Census provisional figures. Colony combinations follow, with modifications, those suggested by the Joint Provincial Council.

Number	State Area Combinations	Numbers on Map	Population	Class of authority suggested	
I	<i>COLONY:</i>				
	Bibiani	}	3	12,900	" B "
	Sehwi-Anwhiaso		2	11,300	
	Sewhi-Bekwai		1	7,500	
	Sewhi-Wiawso		1	33,400	
			65,100		
II	Wassaw Confederacy (Fiase, Amenfi, Mpohaw)	12, 13, 14	122,500	" A "	
	Aowin		4		10,400
			132,900		
III	Ahanta Confederacy (<i>less</i> Sekondi- Takoradi municipality)		35,200	" A "	
	Ahanta	15			
	Lower Dixcove	16			
	Upper Dixcove	17			
	Dutch Sekondi	18			
	British Sekondi	19			
	Eastern Nzima	6	17,600		
	Western Nzima	5	41,300		
	Evalue-Ajomoro-Gwira Confederacy ...		13,500		
	Gwira	7			
	Ajomoro	8			
Nsein	9				
Upper Axim	10				
Lower Axim	11				
			107,600		
IV	Shama	20	24,800	" A " or " B "	
	Komenda	21	11,000		
	Eguafo	22	3,200		
	Edina (<i>less</i> Elmina Town)	23	9,100		
	Oguaa (<i>less</i> Cape Coast Municipality)	24	10,300		
	Asebu	30	12,400		
			70,800		
V	Assin Confederacy		44,100	" A "	
	Assin Atandansu	28			
	Assin Apimanim	29			
	Denkyira Confederacy		39,600		
	Denkyira	25			
	Twifu	26			
Hemang	27				
			83,700		

Number	State Area Combinations	Numbers on Map	Population	Class of authority suggested
VI	Fanti Confederacy		53,600	" A "
	Abura	31		
	Abeadzi	32		
	Kwaman	33		
	Anamabu	34		
	Nkusukum	35		
	Mankessim	36		
	Ayan-na-Breman Confederacy		18,400	
	Ayanmain	37		
	Ayan Denchira	38		
	Ayan Abasa	39		
	Esiam	40		
	Ekunfi	43	21,300	
Ajumako	42	30,900		
		124,200		
VII	Agona	44	78,500	" A "
	Gomoa Ajumaku	45	17,400	
	Gomoa Assin	46	56,400	
	Effutu (Winneba)	47	17,700	
	Obutu, part of	54	11,800	
			181,800	
VIII	Akim-Kotoku	48	53,000	" A "
	Akim-Bosome	49	10,900	
	Asikuma	41	18,500	
	Akim-Abuakwa "Islands" (A-D)	50	4,000	
		(estimated)	86,400	
IX	Akim-Abuakwa	50	228,900	" A "
X	Kwahu	51	79,200	" A " or " B "
XI	Akwapim	53	80,100	" A "
	New Juaben	52	33,600	
			113,700	
XII	Ga (less Accra Municipality and Obutu)	54	46,800	" B "
XIII	Dangbe Confederacy		16,600	" A "
	Prampram	62		
	Ningo	63		
	Shai	60	18,400	
	Ada	64	52,400	
	Kpone	61	2,000	
		89,400		
XIV	Manya Krobo	56	58,600	" A "
	Yilo Krobo	57	27,900	
	Osudoku	59	14,500	
			101,000	

Number	State Area Combinations	Numbers on Map	Population	Class of authority suggested
XV	Akwamu (possibly excluding Doffor Area)	58	18,800	"B" Joint Committee with Number XIV above.
	Guang people in Peki State, part of ...	55	6,000	
	(estimated)	24,800		
XVI	Accra Municipality	—	135,400	"A"
XVII	Cape Coast and Elmina Municipality ...	—	29,100	"B"
XVIII	Sekondi-Takoradi Municipality ...	—	44,100	"A" or "B"
TRANSVOLTA:				
XIX	Anlo	66	190,100	"A"
XX	Peki (excluding Guan people)	55	20,000	"A" or "B"
	Tongu (possibly including Doffor people)	65	61,800	
	(estimated)	81,800		
XXI	Akpini	68	33,800	"A"
	Awatime	69	15,000	
	Asogli	70	44,300	
	Independent Divisions—Southern group, part of	71	10,000	
	(estimated)	103,100		
XXII	Buem	67	45,100	"A"
	Independent Divisions—Northern group, part of	71	24,000	
	(estimated)	100	31,600	
	Krachi	100	100,700	
ASHANTI:				
XXIII	Mampong... ..	80	36,100	"A"
	Nsuta	76	16,600	
	Kumawu	75	10,200	
	Kumasi Division Areas in Mampong District, part of	74	11,700	
	Asokore, part of	74	6,800	
	Atebubu	73	13,100	
	Abease, part of	87	3,000	
	Volta River Federation	72	4,400	
	Other Areas, parts of	74 & 75	1,000	
	(estimated)	102,900		
XXIV	Bekwai	83	24,700	"A"
	Adansi	94	66,400	
	Denyase, part of	74	4,100	
	Essumeja	82	3,800	
	Kokofu	81	12,400	
	Kumasi Division Areas in Bekwai District, part of	74	46,300	
	(estimated)	157,700		

Number	State Area Combinations	Numbers on Map	Population	Class of authority suggested
XXV & XXVI	Kumasi Division within Kumasi District (less Kumasi Municipality)	74	220,100	To be split up into two Class "A" Authorities.
	Ejisu	79	14,800	
	Agona	78	8,900	
	Offinsu	84	23,000	
	Juaben	77	29,000	
			295,800	
XXVII	Kumasi Municipality including suburbs	—	77,700	"A"
XXVIII	Wenchi	86	11,000	"A"
	Techiman	85	11,100	
	Nkoranza	87	20,900	
	Banda	89	6,600	
	Mo	88	4,700	
	Suma	74	16,800	
	Kumasi Division in Wenchi District and others, part of	74 (estimated)	22,800	
			93,900	
XXIX	Berekum	91	24,700	"A"
	Dormaa	90	28,600	
	Drobo (Jaman)	92	8,900	
	Nkwanta, part of	74	8,400	
	Kumasi Division in Sunyani District, part of	74 (estimated)	7,500	
			88,100	
NORTHERN TERRITORIES:				
XXX	Dagomba	102	223,600	"A"
	Nanumba	101		
XXXI	Gonja	98	74,100	"A"
	Mo	99	1,800	
	Prang	97	4,300	
	Yeji	96	4,200	
			84,400	
XXXII	Mamprussi	103	388,800	"A"
XXXIII	Builsa	105	51,200	"A"
	Kassena-Nankanni	104	91,100	
			142,300	
XXXIV	Wa	107	85,500	"A"
	Lawra Confederacy	108	89,200	
	Tumu	106	30,300	
			205,000	

APPENDIX XIII

Population Figures by Districts

(CENSUS 1948)

Administrative areas and districts	Total population (African and Non-African)
The Gold Coast	4,118,450
*The Colony	2,222,810
Accra	224,771
Ahanta-Nzima	179,812
Akwapim-New Juaben	113,850
Birim	370,761
Cape Coast	495,369
*Ho	172,575
Keta/Ada	304,268
Sefwi	65,208
Volta River	164,782
Wassaw-Aowin	131,414
Ashanti	818,944
Bekwai	157,894
Kumas	376,283
Mampong	102,758
Wenchi/Sunyani	182,009
*Northern Territories	1,076,696
*Dagomba	224,506
*Gonja	84,415
*Krachi	31,603
*Mamprusi	531,130
Wa	205,042
Togoland (part under United Kingdom Trusteeship)	382,768
Ho	172,575
Dagomba (part)	100,455
Gonja (part)	6,975
Krachi	31,603
Mamprusi (part)	71,160

* Including part of Togoland.

APPENDIX XIV

Colonialism : A Realistic Approach by Felix S. Cohen

(EXTRACT FROM AN ARTICLE CIRCULATED AT THE REQUEST OF A MEMBER OF THE COMMITTEE)*

III. *The Realistic Approach to the Problem of Colonialism*

To apply to the problems of Colonial affairs, and to intercultural relations generally, the assumptions made by the authors of the federal Constitution, we must approach our problem with the assumption that consciously or unconsciously those who rule a "dependent" people will generally pay more attention to their own interests and advantages than to those of the people they rule and that they will place a larger estimate on the value of their contributions to the civilisation of their "wards" than will the "wards" and at the same time will probably place a lesser valuation upon the material and spiritual returns which they receive than would be put upon these same commodities by the giver. Let us assume further that those who administer the affairs of people whom they regard as "inferior" will become enamoured of the power they wield (if, indeed, they were not so enamoured when they assumed office and responsibility) and will be loath to relinquish such power at any time. I believe that a good deal of factual evidence could be brought to bear in support of the accuracy of these assumptions. But, without attempting to prove this belief, let me offer it as a hypothesis to be tested in terms of the implications which we can draw from it in the analysis of contemporary Colonial problems. These implications, I believe, will have an important bearing upon the issues of whether, in any given situation, a Colonial relationship should be established or, having been established, should be abandoned, as well as upon the further question of how Colonial institutions ought to be shaped and administered.

Colonial status is commonly justified to-day as a temporary institution designed to give way, in the long run, either to independence or to assimilation. The only difficulty with this theory is that, as John Maynard Keynes has observed, in the long run we are all dead. Certainly the process of terminating a colonial status in an orderly non-violent manner is one of the most difficult of political operations.

The traditional approach to issues relating to the disestablishment of colonial status has been that the "expert" in the case, that is, the governing power, should make such decisions. This position runs into the difficulty that ruling powers seldom if ever voluntarily abdicate their power. The argument for the retention of authority will vary, from time to time, but the conclusion remains the same. The position taken by the holders of power is most commonly supported by means of four standard arguments.

1. If a great power is making a financial profit from its administration of a dependency, this proves that the administration is successful and should not be disturbed. Per contra, if it is suffering a loss, this is the clearest possible demonstration of the unselfishness of its administration, of the need for its continuance, and of the distress that would follow upon its interruption.

2. If a dependent people has made progress, economically or culturally, under a given form of administration, nothing should be done to interrupt that progress. Per contra, if progress has not been made, this must be explained by the fact that the form of administration in effect has not been continued long enough to achieve its purpose.

3. If within a given area different native groups seriously disagree with each other, this demonstrates that they are not ripe for self-government, which could only bring chaos and civil strife. Per contra, if they do not have serious internal dissensions, they must be either totalitarian at heart or politically immature and, in either case, cannot be entrusted with the responsibilities of self-rule.

4. If a native group subsists on a low standard of income, it is plain that administration by a civilised country is needed to raise the standard of living. Per contra, if a native group seeks to derive a large income from its control of peculiar resources or strategic areas, administration by a civilised country is justified to prevent extortion. (How much financial aid would the natives of the Congo need if they received the fair value of the radium and rubber taken from their land, or the natives of South Africa, if their title to the Kimberley diamond mines were recognised? And who, to this day, dreams that civilised nations should pay to the natives of Java or Brazil what rubber is worth to civilised man?)

All the foregoing considerations indicate that no nation can be an impartial judge of its own administration of colonial affairs. Objective judgment may possibly be

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secured from the natives concerned, for, as Aristotle long ago pointed out, one does not have to be a master of cooking to pass on the merits of a meal. Other alternative sources of objective judgment are no doubt available. For example, following the precept of Jesus, those nations that are themselves without colonies might be expected to render fair judgment on the adequacy of other nations' colonial arrangements. Or, conceivably, an international agency might be established in such a manner as to be capable of rendering impartial judgments on these questions.

Returning to our principle of political realism, we may observe that not only in determining the existence or abandonment of colonial status but also in actually carrying out a pledge of freedom, the power of government is a corrupting force.

In the first place, it is clear that any pledge or agreement depends for its validity upon the continued existence of the parties. To the extent, however, that any dependency relationship which has been assumed by agreement tends to destroy the autonomy of one of the contracting parties, it renders the original pledge or agreement unenforceable and illusory. This is why so often the treaties and agreements out of which colonial relationships emerge come eventually to be viewed by later colonial administrators as merely anachronistic impediments to efficient administration, impediments which must be wiped out in the name of progress. It follows, then, that no agreement between a stronger and a weaker party can be of any permanent significance unless it guarantees the continued existence and autonomy of the latter.

Assuming that an obligation looking toward increased self-government has been assumed, and has not been repudiated, there remains the problem of how it can be enforced—which history shows to be a problem of the utmost difficulty. Where, within a framework of colonial administration, an over-all commitment to local self-government has been made by the political arm of the governing power, each functional branch of the colonial service may reasonably be expected forthwith, to the best of its ability, to obstruct the execution of such a policy. Each service is naturally likely to take the position: Self-government should be encouraged in general but not in the particular field of education, health, forestry, mining, agriculture, commerce, industry, banking, or police administration with which the particular colonial agency, bureau, or office is concerned, since these are after all, technical matters requiring long training and expertise, on which it would be ruinous to introduce incompetent personnel, native factionalism, tribal politics, etc. Since each technical service has little to say, ordinarily, about self-government in general but a great deal to say about the transfer of its own powers, the net effect of this attitude is to obstruct all attempts by central authority to aid in the growth of native self-government, no matter how sincerely the latter end is sought.

From this one may deduce that the carrying-out of a decision to relinquish power cannot safely be left to the wielder of such power.

Perhaps the most practical safeguard against the indefinite expansion of services to a point where the servant becomes the master and self-government disappears is the establishment of definite timetables for the limitation and final relinquishment of supervisory powers. American experience with Cuba and the Philippines illustrates the possibility of meaningful agreements the force of which even the most expert adversely affected administrators have ultimately accepted. The establishment of such a timetable is the first token of good faith in colonial relations, as the adherence to such a schedule is the surest foundation of continued mutual trust.

The special bias of the colonial administrator affects the character of colonial administration generally, no less than it affects judgment as to the establishment and discontinuance of colonial relations. Generally speaking, a colonial administration, whatever else it may do, will tend to act along lines that promote the aggrandisement of (a) itself and (b) the government of which it is a part.

The glorification of expert colonial administration by expert colonial administrators is a natural occupational disease. For one thing, any occupation inevitably tends to build up a system of values in which it occupies a role of central importance. This is particularly true of governmental occupations and is daily exemplified in the attitudes of judges toward lawyers and litigants, of military officers toward civilians, and of governmental administrators or "bureaucrats" toward those who depend upon their decisions. In all these relationships the public servant tends to act as a master, treating his employers as inferiors. This attitude is somewhat checked, on the domestic scene, by the social interdependence and intermixture of rulers and ruled. Every judge was once a lawyer and remains a potential litigant, but few experts on native administration were ever natives subject to expert administration or ever expect to be. Military officers and civilian "bureaucrats" depend for their emoluments and supplies upon a lay public and its lay representatives. But in a colonial atmosphere these great solvents of institutionalised snobbery do not ordinarily operate. Without interdependence and intermixture there is no natural check upon the tendency inherent in all institutions, as in all animals, to live and grow by devouring some part of the environment.

What we call "the drive to amplify jurisdiction" is but a manifestation of the impulse of every living thing toward self-aggrandisement. It is not a Machiavellian trait of sophisticated and power-hungry politicians but a perfectly natural by-product of human effort. Successive officials may be dominated by the most diverse objectives, selfish and unselfish; but, while these objectives may cancel out, that which is a common incident to all these objectives creates a pattern of cumulative growth almost as irresistible as the growth of coral reef. I think, for example, of an Indian reservation in Montana where one superintendent, who devoted great energies to setting up his charges in the cattle business, was followed by another who, equally devoted to the well-being of his charges, insisted on liquidating cattle enterprises and promoting sheep-raising, while a third superintendent insisted on ploughing up the prairie sod in order to make wheat farmers of his charges. (The fourth was an ardent cattleman and presumably started a new cycle.) Each of these superintendents, in order to carry out perfectly unselfish objectives, had to insist on (a) larger appropriations, (b) more extensive credit controls, (c) greater authority over his staff, and (d) greater power over obstructive or recalcitrant Indians. These, then, were the jurisdictional constants that determined the development of the office, while the specific conscious objectives all cancelled each other out.

Where racial or class distinctions are part of the colonial picture, self-aggrandisement, personal or institutional, is fed by the myths of racial or class superiority. Those who are too wise, too modest, or too timid to assert boldly their own personal greatness may without censure dilate upon the greatness of the class or race to which they belong. Where educational or linguistic distinctions appear, the colonial administrator may develop a protective contempt for, or ignorance of, the judgments passed on his labours by those in whose service he is supposed to be labouring. If, by chance, a member of the administrator's own class or race intervenes to voice a critical judgment or protest on behalf of the native population, the critic is likely to be denounced or ignored as a "grafter," "paid agitator," or "crank"—a "grafter" if he receives a material reward from the natives, a "paid agitator" if he receives a reward from some other source, and a "crank" if he receives no material reward at all. The patterns of colonial administration contain many effective devices for reducing the efficacy of such champions of the underdog.

The cultivation of distinctions between the governing class and the governed is a widespread element in the mores of colonialism. The marks of peculiarity which distinguish the self-styled superior race in a native environment (e.g., formal European attire and avoidance of local foodstuffs) are likely to be officially cherished as badges of dignity. Thus the cost of living of colonial service employees is often raised to a point where only the very wealthy or very irresponsible can afford colonial careers, and the gulf between governed and governors is artificially widened, while, at the same time and by the same token, the possible economic and spiritual contributions of the native culture to European civilisation are systematically undervalued. For decades many Europeans in this country tried with little success and much starvation to maintain European customs in agriculture as in other aspects of life; prosperity came to those groups that had enough cultural resilience to accept the Indian agricultural patterns built around corn, beans, potatoes, tobacco, and cotton.

No discussion of the mores of colonial administrators would be complete without reference to the quaint idea of self-government which is so perennially popular in Colonial Office circles, the idea, namely, that vesting power in a group of natives selected by the colonial administrator is equivalent to self-government. This attitude, which, perhaps more than anything else, made the Cripps mission to India so futile a performance, is the source of what is called "company unionism" in industrial relations and "indirect administration" in colonial affairs. It is a typical example of what logicians call the genetic fallacy to suppose that the nature of a man's political responsibilities is in any way determined by his racial origins. To a realist it is plain that a white man employed by Zulus and responsible to Zulus is an instrument of Zulu government, while a dozen Zulu princes picked by a British official and removable by that official are instruments of British, not Zulu, sovereignty.

Cynicism, however, must not be one-sided. The diseases of colonialism are not limited to those who govern. Those who are governed develop equally stubborn and serious maladies. Chief among these maladies are: (1) native toadyism, in which the native politician secures crumbs of power by adopting the usual habits of lickspittles, sycophants, and courtesans; (2) blablaism, in which natives aspiring to posts of leadership among their people, having no opportunity to demonstrate capacities for nonvocal behaviour, are appraised, selected, and bred solely on the basis of the noises that come from their mouths; and (3) noitis, in which the patient, deprived of the opportunity of action, is reduced to a position of continuous objection to the course of administration.

A combination of the last two maladies generally produces a situation in which a depressed group will choose its leadership from those who most eloquently express the common distrust of the power that governs. To expect such a leadership to accept

with joy promises of self-government, or of better conditions in the future, is childish. Apparently, however, Sir Stafford Cripps expected that Indian leaders who had attained their positions of leadership by warning their people not to trust the British, these warnings have been frequently substantiated by the course of events, could turn around to their followers and say, "The promises which the British now make are to be believed." In all probability the only rational approach to this type of situation is the immediate transfer of new realms of responsibility to native control. Such a solution not only does away with the need for trust in promises but also inevitably modifies the character of the native leadership by instilling the habits, tests, and responsibilities of actual administration and thus replacing leaders-in-discourse with leaders-in-action.

Our realism, finally, if it is to result in a balanced judgment, must extend to the alternatives to colonialism. Do the "Banana Republics" of Central America present a fitting ideal towards which peoples now held in colonial subjection are to aspire? Why is it that force of reaction in domestic politics (Edmund Burke and W. R. Hearst, to take two notable examples) often throw their support to independence movements of subject peoples? The answer to both questions is to be found, I think, in a recognition of the fact that economic imperialism is not necessarily dependent upon, and is sometimes even hindered by, political imperialism. Where such hindrances arise it will be to the interest of the economic imperialists to eliminate the political phase of colonialism.

The bargaining between representatives of an advanced commercial economy, on the one hand, the aborigines, on the other, is generally marked by extreme differences in (a) technology, (b) understanding of costs and values, (c) power to enforce promises, (d) attitudes toward sentimental or intangible values, and (e) control over, and concern for, the future. By reason of these differences enterprising representatives of the more advanced economy can generally manage, in time, to secure most of the property of the aborigines in exchange for a very modest return, unless forcibly restrained from doing so.

The inequality of the bargaining process may be accentuated by the use of liquor, physical coercion, the bribing of native rulers, the financing of palace revolutions, or more subtle forms of interference in local politics; but even without these aids the inequality of bargaining power that is based upon a wide disparity in technology leads inevitably to exploitation unless such bargaining is subjected to effective restraints. Four sources of such restraint may exist: (a) a regime of free competition, in which competitive bids raise the price of native property or native labour to world commercial levels; (b) restraints upon unequal bargaining exercised by the native group; (c) restraints upon unequal bargaining exercised by the political authorities of the alien group; and (d) controls of an international character. Where free competition and international authority do not exist and the leadership of the native group is unable or unwilling to restrict trade between natives and foreigners, the only restraint that the trading company need fear is that which may emanate from its own sovereign. In this situation, if its own sovereign is actually disposed to impose such limitations, a conflict is likely to arise between the trading companies and their own governments, the former seeking to avoid the limitations which the latter seek to impose. The history of European settlement in the New World is a history of four centuries of such conflict. Always there were Europeans seeking the gold, furs, and lands of the Indian either through a one-sided trade in which the Indian received "firewater," firearms, or baubles for that which he conveyed, or through the simpler methods of brigandage. This side of the story of the conquest of America is well known. What is not so well known is the persistent effort of government to lay restraints upon such individual enterprise. From the issuance of the Papal Bull of 1537, which forbade the holding and selling of Indians as slaves, and the Laws of the Indies, which forbade private transactions in Indian land, down to the latest regulations of the United States Government, prohibiting the sale of Indian lands to non-Indians and requiring leases of Indian minerals to be made only on competitive terms, a chief source of protection for the native against white exploitation has been the political arm of the white man's society. And from the days when Fra Bartolome de Las Casas was run out of his diocese by the exploiters to whom he brought the royal and papal guaranties of Indian rights, through the days when land-grabbers of Georgia and the Georgia courts, with the approval of a frontier president, defied the Supreme Court of the United States and insisted on imprisoning those who tried to enforce federal laws for the protection of the Indians, and on down to the present, when western miners, stockmen, and land-grabbers make regular efforts, in the name of Indian freedom to abolish all federal laws and agencies that protect Indian property, the struggle has raged between private exploiters of the Indian and government agencies. One may say that the desire of government throughout this struggle was to make the exploitation of the Indian a government monopoly, and there would be much truth in that analysis. But the fact remains that the attitude of governments has been generally dominated by considerations of long-range expediency, if not of justice, rather than simply by the considerations of immediate profit that most

appealed to private exploiters. Thus the federal government recognised at an early date that a dispossessed Indian offered a threat to the lives of innocent men and women and that defences against such threats imposed considerable burdens upon the public treasury. Thus a matter of no special concern to the commercial trader was of serious concern to the government. Although changed conditions within the last five decades have eliminated the fear of Indian warfare, the dispossessed Indian continued to be a hazard or burden to the community, and thus the basic incentive for governmental protection of Indian property has continued, despite the strenuous efforts of private commercial interests to destroy that protection and despite the aid given that campaign by those who think government protection degrading.

Against this background of historical experience it would certainly be foolish to overlook the positive protection that political government may offer against the ravages of raw economic exploitation. It is highly improbable that United States rubber interests would be allowed to exploit the Liberians in the way they now do if Liberia were a colony of the United States; the fact that for other reasons neither Liberia nor the United States would want to establish any such political relationship does not detract from the evils of the present American corporate control over the Liberian economy; rather it contributes to those evils by giving American rubber interests the argument that any attempt by the United States to control their exploitation of Liberians would be an infringement of Liberian sovereignty and would further the exploitation of Liberian resources by non-American powers.

Political independence, then, is not an adequate answer to all colonial problems. Recognising the distinction between economic and political dominance, we can formulate our basic problem in this way: How can we minimise the evils of political overlordship without increasing the evils of private economic exploitation?

In approaching the problem of colonial administration from the cynical or realistic standpoint which the foregoing remarks portray, no single formula can be mechanically applied to all situations to produce an adequate social solution. But certain limiting assumptions may serve to exclude some pretended solutions of colonial problems and thus to narrow the field to be explored in facing any given situation.