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TOGOLAND UNDER BRITISH ADMINISTRATION:  
CONSTITUTIONAL DEVELOPMENTS AFFECTING THE GOLD COAST  
AND TOGOLAND

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## I. INTRODUCTION

Although the Gold Coast obtained its first Legislative Council in 1850, it was not until 1916 that Africans were appointed to the Legislative Council, by nomination. In 1925 a new constitution came into being providing for the first time for a number of elected members. Provincial Councils were simultaneously created. In 1946 a further change was made in the Constitution which provided for an unofficial elected African majority. (The existing executive, legislative and administrative organization is described in documents TC/VM.1949/19 and 20).

Proposals for the change which are expected to be of far-reaching importance to both the Gold Coast and Togoland, which share the same constitution have been in course of formulation and discussion for the past several months. They are the outcome of an inquiry into disturbances which took place in the Gold Coast and Togoland early in 1948.

On the last two days of February and the first day of March 1948, rioting and looting occurred, notably at Accra, and later, on a lesser scale, at Hohoe in Togoland. Those disturbances resulted in the appointment by the Secretary of State for the Colonies of a Commission consisting of Mr. Aiken Watson K.C. (Chairman), Mr. A. Dalgleish and Dr. K.A.H. Murray, whose terms of reference were "to enquire into and report on the recent disturbances in the Gold Coast and their underlying causes, and to make recommendations on any matter arising from their enquiry." The three commissioners arrived at Accra from the United Kingdom on 6 and 7 April, and concluded their investigations on the 9 May. Their report has been (Colonial No. 231), together with a statement by the United Kingdom Gov. published by the United Kingdom Government/on the extent to which it agrees or disagrees with the opinions and recommendations of the Commission (Colonial No. 232). Besides arriving at certain conclusions with regard to the actual disturbances and the circumstances directly connected with them, the Commission devoted a large part of its report to a discussion

of broader and more fundamental questions of political, social and educational advancement.

The proposals of the "Watson Commission" were placed by the government early in 1949 before an all-African committee (the "Coussey Committee") whose recommendations are now being awaited.

## II. REPORT OF THE WATSON COMMISSION

### (1) Outline of findings

In a series of general observations -- covering, as does the report as a whole, other fields besides the political -- the Watson Commission stated that by far the most serious problem which the Administration had to face in the Gold Coast was the suspicion that surrounded Government activity of any sort. The origin of this suspicion was disperse and often obscure, but to overcome it was the hard core of the problem of healthy relations between Government and governed.

The Commission divided the underlying causes into three main categories -- political, economic and social -- although it emphasized that they were often inter-related, and that none took precedence over the others.

The Commission examined a large number of factors under these three headings. It arrived at conclusions, and presented recommendations.

The Commission urged the need for greater utilisation of natural resources and for increased production, without which the Gold Coast was in danger of having too much attention paid to political development at the expense of the balanced development of the people. It criticised an apparent lack of coordination in economic planning, and found the administrative machine weak in that respect. In particular, it urged "bold planning on imaginative lines" for the establishment of secondary industries, operated as co-operative units on Government advances; and



a re-orientation of agricultural policy to meet criticism that the Government was lukewarm about any kind of production except that designed for export, and to improve the yields and quality of food crops for local consumption.

The Commission payed particular attention to educational policy, programmes and methods. It made a considerable number of recommendations aimed at overcoming what it considered to be shortcomings in the present system; excessive emphasis placed on expanding primary education at the expense of senior primary and secondary education; not enough technical and vocational training; the "bookish" content of education, the great need for work schemes and special text books and the need for experiments in mass education.

The Commission also urged the speeding up of house building, particularly for the African working class; and land reforms aimed at overcoming the "general fear" of the Africans in the Colony and Ashanti areas that if alienation of tribal lands continued unrestricted a landless peasantry might result.

## (2) General Political Advancement

### (a) Findings of Commission

"The Constitution and Government of the country must be so reshaped as to give every African of ability an opportunity to help govern the country; so as not only to gain political experience but also to experience political power ...

"A forward policy of Africanisation must take place in the public services so that in all appointments or promotions, having laid down the standards of qualifications, the first question to be asked is: "Is there an African capable of filling the appointment?"

These were the two fundamental principles of political advancement which, in the Commission's view, called for immediate attention. It declared its opinion that any broad scheme based upon them would be acceptable to the vast majority of the people and would assure "orderly and peaceful advance to the goal of self-government."

The Commission was emphatic that anything less than a reconstruction of Government in favour of opportunity for Africans would only stimulate national unrest, and that Government through advisory committees, as a measure of reform, would be quite unacceptable.

On the basis of the two main principles stated, the Commission advanced a series of recommendations indicating broadly the pattern which it believes constitutional changes should follow during a probationary period of ten years.

These recommendations arose from a number of important criticisms of the present structure of the Government -- among them the alleged failure of the Africans to be granted, even with an unofficial majority in the Legislative Council, any real measure of political power and share in policy-making; failure to decentralise, to the Africans, the machinery even of local government; the fact that the African's only approach to political expression lay through the system of Native Authorities -- an administration "residing largely in a hierarchy of vested interests guarded jealously by Chiefs and Elders"; and an insufficiently positive approach to the question of the Africanisation of the Government services.

"Proximate underlying causes" of unrest, in the political field, appeared to the Commission to be, in summary, as follows:--

Dissatisfaction among the large number of Africans returning from war service with increased political and national consciousness

Political frustration among educated Africans who saw no prospect of ever experiencing political power under existing conditions, and who regarded the 1946 constitutional reforms (mainly granting the Africans an unofficial majority in the Legislative Council) as mere window-dressing designed to cover but not to advance, their natural aspirations;

Failure of the Government to realise that with the spread of liberal ideas, increasing literacy and a closer contact with political development in other parts of the world, the star of rule through the Chiefs was on the wane;

Universal feeling that Africanization was merely a promise and not a driving force in Government policy, coupled with suspicion that education had been slowed up and directed in such a way as to impede Africanisation;

General suspicion of Government measures and intentions, reinforced by a hostile press and heightened by the general failure of the Administration in the field of Public Relations;

Increasing resentment at the growing concentration of certain trades in the hands of foreigners (particularly an increase in the number of Syrian merchants).

Among a number of general observations, bearing on the Africans' capacity for political advancement, the Commission noted the existence of bribery and corruption in many walks of life, but regarded this as a challenge which the Africans would take up under the weight of responsibility, and felt that its existence could not be accepted as a barrier on the road to self-government. The Commission stated also that, in discussion with many Africans, it found a marked disinclination to face realities -- the lack, for instance, of any public understanding that every penny of Government expenditure comes out of the taxpayer's pocket.

"Save among the elder population", the Commission also found, "there is an unconfessed desire for Europeanisation at least in many aspects. We say 'unconfessed' because while undoubtedly growing it is not yet strong enough openly to cast off the shackles of tribalisation.

"But the hands of the clock cannot be put back. This movement is gathering momentum even if cloaked at times by anti-racial expressions.

"We doubt if it is sufficiently realised what problems these changes entail. Native authority in its widest sense is diminishing. The old religions are being undermined by more modern conceptions. Earlier disciplines are weakening. Others must be devised to take their place.

"These are obvious dangers, and present a background against which we have fully considered our recommendations."

(b) Views of Government

The views of the United Kingdom on particular criticisms expressed or matters raised by the Commission are elaborated in subsequent sections of this summary.

With certain exceptions -- notably in disputing the claim that the Africans had gained no real political power in the newly-reconstituted Legislative Council, and in upholding the position of the Chiefs -- the United Kingdom Government stated that it is in broad general agreement with the principles underlying the recommendations of the Commission. But it regarded this agreement not as the result of an outbreak of disorder but as giving effect to a further advance "which had to a large extent already been envisaged."

In a general observation, the Government declared: "It is an axiom of British colonial policy that progress, whether political, social or economic, and whether in local affairs or at the centre of government, can be soundly achieved only on two conditions: first, that it rests on the foundations of tradition and social usage which already exist, and second, that changes and developments carry with them the substantial acceptance of the people.

"It is not impossible, within these limitations, to banish abuses, to adjust anachronisms and to introduce the framework of a modern civilisation, but the process must be evolutionary. A European system cannot be imposed arbitrarily on an African society; readiness to give must be matched by willingness to receive.

"If some of the Commission's recommendations appear to involve radical changes of system it is not to be implied that they have not themselves recognised the inevitability of advance by stages.

Nevertheless, the manner of presentation of some of their proposals may lead to misunderstanding, in that it may appear that they advocate plans which conflict with the conditions for progress laid down above.

"The Commission's proposals on land reform, for example, and their suggestions for fiscal arrangements as between regional and local authorities, take rather less than adequate account of the obstacles of present opinion and usage. Again, their comments on Chiefs do substantially less than justice to the strength of the tradition and custom which a large part of the country still regards as essential to an ordered society.

"A further comment on the manner of presentation of the Report is that, from the extent and range of its recommendations, it may be inferred that the Gold Coast Government have, in their past actions and present plans, shown tardiness in meeting popular demand for progress.

"The Commission were naturally met by repeated representations from the more advanced section of the community which is eager to accelerate the pace of political development, and have properly recorded and given weight to these representations.

"His Majesty's Government think it necessary, in the detailed comments that follow, to emphasise that in many cases the recommendations are in line with the course of policy which the Gold Coast Administration is already pursuing. It would be unfair to the administration not to make that point clear.

"The 1946 Constitution was not a belated recognition of longstanding demands, but a necessary and accepted step in constitutional advancement. The proposals to which His Majesty's Government are now announcing their willingness to agree are not

the fruits of an outbreak of disorder, but a further advance which had to a large extent already been envisaged."

(3) Structure of Central Government

(a) Findings of Commission

The Commission satisfied itself that "a substantial measure of constitutional reform is necessary to meet the legitimate aspirations of the indigenous population." The fact that in some aspects the three areas into which the Gold Coast was administratively divided presented different problems by reason of the varying stages of cultural, political and economic development at which each had arrived did not, in the Commission's opinion, provide a valid excuse for delay.

The Commission reported that it had canvassed widely-representative opinions. Although it heard at some length the advanced claims of those who press for change overnight, it took care not to overlook more moderate and conservative opinion.

It sought official views from people of long residence. Among some of them it was oppressed by the feeling that time had stood still -- "a disposition to let the world go by and to resent the intrusion of new ideas." But among others it found forward-looking views.

The Commission stated that the new constitution ushered in with such promise in 1946 (by which the Gold Coast became the first territory in West Africa to be granted an unofficial majority on its Legislative Council) was no doubt well-intentioned, but its weakness lay in its conception. It was obviously conceived in the light of pre-war conditions.

Six years of total war had naturally arrested development in British administration; for that, "no apology need be made". But the same period had been marked by rapid advancement in the experience of the Africans. Increasing numbers had received higher education. Large numbers had their horizons widened and their political consciousness stimulated by service in the forces abroad and close contacts with other peoples. In that background, the 1946 Constitution was "outmoded at birth".

The concession of an African elected majority in the Legislature -- in the absence of any real political power -- provided no outlet for a people eagerly emerging into political consciousness. On the other hand, it provided a powerful stimulant for intelligent discontent.

Real and effective political government remained in the hands of the Executive Council. Composed of ex-officio and nominated members, it was the instrument of power. The Legislature was largely a Chamber of Debate.

The 1946 Constitution did nothing to decentralise the machinery of government. The Government continued to concern itself with the details of pre-eminently local affairs. The District Commissioner still controlled matters of local concern. Africans, even at lower levels, were thus still deprived of the school of political experience to be found in local management.

(b) Views of Government

The United Kingdom Government was unable to accept these general criticisms of the new constitution, which it stated to have been framed in consultation with the representatives of the people; accepted with enthusiasm by the press and the public and by the members of the old and new Legislative Councils; and been



in force for only two years. During this period, no demands had been received for further constitutional reforms.

The granting of an unofficial majority of the Legislative Council had been a notable and a necessary step forward. The Government did not agree that it provided no outlet for the political consciousness of the people, for the reasons that:

(1) since 1942 Africans had taken part in the formation of policy through their membership of the Executive Council; and

(2) under the existing constitution the unofficial majority on the Legislative Council had been in a position to exercise an important influence over policy, and in the particular sphere of finance the Standing Finance Committee had shown itself willing and able to undertake effective control.

"The type of constitution which combines an unofficial majority on the Legislative Council with an official executive government is an essential stage in the political evolution of Colonial Territories. The very fact that it makes the business of government dependent on agreement between the executive and the legislature is in itself an advantage; and though the system may not be perfect, it has worked well in other parts of the British Commonwealth."

(The specific recommendations of the Commission for constitutional reform together with comments by the Government, appear in Appendix A in summary form).

#### (4) Native Administration

##### (a) Findings of Commission

The Commission saw a need for "some radical change" in the policy of local administration through the Chiefs and their sub-chiefs and elders. It maintained that under the 1946 Constitution

the situation was maintained whereby it was only in Native Administration that the African was provided with an approach to political expression.

It described the Native Administration, however, as "residing largely in a hierarchy of vested interests jealously guarded by Chiefs and elders." Even where an enlightened native administration admitted some fresh entrants into the fold of the State Council, it was conceded as a great privilege and not conferred as an elementary right.

The Commission did not doubt that the policy of rule through the Chiefs had many advantages. It had the convenient merit of tradition among a people still familiar in great part only with patriarchal government.

Furthermore, the Commission stated, a wide gulf separated thought in the towns from thought in the hinterland. But much of what is thought in the towns today reached an ever-widening circle. A great questioning had everywhere arisen, particularly among the classes with little or no say in affairs.

There was, stated the Commission, an intense suspicion that the Chiefs were being used by the Government as an instrument for the delay if not the suppression of the political aspirations of the people. The fact that "destooling" (removal from office) -- once the absolute privilege of a dissatisfied people, if need be exercised capriciously and violently -- had been made the subject of a well-defined code, under the supervision of the Government, was itself the object of grave suspicion.

The view was being advanced, the Commission stated, that so long as the Chief accepted and supported the Government's policy he would receive the Government's support, however much he had

become the object of dislike to his people. "That there is no evidence to support this view is beside the point. The suspicion exists."

In the same way, by reason of the fact that, the towns apart, election to Legislative Council was by the Chiefs, who naturally elected for the most part members of their own caste, the Chiefs so elected had become the object of suspicion as mere tools of the Government. The Commission added: "Indeed, nothing impressed us so much as the volume of evidence we received, not alone from the more forward sections of the community, of the intense objection to Chiefs being elected to and sitting in the Legislative Council. We were constantly reminded that the place of the Chief was among his people."

Apart from this, the Commission found great difficulty in getting any universal agreement on the precise place to be occupied by the Chief in any new political system. There appeared to be no doubt that so long as he occupied the Stool, the Chief partook of some measure, of divinity; but it was a divinity with territorial limitations and, equally, it was a divinity he lost the moment he was destooled.

Among Africans of modern political outlook, the Commission found that their conception of the place of the Chief in society was that he was ornamental rather than useful. He was seen as "a man not necessarily of any particular ability, but of good presence, expressing in his person but never in his voice the will of the people; exercising the office of pouring libations to ancestors; remaining always among the people and never speaking save through his linguist. He must either remain on his Stool and take no part in external politics, or forego the office: he should not attempt a dual role."

The Commission found itself unable to envisage the growth of commercialisation in the Gold Coast with the retention of native institutions. However, it did not feel called upon to make any immediate recommendation for the solution of a matter on which Africans themselves were not in agreement.

Nevertheless, as will be seen from Appendix A, the Commission proposed that representation on Native Authorities of persons other than those exclusively "drawn from a privileged class or classes" should be made a condition of their recognition.

"Our sole concern is to see that in any new constitutional development there is such modification as will prevent existing institutions standing in the way of general political aspirations.

"To that end, in the recommendations we are about to make, the door is left open to any Chief to climb the political ladder to a seat in the Legislative Chamber. But whether he does or not will clearly be by the will of his people expressed through the Regional Council (three elected councils are proposed) and not by the positive act of the Government."

(b) Views of Government

The United Kingdom Government pointed out that in the very short time <sup>(1)</sup> available the Commission was not able to travel extensively in the rural areas, and it could therefore have had less opportunity of hearing representatives of the rural communities, forming the great bulk of the population, than Africans with a modern political outlook.

Accordingly, the Government felt it necessary "clearly to state that, while they attach the greatest importance to modernising the Native Authorities and making them fully representative of the people, they regard the Chiefs as having an essential part to play

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(1) The Commission was in the Gold Coast from 6-7 April to 9 May 19

In general, the Government pointed out, the Chiefs were the traditional leaders of the people. Their functions in regard to local administration were based on popular support; and the transfer or delegation of any of their functions would require popular sanction, since the position of the Chiefs affected the whole system of relationships on which community life was traditionally based.

Increasing numbers of Chiefs recognised the need for modernising their institutions, and in this every encouragement was given to them by the Gold Coast Government and its administrative officers. Although much remained to be done, very considerable progress had been made.

(5) Proposed Constitutional Reforms

By way of introducing its recommendations for constitutional and political reform, the Commission set out what it believed to be the broad basis of British Government policy in West Africa.

"The moral justification for Britain remaining in the Gold Coast lies in this: out of a population of approximately four and a half million Africans, on a fair assessment, barely ten per cent is literate.

"We have no reason to suppose that power in the hands of a small literate minority would not 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.

"His Majesty's Government therefore has a moral duty to remain until

- (a) the literate population has by experience reached a stage when selfish exploitation is no longer the dominant motive of political power, or
- (b) the bulk of the population has advanced to such a stage of literacy and political experience as will enable it to protect itself from gross exploitation, and

- (c) some corresponding degree of cultural, political and economic achievement has been attained by all three areas now part of the Gold Coast."

Pending the happening of these events, the Commission based its recommendations on the broad principles (a) that the constitution and the Government should be reshaped so as to give every African of ability an opportunity to help govern the country and (b) that a forward policy of africanisation must take place in the public services.

It set out "to indicate broadly the pattern which, in our mind, changes in the constitution should follow during the probationary period" (of ten years). It did not feel sufficiently equipped to draft a constitution, and, in fact, mentioned that it was "far from satisfied, assurances to the contrary notwithstanding, that the superficial similarity in conduct and outlook of the whole of the inhabitants as yet bespeaks a really homogeneous people."

The Commission saw in its proposals a pattern of Government conforming in some respects to the governmental structure of the United Kingdom itself. They were designed to bring to a more advanced stage each of the different levels of government, with particular emphasis on greater African participation together with more popular representation within the Africans themselves. The principal features were:

- (1) Transformation of the Executive Council into a policy-making Board of nine full-time salaried Ministers, of whom five should be Africans.
- (2) Substantial increase in size of Legislative Council; 15 members would be elected by each of three proposed indigenous Regional Councils; a Speaker, not the Governor, would preside.
- (3) Election of three Regional Councils with wide local functions.

- (4) Abolition of the Native Authority in towns which have elected Town Councils.
- (5) Re-constitution of the Native Authorities so as to give representation to a specified proportion of adult males not now eligible, and a review of their financial system.

The recommendations are given in Appendix A in fuller form, together with a summary of the attitude of the United Kingdom Government in each case and a brief note on the existing position.

(6) Africanisation of Government Services

(a) Findings of Commission

As already mentioned, the Commission regarded "a forward policy of Africanisation" as one of the two fundamental principles of political advancement demanding immediate attention, but found no African who seriously suggested that there was as yet a sufficient number of Africans with education or experience sufficient to fill an appreciable number of posts in the higher branches of the public services.

The Commission appeared to regard as the kernel of the problem of Africanization the fact that the public service was regarded by Africans as being in a more or less static form and accordingly, all that was necessary, in the view of the Africans, was to turn out Europeans and replace them by Africans.

This viewpoint, the Commission noted, took no heed of the fact that by reason of the backward state of the country generally, matters which were essentially local in operation continued to be the executive concern of the Central Government.

"If our proposals for constitutional reform are accepted", the Commission stated, "we expect to see developing a system of local government enjoying both responsibility and power which will prove less expensive than the machinery now in use by the Central Government for like purpose. Such local government will necessarily

develop its own administration from which, we hope, will graduate officers of experience capable of taking over in due course every post of importance in the Central Government. We are persuaded that this is a natural and profitable way of evolving complete Africanisation of the public services."

The Commission recommended the establishment of an appointment Board consisting of an African High Court Judge as chairman, the Colonial Secretary, and some other disinterested persons. To this Board would be referred every fresh appointment to, or promotion within, the Central Government administration, other than appointments carrying ministerial responsibility under the new constitutional proposals. The Board would interview African candidates, and before any European was appointed to the post, the Board would certify to the Governor that in its opinion, no suitable African was available.

(b) Views of Government

The United Kingdom Government reaffirmed as accepted policy that "an increasing place should be found for Africans in all branches and at all levels of the government services and in the central executive organisation of government".

As to the proposal to set up an appointments board, the United Kingdom Government stated that it had been decided in 1947 to establish a Public Services Commission. The Commission would be established by statute, but until legislation could be enacted an administrative organ would be set up. In addition, it was already an established rule that it must be shown to the satisfaction of the Governor that no suitable African was available before an overseas candidate was appointed to any post. The new Commission and the Gold Coast Government would "continue to observe this important principle."



### III. CONSIDERATION OF PROPOSED REFORMS

#### 1. The Coussey Committee

While the United Kingdom Government expressed itself as prepared to go a considerable distance to support the views of the Watson Commission, it considered it desirable that a local committee should first be appointed to examine the proposals and to consider the extent to which they could be accepted and the manner in which they could be implemented.

Accordingly, the Gold Coast Government appointed in January, 1949, an all-African Committee consisting of 39 persons. The Chairman, an African judge, Mr. Justice H.H. Coussey, and of the remaining 38 members four were paramount chiefs appointed by the Joint Provincial Council of the Colony; four, including two chiefs, were appointed by the Ashanti Confederacy Council; four represented the Northern Territories Territorial Council, and the balance represented various sections of the community.

It is understood that the Committee has already completed its report and submitted it to the Secretary of State for the Colonies. Both the report and the United Kingdom Government's comments thereon may be in the hands of the Visiting Mission during its stay in West Africa.

#### 2. Effect of Reforms on Togoland

The arrangement by which the Trust Territory of Togoland shares with the Gold Coast the same executive, legislative and administrative organisation has been dealt with elsewhere (documents TC/VM.1949/19 and 20), and it has been noted that any substantial changes in the organization will affect Togoland equally with the Gold Coast.

Mention has also been made of popular demand for the establishment, at least for the southern part of Togoland, of a separate regional council through which that section of the Trust Territory would obtain

direct representation on the Gold Coast Legislative Council, and of the government's acceptance of that proposal in principle. Since the documents referred to were prepared information has been received that the Gold Coast Government has given legislative effect to the proposal, through a series of ordinances, regulations and orders which also bring the system of Native Authorities and Courts in Southern Togoland fully into line with those in the adjoining areas of the Gold Coast. It is emphasized, however, that these are interim measures pending receipt and consideration of the Coussey Committee's report.

In an explanatory statement, <sup>(1)</sup> the Administering Authority states that:

"In January 1949, representatives of all the states and unamalgamated divisions met at Savie and passed a unanimous resolution asking for representation on the Legislative Council to be chosen by a Council to be set up for the Southern Section of Togoland, and for separate ordinances on the lines of the Native Authority and Native Courts (Gold Coast Colony) Ordinances to be enacted for the southern section in place of the present laws.

"After careful consideration, the Gold Coast Government decided to accept the wishes of the people of the Southern Section as an interim measure pending the receipt and consideration of the Coussey Committee report. Since then, work has been going on as fast as possible on the various legislative amendments required to carry this decision into effect. It has not yet, however, been possible to complete work on the draft legislation necessary to secure representation on the Legislative Council, but this should be ready shortly for submission to the Secretary of State."

Provision for the establishment of the new Southern Togoland Council is made in the Native Authority (Southern Section of Togoland under British Mandate) Ordinance, 1949. It is to consist of representatives of the Native Authorities chosen in accordance with regulations to be made by the Governor from time to time.

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(1) Gold Coast Gazette (Extraordinary) No. 64, 4 August 1949.

Although not provided specifically in the Ordinance, it is intended, according to the Administering Authority, that the new Council will be the electoral body in respect of the representation of Togoland on the Legislative Council as soon as the necessary imperial legislation has been brought into force. It will also have other functions similar to those of the existing regional councils in the Gold Coast, on one of which -- the Northern Territories Council -- the northern section of Togoland continues to be represented as before.

Few important changes are implied in the new legislation bringing the native administration system in Southern Togoland into line with that of the Gold Coast; the Native Authorities and Courts will "continue largely in the firmly rooted traditions of the existing Native Authorities. One important modification has, however, been made with the concurrence of the people -- the inclusion of a greater number of non-Chiefs on Native Authorities and Native Court panels and, in particular, greater representation of the now numerous "strangers" living in the Buem state."

The Administering Authority stresses that these developments are considered as being only an interim measure, since it is likely that some form of further development of local organizations will emerge during the process of constitutional reform of which the Coussey Committee deliberations have been a part.

## SUMMARY OF WATSON PROPOSALS FOR CONSTITUTIONAL AND POLITICAL REFORMS

Position in 1948	Recommendations of Commission	Attitude of U.K. Government
(a) THE EXECUTIVE	(a) THE EXECUTIVE	(a) THE EXECUTIVE
Gold Coast, with Togoland, is administered by Governor assisted by Executive Council. He enacts ordinances with advice and consent of Legislative Council but has power of veto and of enacting legislation refused by Council (this latter power has never been used)	Governor should continue to exercise all existing reserved powers, including Certification and Veto.  Governor should preside over all meetings of Executive Council which he attends.	Agrees  Agrees
Executive Council consists of 7 <u>ex-officio</u> members (Colonial Secretary, the 3 Chief Commissioners, Attorney-General, Financial Secretary and Director of Medical Services; and four appointed members (three African unofficals and one European official not <u>ex-officio</u> ).	Executive Council should be reorganised as a Board of Ministers. It should have 9 members:-- (i) 5 African members of Legislature, nominated by Governor and approved by resolution of Legislature; (ii) 4 <u>ex-officio</u> members -- Colonial Secretary, Financial Secretary, Attorney-General and Secretary for Internal Affairs (police, prisons, posts and telegraphs).  Members should be salaried full-time Ministers.	Agrees in principle. States that general policy in African Territories is to develop executive government on basis of Executive Councils of members each responsible for a group of departments. Approves numerical composition. Suggests three fulltime salaried African members drawn from Legislature with responsibility for health, labour and social welfare, for education, and for communications and works; plus two African members without executive responsibility drawn from either within or outside Legislature. <u>Ex-officio</u> members should be Chief Secretary (defence, security, etc.), and members responsible for justice, finance and economic affairs.

Present Position (1948)	Recommendations of Commission	Attitude of U.K. Government
<p>Executive Council is mainly an advisory body. Governor-in-Council is actually the legislature in respect of the Northern Territories of the Gold Coast.</p>	<p>Executive Council should cease to be advisory and become a Board of Ministers with collective responsibility to the Legislature, and should initiate policy.</p>	<p>Suggests that, during formative stage, Council should retain formally its advisory nature. But it would be the body where all major policy questions would be discussed, and thus foundation of ultimate cabinet system. All members should be entitled to initiate subjects for discussion. Full Council should be relieved of purely formal business. Suggests that title of "Minister" is inappropriate at this stage; proposes "Member of the Executive Council."</p>
<p>Each Member should have a permanent Under-Secretary drawn from Civil Service, to whom Heads of Department would be responsible.</p>	<p>Each Member should have a permanent Under-Secretary drawn from Civil Service, to whom Heads of Department would be responsible.</p>	<p>Agrees. Suggests also that where appropriate, deputy members might be appointed, for experience, from the African unofficial members of the Legislature.</p>
(b) THE LEGISLATURE	(b) THE LEGISLATURE	(b) THE LEGISLATURE
<p>Legislative Council consists of 31 Members, including Governor as president, six <u>ex-officio</u> members, 18 "elected" members, and six nominated by Governor.</p>	<p>The "Gold Coast Assembly" should be the Legislature. Membership should be increased to 45 elected members, plus 5 nominated by the Governor, plus the ex-officio members (4) of the reorganised Executive Council.</p>	<p>No comment on change of name of body. Agrees that there is case for increasing the membership; actual numbers to be considered by the local committee in relation to existing needs.</p>
<p>Of the 18 "elected" members, 9 are elected by the Joint Provincial Council, 4 by Ashanti Confederacy</p>	<p>Of the suggested 45 elected members, 15 should be elected by each of the three proposed Regional Councils (see below).</p>	<p>Agrees that at this stage the elected members should be elected by the Regional Councils, apart from those for Accra, Cape Coast, Sekondi,</p>

Present Position (1948)	Recommendations of Commission	Attitude of U.K. Government
Council, and 5 by municipalities of Accra (2), Cape Coast, Sekondi-Takoradi and Kumasi (one each).	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 it.	Takoradi and Kumasi, where existing suffrage will presumably be maintained..
Governor is president of Legislative Council.	Governor should no longer preside. Council should elect a Speaker from among its own members, and he would preside.	Agrees that it would be desirable for a Speaker to preside, but prefers nomination by Governor, either from within or outside the Council.
The nominated members (June 1948) are representatives of Chambers of Commerce and of Mines, Chairman of Methodist Church of Gold Coast, and three others.	The nominated members should be chosen to represent trading and other country-wide organisations.	No comment.
(c) REGIONAL COUNCILS	(c) REGIONAL COUNCILS	(c) REGIONAL COUNCILS
There are regional councils for the three administrative areas: (i) In the Colony, the Joint Provincial Council consists of the Paramount Chiefs and representatives of other Native Authorities; (ii) in Ashanti, the Ashanti Confederacy Council consists of Head Chiefs and a number of non-chiefs; (iii) in the Northern Territories, a new Territorial Council contains representatives of all Native Authorities.	A Regional Council should be elected for each of the three areas. In (i) the Colony and (ii) Ashanti representatives should be elected by existing Town Councils and others by Native Authorities or amalgamations. Not more than one half of the Native Authority representatives should be members of state or divisional or similar native councils. (iii) In the Northern Territories, election should be by the Territorial Council in meantime; not more than two-thirds to be Chiefs or members of any state council or similar body.	Agrees that Regional Councils should be "built up", based on the three existing councils. Suggests composition and methods of election should be left to the proposed local committee (i.e. the Coussey Committee).



Present Position (1948)	Recommendations of Commission	Attitude of U.K. Government
<p>Colony and Ashanti Councils study and give views on all legislation prepared for the Legislative Council; elect members to sit in the Legislative Council. Northern Territory Council advises on legislation for the region; is intended to lead to representation on Legislative Council.</p>	<p>Members should not be drawn exclusively from townspeople. One-third of the members should retire annually after first year.</p> <p>Primary function of each Regional Council should be executive, but it should have certain powers to make orders having force of law. Should normally be financed by grants, but power to levy rates may be necessary. Powers and duties of each Council should be matters delegated from time to time by the Legislature, beginning with such functions as public health, education, housing, local communications, social services. Work should be discharged by ad hoc committees of members elected by the Council.</p>	<p>For study by the local committee.</p> <p>Agrees that Regional Councils should have executive functions with powers to make by-laws.</p> <p>Methods of financing and relations with Government and Legislature should be considered by the local committee (i.e. the Coussey Committee).</p>
<p>Supervision of Native Authorities is carried out by the Chief Commissioners and their Administrative Officers.</p>	<p>Regional Councils should in general be charged with supervision of all Local (i.e. Native) Authorities in their regions. Each Chief Commissioner should become a Regional Commissioner and preside over each Regional Council.</p>	<p>Relations with Native Authorities should be considered by the local (Coussey) Committee.</p>

## (d) MUNICIPALITIES

In each of three main towns there is a Town Council with elected unofficial majority, and in fourth with equal number of elected and nominated members. In each town, however, there is also a Native Authority recognised under the system of indirect rule.

## (d) MUNICIPALITIES

Analogy of Native Authority dividing jurisdiction with elected Town Council should be abolished. Sole authority should be Town Council. To preserve ancient link with Chiefs there should be an office known as "Chief of Accra" (or other town); may attend Town Council, in which case, he would preside without vote. Otherwise, an annually elected Mayor should preside, with original and casting vote.

## (d) MUNICIPALITIES

Recognises importance of clarifying relationship between Town Councils and Native Authorities. Matter for the local committee to consider. Suggests that the artificial office of Chief should not be necessary.

Each Town Council is invested with powers and duties to levy rates and carry out the usual municipal services.

Subject to such reserved powers of Governor as may be deemed advisable, each Council should have complete jurisdiction over public health, slum clearance, housing, town planning and education, and power to levy rates and borrow on security of rates.

No comment.

#### (c) NATIVE AUTHORITIES

Apart from municipalities, local government is in hands of traditionally-based Native Authorities. They are charged with maintenance of law, order and general welfare of their people, under supervision of Government Administrative Officers.

#### (c) NATIVE AUTHORITIES

Until better system can be devised, Native Authorities should continue to administer purely local affairs.

#### (c) NATIVE AUTHORITIES

Agrees that rural local government bodies must be built up from existing Native Authorities.

Native Authorities are normally traditional organisations of Chiefs, sub-chiefs, elders, and councils, owing their positions to heredity according to family groups.

They should be reconstituted to give representation to a specified proportion of adult males not now eligible for membership; this should be a condition of their authority.

Declares that existing policy is to make them fully representative of their people, and that every effort is being made to speed up the process.

Native Authorities have power to make by-laws, including those imposing annual rates or taxes, and market and other license fees. They are also aided by Government grants.

The local authorities should ultimately be financed by the Regional Councils; but a committee should be set up to study whole question of finances, including the abolition of purely local imposts.

Does not agree with proposed financing by Regional Councils and levying of rates by Councils rather than by local authorities. Declares that present system of local levies is becoming well understood. Regional levies would be inconsistent with process of decentralising and building up local sense of responsibility.



# APPENDIX A (vi)

Present Position	Recommendations of Commission	Attitude of U.K. Government
(f) NATIVE COURTS	(f) NATIVE COURTS	(f) NATIVE COURTS
System of indirect rule preserves traditional judicial functions of Chiefs. Government recognises and regulates Native Courts, which administer civil and criminal justice according, generally speaking, to traditional indigenous laws. Courts are integrated with the Native Authorities.	Consideration should be given to entrusting of jurisdiction of Native Courts to African lawyers versed in customary laws and appointed by Government to act as Stipendiary Travelling Magistrates. Each would sit with two assessors drawn from state in which court was being held. Their decisions would in time produce an established body of customary law capable of assimilation into the general law.	Declares that development along such general lines is present policy. But it would be impossible immediately to secure sufficient magistrates even if that were desirable. Reforms already applied to the Colony region require a Court to consist of three or five members drawn from nominated panel of suitably experienced Africans; one acts as President. Purpose is to enable Native Authority to appoint Permanent President, and any such appointment, especially if a qualified lawyer, would be welcomed by Gold Coast Government.