CONTACT

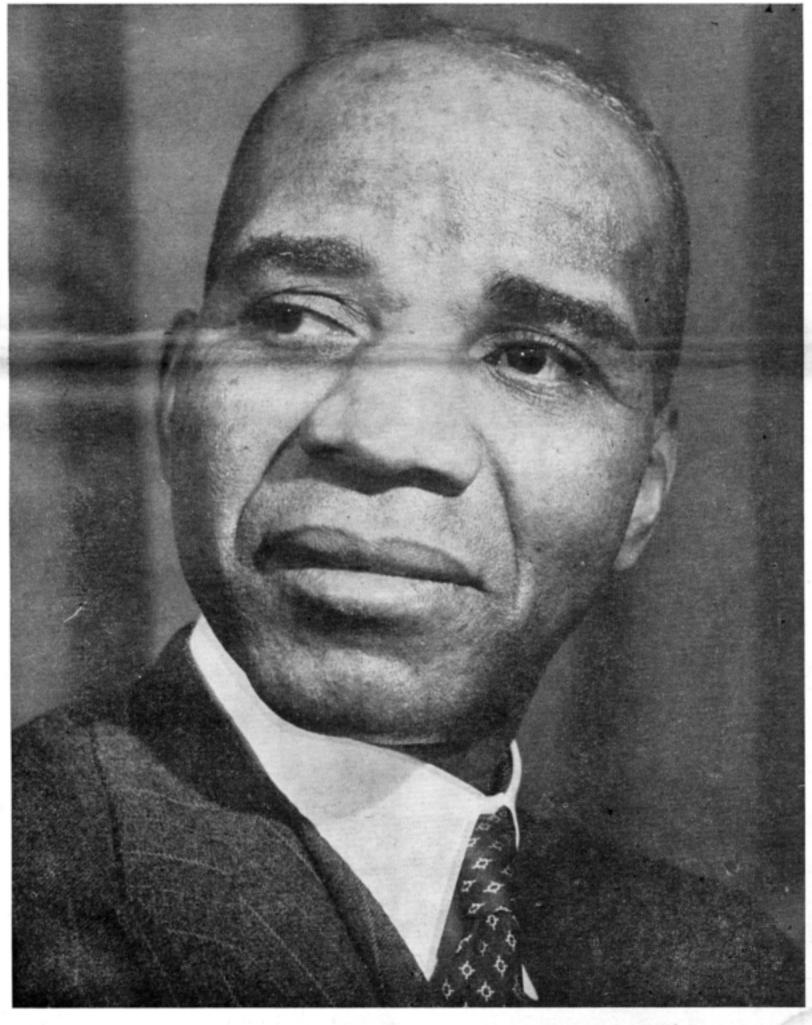
SOUTH AFRICA'S NON-RACIAL REVIEW

Registered at G.P.O. as a Newspaper

WEEK ENDING 22nd August 1959

Vol. 2 No 17

SPECIAL 10 PAGE SUMMARY OF DEVLIN REPORT



DR. HASTINGS BANDA (Photo by Jane Bown, courtesy of the Observer)

CONTACT

COMMENT ON THE DEVLIN REPORT

WHY TEN PAGES OF THIS ISSUE CARRY THE REPORT

The "Report of the Nyasaland Commission of Enquiry" — the Devlin Report—is a document of unique importance to the whole of Southern Africa. Its importance lies in this: It is an act-by-act account of how, in six short months, one man, Dr. Hastings Kamuzu Banda, irreversibly transformed a country, Nyasaland. He transformed it by using, and by being used by, a small group of extremist leaders of he Nyasaland African Congress. Wht he did has shortened by years the Nyasa people's wait for freedom and dignity.

It is necessary for all freedom-lovers, and for all who care for the future of Southern Africa, to know what is in this Report. For this reason we have made this issue a "Devlin issue".

We have had to do without some of our most important regular features, and hope that our readers will agree that it was worth it. To fit it all in we have increased our pages from 12 to 16.

Our summary of the Report is in the Report's own words. It runs to some 20,000 words, about a quarter of the length of the whole. In preparing and illustrating it we have received much help from the London Observer, to the editor and staff of which we wish to express our thanks. True to the Observer's tradition of reflecting the African scene with understanding, a recent issue carried almost as high a proportion of "Devlin" news as does this issue of Contact.

BACKGROUND TO THE REPORT

In 1953 Nyasaland and the two Rhodesias were brought together in a loose Federation. The white inhabitants of the Rhodesias hold nearly all the power in the Federal government. The Nyasas were almost unanimously against Federation, yet it was forced on them by the British Government.

In Nyasaland the Africans opposed Federation from 1953 to 1958. Their resistance grew rapidly after Dr. Banda returned home, after many years absence, in 1958, and this resistance culminated in scattered outbreaks of violence.

On 3 March the Nyasaland government declared a state of emergency, and arrested Dr. Banda and some 280 other members of the Nyasaland African Congress. On 18 March the Nyasaland Government issued a "white paper", a booklet in which it was alleged that the Nyasaland African Congress had planned a "massacre plot" to kill the Governor, members of the government, and white people in Nyasaland. There was much criticism of the Government in England and elsewhere, and on 16 April the British Government appointed a Commission of enquiry, under the chairmanship of Judge Devlin (Sir Patrick Devlin), to enquire "into the recent disturbances in Nyasaland and the events leading up to them and to report thereon." (See picture on page 16 of the members of the Commission.)

Late in July the Commission presented its report to the British Parliament. To the amazement of the world the report found that there was no massacre plot, that those who had maintained their faith in Dr. Banda had not been wrong, and that the Nyasaland Government had used illegal force in arresting the Congressmen. It further found that Nyasaland is — no doubt temporarily — "a police state, where it is not safe for anyone to express approval of the policies of the Congress party, to which before 3 March, 1959, the vast majority of politically-minded Africans belonged".

It also found that the Nyasas had never ceased to oppose Federation, and that their opposition was all but unanimous. The Report implied that in these circumstances a clash between Dr. Banda and the Nyasa people on the one hand, and the forces of the Federation on the other, was almost inevitable.

It found, too, that in dealing with the crisis both the British and Nyasaland Governments had been dishonest. Pointing out that for some time after the information of the "massacre plot" had been received the Nyasaland Government did not appear to have taken it seriously, it also says that "when the time came to prepare the justification for government policy the murder plot began to play a larger part". It also shows how the Nyasaland Government falsified unfairly a letter written by Dr. Banda.

No less was the dishonesty of the British Government. The Colonial Secretary, Mr. Lennox Boyd, speaking on 3 March, said that he had clear information that a massacre was being planned. The Report's words were "We have not found any detailed plan for massacre and assassination."

Mr. Lennox Boyd, on the same day, said: "It soon became quite clear that (Dr. Banda) was determined to reject any constitutional proposals which did not meet the maximum demands of the Nyasaland Congress." The Report showed that the Government had alleged that Dr. Banda made it 'clear in his talks with government officials that he was not prepared to compromise. This latest statement is not true. We have already given instances which



SIR ROY WELENSKY: "We'll always be partners, partner! Put it there, partner! Shake partner! Partner . . . Where are you, partner?"

FAIR COMMENT

I WELCOME the forthright stand (reported on another page) taken by the ICFTU on the Federation, on South Africa, Algeria, and Tibet. By courageously condemning imperialism and the suppression of liberty wherever it may be found, whether in the Western world or in the communist orbit, the ICFTU has shown itself worthy of the trust of the common people everywhere.

It is interesting that many trade unions inside South Africa have made it impossible for the ICFTU to assist them. All the unions in SACTU, for instance, are affiliated, through SACTU, with the Communist-dominated WFTU (World Federation of Trade Unions). The WFTU, although it opposes imperialism in places like Algeria, is silent about imperialism in places like Tibet—i.e. when the imperialists are also communists. In this way the WFTU loses much of its moral authority, and is not in such a good position to defend South African trade unionists as is the ICFTU.

ICFTU represents nearly sixty million workers in 90 countries. Its strongest members are the American AFL-CIO and the TUC in Britain.

It is a pity for politics to get in the way of legitimate trade union activities, and for the very existence of trade unions here to be endangered because of the way that some people are trying to use them for their own ends in world affairs.

ONE of the big concerns now feeling the ANC boycott is controlled by a keen member of the Nationalist Party. He was complaining to a friend the other day that his business was hard hit.

The friend enquired whether he was not prepared to make concessions to try to avoid such a boycott. He said that he could make no suggestions about the Africans, but that as a Cape Nationalist he would like to see the Coloured people integrated with the whites, and accepted as fully equal. The difficulty was the Transvaal Nationalists, who would not agree.

More and more Cape Nationalists are talking like him. Perhaps they have realised what a shot in the arm this would give the Afrikaans language, the Nationalist party, and "western christendom".

by Patrick Duncan

A PARTHEID=greed, Contact made this revolutionary discovery some months ago. Confirming evidence pours in. The latest is that the Karoo Kleurling Hotel in Beaufort West (owned by "Coloureds" only; approved by the Government) may have to go out of business. The reason is that they cannot get a licence to sell liquor "to take away". South African hotels make their higgest profits from "off sales"

away". South African hotels make their biggest profits from "off sales". When the Karoo Kleurling Hotel applied they were told: "The Beaufort West quota

A prize is offered to the reader who first guesses correctly the "race" of the other licence holders.

THE June/July issue of The Black Sash is a special issue on passes. It is a very fine effort, and any one interested in having, in one small compass, everything necessary on the pass system, should get a copy of this magazine (47a Main Road, Claremont, Cape, 6d.).

Advocate Clive van Ryneveld writes on "What the Law says". Nancy Dick speaks of the cost to South Africa of the whole system. Dr. D. L. Smit, M.P., Mr. Donald Molteno, Archbishop McCann, and Mrs. Hashe are quoted on "What the Public thinks".

Lewis Nkosi says "I am a reference book", and details are given of the fight put up by the Black Sash to resist the more crying evils of the system. The whole is most readable, and a useful source of information.

THE Department of the Interior is really carrying its passport witchhunt to ridiculous lengths. Eddie Roux, a distinguished scientist and botanist, asked for one to allow him to attend a botanical conference on Inhaca island, near Lourenco Marques. But it was refused.

More than twenty years ago Eddie left the Communist Party. He left it because he could not stomach the arbitrary and changing Moscow line. Yet this old history is still raked up to prevent him from doing some honest scientific work just a few miles outside the Union.

I am sure that this victimisation has shocked the general public as well as Eddie's friends and fellow-members in the Liberal Party

(Continued on page 7)

PEOPLE TALK, SING AGAINST VERWOERD

From a Contact Correspondent

THERE is an air of tension in the Transkei to-day as the people's opposition to the Government's Bantustan policy mounts. The principal opposition lies among the Bomvana and Pondo people. Observers in the Transkei expect very serious trouble to break out soon.

Although the people are united in opposition, there is confusion among the chiefs, some thinking that they will be able to gain real independence if they accept Bantustan.

I travelled down to the territory by train. Between Bloemfontein and Queenstown I talked with six men returning home from the Free State mines. They were returning because their families had telegraphed to them to come urgently to help save something from the forced culling of their stock by the Government. None of these families was being allowed to keep more than four head of cattle, 10 goats and 15 sheep. Some of them had worked for years to buy stockand they were bitter about this reduction in their savings.

I left them at Queenstown, and took a train bound for Qamata. In the train I was joined by many tribalised men. Most of the talk in the train was on Bantu Authorities. criticised: some said the chiefs had become tools of the Government; others said that the system had been forced on the people, and that it was not in accordance with Xhosa tradition and culture. Chiefs who had accepted the system were felt not to have applied their minds to the question. All expected the scheme to fail.

Everywhere I went I heard the cry "asimfuni umasizipathe" (we do not like Bantustan), in big and small villages, in buses, and

in social gatherings.

In certain areas I heard these two songs sung by children: "sidiniwe ngu Velevutha" (tired of Verwoerd), and "umatanzima no Sabatha basithengisile isizwe (Matanzima and Sabatha (two stooges) have sold the nation.)

Anti-whiteism is affecting religion, which is felt to be a white

Why This Report Is Important

RECENTLY the Institute of Race Relations gave prominence to a report from Umtata, the gist of which was that public opinion among both chiefs and people was veering round to support Dr. Verwoerd's Bantustan policy, on the grounds that by doing so they could gain real independence.

This report was used by Nationalist papers in an attempt to discredit Mr. Walter Stanford M.P. (Lib. Nat. Rep., Transkei) who, in the Bantustan debate, had reported "intimidation of those who do not support Bantu Authorities", but deepseated unrest and opposition to the Bunga and to the Government.

One of our correspondents has just been to the Transkei. While there he made a point of talking politics to everyone - chiefs and people - that he met.

Our correspondent's findings confirm the picture given by Mr. Stanford. As many of those interviewed accepted him as one of the local people, and did not know that he was writing a report, we feel that this article is an accurate picture of how the people in the Transkei are thinking, talking, and singing.

Also church man's religion. dues which are heavy are in many places felt to be an addi-tional tax. There is no free religion in the Transkei, and those who cannot pay decide to do without religion.

Serious trouble could begin when the Bantu Authorities start

to levy the many taxes that they are entitled to levy. Some two months ago a gang made many night raids on isolated trading stores. As a result the white traders in the Transkei are living in fear. Several have already left the country, and others are planning to leave in the near future.

There is little freedom of speech, and chiefs are fining heavily those who criticise or oppose them. A common fine for criticism is one head of cattle, and failure to pay sometimes leads to expulsion from a

To summarise: In the Transkei I found unrest, and growing conflict. The conflict is "People vs. Chiefs and Government".

Details given in Parliament by Mr. Stanford

- At a meeting in May the people were told to salute Government stooge Chief Kaizer Matazima as Paramount Chief. They refused and laughed at him although he threatened them with a shot-
- Shortly afterwards 11 houses of opponents of Bantu Authorities in his area were burnt down. No arrests have been made.
- Early this year a Government stooge chief was murdered at Cafutwini.
- In March, at Mevana, the Bantu Authority chairman was assaulted, and his brother shot dead. No arrests could be made.
- Government Stooge Soshankana (who asked to be allowed to carry arms) tried to hold a meeting at Ngabara: the people drove him away with cries of "voetsak".
- Other concrete examples of political killing and assault can be found in Hansard of 19 May.

VICTOR OF DUTCH OPEN RETURNS

2000 acclaim "Papwa"

at Louis Botha Airport to welcome back from overseas

Mr. Sewsunker ("Papwa") Sewgolum, former caddy at

Beachwood Golf Club and now Dutch open golf champion.

DURBAN: Two thousand cheering Indians assembled

CARTOON EXPOSED BY CONTACT

ROW IN PUBLIC SERVICE ASSOCIATION

From Contact Correspondent

JOHANNESBURG: A policeman from South West Africa was the "artist" who produced the cartoon strip which appeared in the Public Servant, official organ of the Public Servants Association of South Africa.

The strip, which was reproduced on the front page of Contact, shows how a white farmer caiches an African worker

Captions to the strip use the word kaffir. In the last of six sketches, a farmer leaps over a barbed-wire fence with a sjambok in his hand and screams to the African (who lies on the earth with his arm in the trap): "O! You black skin. Brrr. Bushman. To-day you die (vrek)."

From a reliable source, I obtained the background story to

As a result of Contact's story, the president of the Public Servants Association, Dr. J. G. Louw, has made a full investigation into how the cartoon appeared.

One high Public Service official (who serves on the Association and has much to do with the publication of the magazine) told me: "We realise that the strip could have serious political repercussions. "But I assure you that it was intended only to amuse the children.

"We never dreamed when it was selected that it would

offend anyone.

I understand that steps have been taken to see that such an offensive cartoon strip will never again appear in the Public

"LOCATIONS IN SKY" TO BE APPLIED TO WOMEN

6,000 WOMEN FACE EVICTION ON RAND

JOHANNESBURG: The Sky Locations Act has already been the root cause of much suffering and unrest even rioting-in the African areas to the south-west of Johannesburg. So far, it has been applied only to African men, but within the next few weeks it will-for the first time -be applied to African women. Trouble is expected.

As usual, the Johannesburg City Council will be required to do the Government's work. The council has agreed to remove the women (some 6,000 are involved); but a row is brewing over how this move should be

The council still remembers the report of the Centlivres Commission of Inquiry into the Dube Riots, although it has not had the courage to act on this report because it fears a clash with the Government and its "watchdog" committee. Briefly, the report pointed to

the poor conditions under which the Sky Locations men were forced to exist at Dube; to-day there is reason to fear that if women are forced into cheap, badly-serviced hostels like Dube, another Dube riot may occur.

And nobody-neither the Government nor the city council seems willing to-day to provide proper accommodation for the women.

The United Party has been far from honest about the Sky Locations Act and its application to Johannesburg. It strenuously opposed the Act in Parliament, but willingly administered it in Jo-hannesburg. Its performance in applying this difficult Act Johannesburg's African men will be closely women watched.

Fortunately (for the city council) it has a powerful ally in the Star, which, in a series of news stories, has built up a case for the women to be removed from 'posh" areas like Killarney. The Star has found that many of the African women are shebeen queens and inciters of the men in the suburbs. Its coverage of the problem has, so far, not explained the reasons why this is

CONTACT

The South African Non-racial Review

SUBSCRIPTION RATES

Subscription rates for Contact (post free) are as follows: AFRICAN POSTAL UNION (South Africa, Angola, Belgian Congo, Moçambique, Federation of Rhodesia and Nyasaland, Kenya, Tanganyika, Uganda, Zanzibar and the following Republics: Cameroons, Chad, the Congo, the Centrafrican Republic, and the Malagasy Republic):

14s. for twelve months, (or U.S. \$2.00); 7s. for six months (or U.S. \$1.00)

ELSEWHERE: 17s, for twelve months (or U.S. \$2.50); 8s. 9d. for six months (or U.S. \$1.25)

Send cheques, postal orders, money orders, or cash to:

Manager,	Contact, P	O. Bo	x 1979,	CAPE	TOWN,	South	Airica.
(Name) .							
(Address)							

Indian Golfers' Association. Mr. Sewgolum said that he would be glad to meet Gary

Among the first to congratu-

late the Indian champion on his

arrrival were Mr. Graham Wulff

and two other directors of the

company which sponsored his

trip to Europe. Flowers were presented by Beachwood col-

leagues and by officials of the

Player in an exhibition match. as had been suggested. He would also like to become a professional.

When he arrived at his home a small tin shack at Rosehill more people were waiting to greet him.

"Papwa's unorthodox overhand grip has aroused intense interest among golfers overseas.

AFRICAN AID ASSOCIATION Pty. Ltd.

Monthly membership for advice on legal and social assistance, including FREE life and burial insurance

Write now for full particulars R.O. Box 10853, Johannesburg

Enclosed £.....

THERE AIN'T GONNA BE NO TOUR

THE 1960 all-white "All Black" tour is now in real danger. The mass meeting in Wellington last week represented all groups except Parliament.

The pressure in New Zealand has been put on by good team work between anti-apartheiders in South Africa as well as in New Zealand, and this pressure will intensify unless the New Zealand Rugby Union bows to the storm. It is probable that intra - commonwealth pressure will now be brought on to the New Zealand government, which has always been proud of its reputation for non-racialism and fairness, particularly among the eastern nations.

Contact correctly predicted that the West Indies tour would be off, when the rest of the press treated it as "on". We stuck out our necks then. We do so again, and say, of New Zealand, that unless the Maoris come along too, "there aint gonna be no tour".

Our reasons for saying this? The following organisations in New Zealand have already protested against a segregated All Black team:

COM-TRIBAL

MITTEES: Ruakawa; West Coast S.I.; Christchurch; Wellington; Whangarei; Maori Auckland: Women's Welfare League; Tribes of Western Bay of Plenty;

CHURCHES: The Presbyterian Church; The Methodist Church; The Society of Friends; The Baptist Union; The following Anglican diocesan synods: Christchurch; Waikato; Wellington; Waiapu; Dunedin; The Unitarians; Heads of Churches: Roman Catholic; Congregational Union; Assoc. Churches of Christ; Greek Orthodox; Christchurch Branch National Council of Churches; N.C.C. Conference; Presbyterian Bible Class Union; Clergy of Christchurch Archdeaconry.

TRADE UNIONS, eighteen in all have protested, including: F.O.L. Council; Auckland Dunedin Labour Representation Committee; N.Z. Workers Union (17,000 members); Christchurch branch N.Z. Tramways Union; Amalgamated Soc. of Railway Servants; Otago Trades Council (18,000 members); Otago Boilermakers and Shipbuilders' Union; Canterbury General and Builders' Labourers' Union; Auckland Labourers' Union; Wellington Amalgamated Watersiders Union.

CIVIC BODIES: Mangonui County Council.

MISCELLANEOUS: Canterbury Council of Civil Liberties; Wellington Citizens' All Black Tour Association; Auckland Citizens' All Black Tour Assn; Public Service Association.

RUGBY CLUBS: Galatea Sub-Union; Mangonui Rugby Sub-Union; North Auckland Rugby Union.

UNIVERSITIES: Students' Assoc. Victoria Univ; Students' Assoc. Otago Univ; Students, Assoc. Univ. Canterbury; Students' Assoc. Canterbury Agric. Coll; Maori Students of Universities and Agric. Colls; N.Z. Student Christian Movt; Social Questions Council, University of Canterbury. Staff Univ. of Canterbury; Staff of Christchurch Teachers' Coll.

The only body to come out openly on the side of apartheid and the N.Z. Rugby Union was the League of Empire Loyalists, the super-blimp organisation of race haters that is trying to make Britain race conscious.

Public opinion in New Zealand is thus overwhelmingly against any concessions to apartheid. But there are yet greater pressures to come. New Zealand has always enjoyed a reputation for racial equality, and for good relations between white and non-white internally and externally. Her good relations with the far eastern nations is largely built on this reputation.

It is highly probable that certain Commonwealth nations will make known to the New Zealand government their disappointment with even a partial acceptance of apartheid. In this event, Mr. Nash, the Labour Prime Minister, would probably bow to the storm. and advise the Rugby Union to choose at least one Maori, or refuse the South African invita-

How Far Does Sixpence Go

READER tells us that when he gets his copy of Contact, he binds it carefully along the spine, reads it, and glues a list of seventeen names on the front cover. He then passes it to seventeen of his friends, who all eagerly await it. Then, when they have read it he posts it to England to his Abbey. There the Senior Common Room have it, and they pass it to the Junior Common Room.

If everyone did this we would have a readership in South Africa and the Federation of over 153,000, plus hundred overseas several readers.

ALSO

A reader writes: "I want to embark upon a "sell Contact" campaign here in Northern I would require to start off with 300-500 copies of Con-

I think I will enlist the support of one or two other Liberal Party members and we will endeavour to cover the whole of Northern

So, whether you can sell three or three hundred, let us know, please.

Each new reader can become a new recruit to nonracial South Africa.

WORLD TRADE UNION MEETING

I.C.F.T.U Hammers Apartheid Aggression

T its July meeting in Berlin the International Confederation of Free Trade Unions, the principal world trade union body, passed several resolutions of the greatest importance.

On South Africa the Executive Board, after considering the report submitted to it by an I.C.F.T.U. mission which visited South Africa in April and May this year declared "that the apartheid policy of the South African Government is a human flagrant violation of rights . . ." expressed "its abhorrence at such barbarous practices as flogging and farm prison camps for Africans" . . . authorised "the General Secretary to inform the International Labour Organisation Committee on Forced Labour of the forced labour practices in South Africa" . . . condemned "the . condemned lack of trade union rights for Africans" . . . protested "against the recent amendments to the Industrial Conciliation Act which give the Minister of Labour unlimited power to enforce job reservations in any manner he chooses . . .

On Algeria the Executive Board appealed most urgently to the

French Government to embark on negotiations, with a view to achieving a peaceful solution of the Algerian problem, based upon the principle of self-determination which has been recognised elsewhere by France.

On Nyasaland and Uganda the demanded Executive Board that the state of emergency in Nyasaland and Uganda be lifted forthwith and that the emergency legislation in Southern Rhodesia

be repealed.

On Tibet, the Executive Board, after having learned from the Secretary of the I.C.F.T.U. Asian Regional Organisation and from Asian Board members about the deep indignation which the crushing of the uprising of the Tibetan people aroused in Asia and the Far East and of the need to assist the Tibetan refugees in India, expressed its abhorrence at the brutal suppression by Communist China of the Tibetan people's freedom

LETTERS TO THE EDITOR

As a fervid admirer of the English language, that great heritage of the free peoples of the world, I must express my greatest disgust at the subadolescent concoction of pseudoyankee-gangsterese that constithe alleged review, strangely headed "The Right Tone," above the signature "Jack Cope" (Contact 8/8/59).
I confess I have never met

Jack Cope. Conceivably the loss is mine. He may at times be comparatively intelligent, though it will hardly be claimed that his review offers any evidence in support of this theory

WALTER ROSE Newlands, C.P.

[Mr. Cope writes: Say, does this gassy monk bug you, kiddoes? Durndest bit of clean American prose don't dig him. Am I triste,

GREATEST STATESMAN

I refer Mr. Peter Brown to Sir De Villiers Graaff's opening speech to the United Party national congress at Bloemfontein as reported in the Cape Times dated August 12th.

What Mr. Brown interprets as White supremacy is in reality a policy of White leadership; a

very different thing.

In my opinion Sir De Villiers is proving himself to be the

THE FARM LABOUR SCANDAL An Exposure

by Ruth First A New Age Booklet of 24 pages with 14 photographs.

Price: 1/6. post free. Obtainable from New Age, P.O. Box 491, Johannesburg.

greatest statesman in this country to-day, and I pray that he will soon become Prime Min-

V. G. DAVIES Camps Bay, C.P.

From the first word to the last in the bible, there is no mention of the colour of any living soul. No one must add or take out of the bible any words, or give them some different meaning, for there is no such thing as black or white or any other colour where man is concerned.

Thus on this earth we shall mix as brethren and colour be non-existent to all true Christians

F. C. MOLL Cape Town

Last week I visited the Zones and the first thing I noticed was potato peel. I asked the reason why people were still eating potatoes in spite of the boycott on the part of the Africans. They replied that the man who had sold them said he had to do so because he needed the money. He said that the organisers of the boycott had farms or motorcars or money in the bank and he wanted money too.

I explained that many of our fathers or brothers had been killed on the farms while digging for potatoes to make money for the farmers and that the only way to stop this cheap labour was to comply with the boycott and let the potatoes rot.

Let us plan to send people from house to house explaining the reasons for the boycott and unite to make it a success.

JUSTICE JONGWANA, Langa, Cape Province

"Worried, African" Would please send us his name and address. They will not be published, but we need them as a measure of good faith.-Editor.

CONTACT SMALLS

Office: Fourth Floor, Parliament Chambers, 47, Parliament Street, Cape Town.

Telephone: 2-4524. Postal address: P.O. Box 1979, Cape Town.

SMALLS RATES

1d. a word (minimum 1s.)

AFRICANA

Offered.-Books on Africa, South of Sahara, old and new. Write for requirements.

Valuations of books and antiques undertaken and advice given for disposal.

FOR SALE: Complete set Theal's History, 11 volumes. Price on request.

Write M. K. Jeffreys, Africana Consultant, Box 4232, Cape Town.

AGENTS WANTED

WANTED Agents to sell for cash (C.O.D.) Indian plastic bangles. Good commission paid: Sample range 20/-. Write L. T. C. Box 543, DURBAN.

FOR SALE

Messrs. Lakhani Trading Co., Box 543, Durban, have just unpacked a wonderful, exciting range of "Maharani" and Madhubala" Indian plastic bangles (assorted sizes and multi-colours) and a selection of "Nargis" Jumka carnings. Strictly wholesale only.

C.O.D. Prices on application.

WANTED

Agents wanted to sell CONTACT

Good commission offered Write Manager: CONTACT

> BOX 1979 CAPE TOWN

MISCELLANEOUS

Read 'LOTUS', Rhodesia's Liberal Asian Monthly. Annual Subscription 10/-. Box 998, Bulawayo.

FRESH PRODUCE SEA POINT

Inspect the new premises of FRESH PRODUCE SUPPLIES, 78 Main Road, PRODUCE Three Anchor Bay.

This self-service market will meet your requirements in all fresh produce. specialise in a variety of imported cheeses.

WANTED

Second-hand books on Africa, especially on history, travel, race questions. We give good prices for all books bought. Write to Africa Books, Box 59, RONDEBOSCH, Cape.

FOR SALE

A PACIFIST IS AWAYS A LIBERAL A LIBERAL WHO BECOMES A PACIFIST IS A BETTER LIBERAL . PAM-PHLETS ON HAND:

The Meaning of Non-Violence 9d.

What is Pacifism? ... 1/-The Failure of

Violence 6d. (including postage.)

Available from T. Kloppenburg, 405 West Street, Durban.

Mboya Stands Aside

From a Contact Correspondent

NAIROBI: The first major split in the ranks of the 14 African elected members of Kenya Legislative Council has resulted from the formation of the non-racial country-wide Kenya National Party—the country's first.

The K.N.P. started off with a creditable victory by its sponsors over the Government. During a debate on a motion put forward by an African elected member, Mr. M. Muliro, which sought an end to the Emergency to permit the formation of such parties, the Government was forced to give way, though it refused to end the Emergency on the ground that there was still a security risk.

During the debate, the European Minister without Portfolio, Mr. Norman Harris, revealed that the authorities had uncovered another secret body, Kiama Kia Thayu, "Brotherhood of Peace," which had to be watched.

The Government did agree, however, to the formation of non-racial, country-wide political organisations.

The formation of the K.N.P., whose sponsors were members of the Constituency Elected Members' Organisation, which comprises African, Asian and one European (Mr. S. V. Cooke) elected members, was announced the next day.

But the obvious attraction that it had for the masses of all communities was scaled down considerably by the fact that four African elected members, Mr. Tom Mboya, Mr. Oginga Odinga, Chairman of the African Elected Members Organisation, Dr. J. G. Kiano, the Kikuyu member, and Mr. Oguda, had refused to sign the policy statement.

Giving reasons why the four dissidents had held back, Mr. Odinga said that the decision to publish the statement was "rash".

He claimed that C.E.M.O. had agreed that no policy statement was to be issued before agreement was reached on more vital constitutional issues. "I feel strongly", he said, " and I know I am not alone, that mere reiteration of general principles and ideas will be a vague and useless endeavour unless agreement is reached on the immediate interpretation of these ideas into practical steps, without which our alliance is bound to appear as a mockery".

Mr. Odinga went further and alleged that some Indian and Muslim members had "wavered strongly" in reaching a decision on the constitutional problem. Not satisfied with that, he went so far as to allege that these Asian members "instead of facing the issues squarely, had evaded the very important decision required of them and had used C.E.M.O. as a weapon to disrupt the unity of the African members."

The split has offered a chance to political opponents of the new party to exploit the situaation and Mr. Blundell's New Kenya Group is expected to emerge soon as a political party.

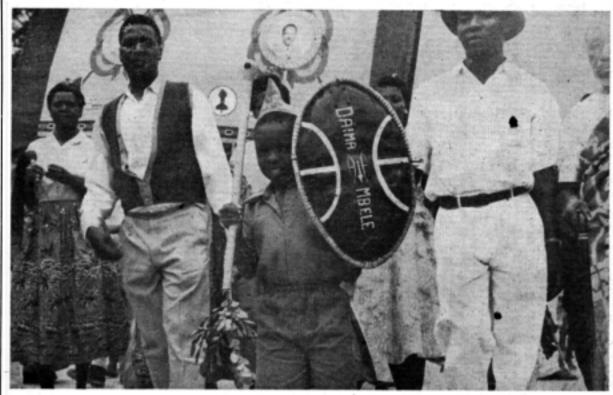
Mr. Mboya and the others are still holding off. They may or may not throw in their lot with the majority. If they do, they have everything to gain because the K.N.P., with the backing of all the elected representatives of the people of Kenya except the Arabs and the Europeans (save for Mr. Cooke), is assured of a great measure of support from Africans, Asians and even some Europeans. If they do not, they may decide to form their own parties, which under the terms of the Government's concession must be really non-racial.

must be really non-racial.

Mr. Mboya has his Nairobi People's Convention Party, which he can easily enlarge, but it is very unlikely that it will attract any other than African support. For that reason it will be dubbed a racial body and will therefore be illegal.

His demands too, do not appeal to the Whites and Asians for they include universal suffrage, non-segregation in the White and Asian schools, the opening up of the White Highlands, at present reserved for White farming only, disband-ment of the Kenya Regiment which is entirely White, or admission of Africans into its commissioned and other ranks. He also demands the release from banishment of Jomo Kenyatta, gaoled for seven years in connection with the Mau Mau uprising, but who was released recently and ordered to live in the desolate Northern Province where contact with the outside world is practically impossible as he is kept under strict surveillance by the authorities.

THE LITTLE MINISTER



Andrew Nyerere (middle) the eldest son of Julius Nyerere, President of TANU (Tanganyika African National Union), the biggest movement in East Africa. 10,000 people (TANU has a total paid-up membership of over 200,000) gathered to celebrate the fifth birthday of the Union. The meeting was representative of all three "races" living in Tanganyika,

AFTER DEVLIN ...

HOW NYASALAND IS REACTING

From a Contact Correspondent

SALISBURY: I have recently returned from a tour round troubled Nyasaland, and have carefully assessed reactions there to the Report. Shortly before it came out, excited rumours went round the country that it would destroy the myth of the "massacre plot"

Africans literally prayed that the rumours would be true and many Europeans were uneasy.

The reaction of the Europeans has been to criticise those sections of the report not favourable to them and to accept as correct only those paragraphs that criticise the Congress. Africans by and large have accepted the report in its entirety. In Nyasaland they were very careful not to show strangers their feelings but once one was accepted as a friend, they showed how happy they were that the Commission had "washed the name of Dr. Banda and had told the world that Nyasaland is a police state."

The House of Commons debate was a bitter disappointment to many Nyasas. Somehow they had hoped that the Opposition would carry the day. The Devlin Commission findings had injected a new faith in British justice and sense of fair play. The result of the debate quickly removed this and left in its place bitterness and frustration. campaign which was organized by Europeans to give the Governor of Nyasaland a sented by many Africans and their leaders had to remind them that they had been free to stage such a welcome for Dr. Banda and therefore should let others do what they like.

The Africans are passive enough — still carefully watched as they are by troops and police — but in the four months since the Congress was proscribed and Dr. Banda and his keenest supporters arrested, there has been no regrouping of political forces such as might grow into a fairly representative body with which the Government can negotiate.

Useless gesture

The proposal to appoint two more Africans to the Legislative Council is acknowledged privately, even by Government servants, to be a useless gesture. Sir Welensky, the Federal Prime Minister, reassured the whites in Parliament recently that this would not really change the position, as two white officials were to be appointed to balance the increase in the number of Africans. The addition of two Africans to the Legislative Council will mean that Africans will now have a majority of unofficial members. But white officialdom has been so equated with white settlerdom in African minds since the Government apparently yielded to settler demands for action, that the two new official members are certain to be regarded as the representatives of white

Another reason why Africans are not impressed by these constitutional proposals is that they suspect that this interim change may be used as an excuse to postpone more permanent and tar-reaching changes until after the 1960 review-by which time they fear Sir Roy Welensky may have managed to acquire a say in territorial constitutional reform. They have long accused Welensky and his supporters of exerting pressure to delay constitutional reform for Nyasaland until after 1960. And it is known that one of Welensky's plans for 1960 is to get power of approval for territorial changes transferred from the Colonial Secretary to the Governor-General of the Federation, and thus, in effect, into the hands of Federal Ministers

advise him.

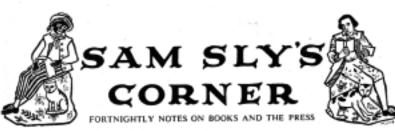
This automatic suspicion of British Government's motives is a new feature of the Nyasaland situation in recent years, and has become increasingly acute in recent months. The seeds were sown when Britain embarked on the Federation experiment in 1953 without the consent of the Africans concerned. Since then there have been many less important incidents which have shaken the faith of the Nyasaland Africans. But the factor which has done most to destroy the Africans' faith in the British Government has been its attitude over the Devlin report.

Africans here who welcomed the appointment of the Commission as an instrument of the British justice they have been taught to respect, have been shocked by the Government's selective acceptance of it. People in close touch with African opinion, some of them in the Government, are convinced that the mass of Africans would have accepted the Devlin Commission's finding that certain members of Congress were guilty at least of considering violence and herefore should continue to be detained. But they cannot understand why, in light of the Commission's finding that Dr. Banda and many others were innocent of any such intention, they should not now be released.

Thus, while all seems quiet on the surface in Nyasaland, there is an undercurrent of resentment and frustration which only needs one untoward incident like an accident involving an African pedestrian and a European motorist, in the presence of many Africans, to bring it to the surface with a series of clashes between black and white.

Kennedy calls for new U.S. Thinking on Africa

NEW YORK: In an address before the American Society of African Culture, Senator John F. Kennedy, of Massachusetts, called for a new U.S. policy in Africa. Noting the tremendous economic, political, social and religious changes developing in Africa, Senator Kennedy called for "a realistic policy, for in the light of such fantastic variety and revolutionary process it is a mistake for the United States to fix its image of Africa in any single mould." Senator Kennedy asserted: "We can no longer think of Africa in terms of Europe." The possible 1960 presidential candidate suggested an economic development fund as a first step in the right direction. Senator Kennedy, as chairman of the Senate sub-committee on African Affairs, plans to visit Africa this year.



stark headlines the Under WHITES IN HOUSES VACATED BY NATIVES the editor of Bantoe/Bantu (August) frowns sadly at the "many Bantu who labour under the erroneous impression that all the whites are well to do and that there are (sic) none who suffer on account of poverty". As an "authentic example of white people who live under deporable conditions" he quotes a press description of the Eastlynne-Riverside slum near Pretoria. This "Stop moaning. You're not the only ones' line has novelty to recommend it, if nothing else. But I doubt if we shall see S.A. Information Service hand-outs carrying the proud boast that some whites are as poor as the blacks. I doubt even if Piet Meiring and his lieutenants attached to our chanceries in Europe will discuss this new line at their conference in Bonn, though they must have to chew over some strange ideas to sell the unbelievers about the wonder of apartheid, the bottom of the barrel having been scraped long, long

Gestapo hand-out

Perhaps I bore you by harping on Bantoe/Bantu, but it is an interesting magazine that repays careful study. It is put out by a very big baas indeed called, to give him his chosen title, Nkosi uC. W. Prinsloo. He is head of Information in the B.A.D. Department, his section being unaffectionately known as "the Gestapo" among the growing body of B.A.D. and Bantu Education officials who (begging your pardon) can be said to hate his guts. His Bantoe | Bantu reveals what is going on in the minds of Prinsloo and his bosses more clearly than their utterances for the white press or public do. This August number features housing, the Wonder van Afrikaans (or Seburu or Xibunu), and the Transkeian Territorial Authority. It is sad to think how Afrikaans may suffer by the current attempt to bludgeon it into African schools and everyday life. But for a few who acquire proficiency in it to curry favour with authority, every African knows that in Afrikaans he is getting an article of inferior usefulness. man from Ovamboland I was talking to last week apologized for his halting English: to his regret he had been taught in Afrikaans at school at Walvis Bay. Multiply by many thousands and you get mass resentment that can do the language harm. On all, especially Mr. S. M. Tshenye of Stofberg and Mr. H. J. Tshungu, who exalt the wonder of Afrikaans to the detriment of English as a second language for Bantu-speaking Africans, I would impress Mr. Nehru's words, spoken in Delhi on 7th August:

"English should continue to be an associated language alongside Indian languages for an indefinite period or else we are taking a serious risk of closing a major window on the modern world."

Timely hint for a front

We couldn't fit the rest of Nadine Gordimer's address into this issue, so it must follow. She thought her next story collection Friday's Footprint would be in the bookshops before Christmas, but she has missed the market again: the printers' strike in England has put her book forward until the autumn. Jack Cope's Road to Ysterberg has also been hit like this. But Joy Packer got a timely hint, reports South Africa, and beat her publishers' deadline "with the pleasant result that 50,000 copies of The High Roof were printed before the stoppage". South Africa reveals that Lady Packet does not write her own books. She is a "front" for a bunch of unlikely characters with romantic names like Bok McKierie. Kirsten de Vries, Lily Laguna. She said: "I sat back and let my characters write the story for me. It was as if they were saying, 'Up to now you have been making us do things we didn't want to donow, if you don't mind we'll do and say just what we please for a change'. After that everything went swimmingly . . ." Certainly nobody but Joy Packer's characters could have written those books.

Debantufication

Verwoerdism commands that the African section of our population be known as Bantu, which makes them sound tribal and quaint, and like a genus in the animal kingdom slightly different from the pri-Spacious and wellmates. protected reserves are provided for our colourful wild-life, both animal and Bantu. The word is also designed to cut them off spiritually from the people of the rest of Africa. But Bantu is an English word and Bantoe an Afrikaans one (denoting a group of languages). In these African languages, government translators use words that have even better than the opposite effect. In Tswana, S. Sotho, Venda etc., words like batho ba Bantsho, Batso, Vantima, Babaso - all meaning Black people-are used for Bantu. All of these are applicable equally to the humblest Transvaal farm labourer, Nkrumah, Paul Robeson, and Leary Constantine. Their meaning is wider even than African, since it includes all Black people. Why doesn't Verwoerd make the best of it and call them Africans, so that at least they won't feel themselves allied with all their fellow-blacks, if that is what he is trying to avoid? Some day not too distant, we shall all be called African men and women, and Native, Naturel, European, Blanke, Bantu, Bantoe, will, with Verwoerd and "Oom Daan" Nel, be a bad dream.

ROAD REPORTS

PAGANS AND POLITICIANS. By Michael Crowder (Hutchin-

WHITE PICCANINNY. J. M. Fievet (Jarrolds) 21s.

To meet the pagans and the politicians of West Africa and to share some of their "excitement of revolution", Michael Crowder travelled by bus, lorry, river boat and any other available transport from Portuguese Guinea to Dakar, along the River Niger to Nigeria, and on to Ghana, Liberia and Sierra Leone. He gives a view of emergent Africa through the eyes of a young Oxford graduate who often lived with the people he visited; joined them in discussion and argument; and, with them, looks from their shadowy past into a hopeful

He also examines the effects of British indirect rule and of the French + policy of assimilation. Both these systems may leave lasting influences in independent West African territories, but assimilation seems to him the best preparation for governing a modern state.

With the jogging pace of a "mammy bus" along a West African dirt road, Mr. Crowder takes his readers from the modern



city of Dakar to squalid Lagos; from the cool wisdom of a Moslem intellectual to the heat of a Kumasi election. And, although his characters leave only fleeting impressions in the bus of his narrative, they are stimulating company and one hopes to meet them again.

The same cannot be said of the pagans described by Madame Fievet in White Piccaninny. In search of the really primitive, the author, her artist husband and a baby son born during their travels in the bush of Northern Nigeria, found some of West Africa's most backward tribes in the border area south of Lake Chad.

These people may fascinate the artist and intrigue the anthropologist, but Madame Fievet writes with little apparent enthusiasm of the months she spent among them. Most of her book is devoted to an account of a white mother's hardships in black Africa; and, for those who like road reports, she offers at least two chapters on tough motor trips from Lagos to Kano.

PETER HJUL

FUNNYMAN'S REPORT

ANY OLD PLACE WITH YOU. By William K. Zinsser (Hammond & Hammond) 15s. 6d.

Mr. and Mrs. Zinsser marry in Chapter One, and honeymoon to Africa for half the book, the jokes getting less contrived after they land at Leopoldville. A journalist couple, they cross through Kenya to Zanzibar, thence to Cairo, rejoicing only when they are almost irretrievably off the beaten track. One could have done with far less mock fear in their self-sought hazards, and fewer cute duologues between the newlyweds, but Mr. Zinsser's turns of phrase are often funny, even during a determinedly humorous passage.

The rest of the book covers a journey in the Far East. The beauties of antiquity are conveyed with real insight, but the funnyman keeps breaking through. His fellow-countrymen's tourist habits take up too much space. They are so easy to caricature-the most diffident of talkers will "take off" American tourists with no en-couragement and usually no accuracy-and though the author's words are better than caricature, there is unwelcome mockery in

This is a travel-loving book, illustrated with apt line drawings. GILLIAN VIGNE

SALUTE AND AFTERTASTE

NEHRU. By Michael Brecher University Press) (Oxford

THIS is a salute to a massive biography, instead of a spacebarred critical analysis. Saluting over, it must be said that Mr. Brecher's description of the Lutyens Secretariat at Delhi, "impressive but dull"-a phrase which, in spite of its contradiction, is curiously meaningful—is incomparably apt for the book itself. The "life" as narrated hour by hour is very close to the Frank Moraes biography but not so brightly written. A further aftertaste is of the awe-ful North American reverence with which Mr. Brecher approaches his great task, an awe which seems sometimes intended to convey the superior sensibility and moral quality of the contemporary North American. (Alas! he retells the old old story about the Imperialists being a Bad Lot.)

NEXT ISSUE NADINE GORDIMER The Novel & The Nation II

JUTA'S BOOKSHOP

CAPE TOWN AND JOHANNESBURG

IMPORTANT BOOKS ON SOUTH AFRICA AND ITS RACE PROBLEMS

AFRICAN NATIONALISM by N. Sithole (Oxford) 13/6d. A TIME TO SPEAK by Michael Scott (Faber) 26/6d. THIS IS APARTHEID by Senator Rubin (Gollancz) 1/4d. HOPE FOR SOUTH AFRICA by Alan Paton (Pall Mall Press, London) 13/6d. EUROPEAN POLITICS IN SOUTHERN RHODESIA

by Colin Leys (Oxford) THE BETRAYAL OF "NATIVES' REPRESENTATION" by Donald B. Molteno, Q.C. (S.A. Institute of

Race Relations) 2/6d. A SURVEY OF RACE RELATIONS IN SOUTH AFRICA compiled by Muriel Horrell (S.A. Institute of Race Relations)

THE PEOPLE WEPT: THE STORY OF THE GROUP AREAS ACT by Alan Paton (Clarendon Press, Durban)

DARKNESS AND LIGHT. An anthology of African writing, edited by Peggy Rutherfoord (Faith

LABOUR IN THE FARM ECONOMY by Margaret Roberts (S.A. Institute of Race Relations) DURBAN: A STUDY IN RACIAL ECOLOGY by

Ronald Davies (Jonathan Cape) 26/6d.

JUTA and Company Limited South Africa's leading booksellers for more than a century

Church Street, P.O. Box 30, Cape Town.

Pritchard Street, P.O. Box 1010, Johannesburg.

NEW AND TOPICAL PUBLICATIONS

Racialism and the Trade Unions

by Muriel Horrell — 4/6

The Betrayal of "Natives" Representation"

by Donald Molteno Q.C. — 2/6

From all good booksellers or, with 3d. postage, from the

S. A. INSTITUTE OF RACE RELATIONS. P.O. Box 97, JOHANNESBURG

10/-

2/6d.

23/6d.

7/6d.

THE DEVLIN REPORT

EXTRACTS FROM THE REPORT PRESENTED TO THE BRITISH PARLIAMENT

Comment

(Continued from page 2)

show that Dr. Banda was willing to compromise on details of constitutional reform."

And on the same day Mr. Lennox Boyd said: "It was a ridiculous suggestion that the Federal Government said that (Lord Perth, Minister of State) should not go. That was utterly without foundation." The Report's words were: "On 25 February Sir Roy Welensky asked the Governor . . . to give serious consideration to deferring Lord Perth's projected visit."

On the other side the Report found that, as things stood on 3 March, the Nyasaland Government had no choice but to declare the Emergency. "It had to act or to abdicate". And it found that although there was no massacre plot, the Nyasaland African Congress had, to a certain extent, gone over to violence.

This strong and fearless commission was in line with the best tradition of Anglo-Saxon statecraft in which all, including the ruler, are under the law. This should be remembered together with the hard things said in the Report about British misrule and

THE EFFECTS OF THE REPORT

On 22 July Mr. Macmillan, the British Prime Minister, speaking in the Commons, gave the peoples of Northern Rhodesia and Nyasaland an assurance that responsibility for them would not be transferred from the British to the Federal Government "in the short run or the long run". Meanwhile the two protectorates would move "as soon as possible and as rapidly as possible towards self-government".

That this self-government is not going to mean a settler government was made more explicit by Lord Home in the Lords, when he said "As power is transferred from the British Government in respect of the Northern Territories it will be transferred not to the Federal Government but to the Governments of the Northern Territories which would become more and more representative of Africans until they had an African majority."

How different this is from six months ago, when Lord Malvern and Sir Roy Welensky were crudely threatening the British parliament with "Boston tea parties", and using the words "Labour Party" as a swear word! This is a measure of the change that the Report has brought about.

Before the Report appeared it seemed inevitable that white settler control would rapidly spread to Northern Rhodesia and Nyasaland. This prospect is now out, and notice has been served that, at least to the north of the Zambesi, white domination is

finished.

The British Government has chosen to accept parts of the Report, and to reject other parts. It has not expressed regret for anything that has been done. Mr. Lennox Boyd has not resigned, nor has the Labour Party made much impression on the Conservatives either in or out of Parliament.

On the surface it seems that Mr. Macmillan has ridden out the

WHAT OF THE FUTURE?

storm.

But the problem of Nyasaland remains, and there are only two choices. They are the choices that Dr. Nkrumah in his time gave the British: to rule either by consent or by machine-guns. Britain cannot rule Nyasaland by machine-guns. British and African and world opinion simply will not allow it. To rule by consent it is necessary to get political life going again in Nyasaland. But without Dr. Banda it is not going to be possible to do this.

If Dr. Banda and the other detainees remain in prison it is likely, we are informed, that the last three Africans in the Legisla-

tive Council will resign.

Dr. Banda must be released. He must be released because the Report has cleared his name. And he must be released because the Nyasas have enthroned him in their hearts and because they will accept no other ruler as legitimate.

Sir Roy Welensky may hold the key to Dr. Banda's prison-cell. But Dr. Banda holds the key to Nyasaland.

Commenting unfavourably on the Devlin Commission, the Bloemfontein Nationalist paper Die Volksblad said that the members of the Commission were not experts on the Native.

Summary

THE DEVLIN REPORT, which has exonerated Dr. Banda, and found that Nyasaland is still "a Police State", and condemned the illegal use of violence by the Government forces during the emergency, begins with a statement that it started its enquiry on 11th April (i.e. just over a month after the emergency was declared). It heard 455 individual witnesses and about 1,300 witnesses in groups. It thanks the Government of Nyasaland for its co-operation in making available to the Commission every piece of information for which it asked, and in guaranteeing that no information which was given to the Commission would be used for victimising anyone.

There is a short description of the country, showing how its great lake fits into the general lie of the land. The population is stated to be around 2,740,000, all African except for 8,700 whites

and 11,400 Asians.

The beginnings of the Nyasaland African Congress are next sketched. It was formed, says the Report, "in 1944 as a convention of a number of African associations concerned with African welfare and advancement. It now has branches not only in Nyasaland but also in the Rhodesias, where . . . many

Nyasas go to work." The Report continues:

In 1949 the question of federating the three territories, Northern Rhodesia, Southern Rhodesia, and Nyasaland began to be discussed, and Dr. Banda, who was then living in London, played a leading part in opposing federation.

Dr. Banda was interviewed by the Commission. He is a man of about 53 years of age. "On first impression what strikes one about him is his charm rather than his force of personality. He is the most distinguished of Nyasas and has had a remarkable career . . .

"He started his education at a missionary school in Nyasaland, then got to school in South Africa and after that in the United States. At the University of Chicago he obtained a degree in history and political science. Then he took up medicine, obtained a medical degree in the United States and went to Edinburgh to finish his training. In Edinburgh he became an elder of the Church of Scotland. At the end of 1937 he went to Liverpool and practised medicine, first there and then in Tynemouth and then in London from 1945 to 1953.

"Thus he spent almost the whole of his life away from Nyasaland . . . but he never lost interest in

Nyasaland."

The Report then describes how the idea of federation grew, and how Dr. Banda consistently opposed it.

The Report says that "the Government of the United Kingdom was convinced that Federation was needed, though it recognised that African opinion in Northern Rhodesia and Nyasaland was opposed to it. The new (federal) constitution was brought into force . . . 1st. August 1953."

The Nyasaland African Congress led the opposition to Federation inside Nyasaland. Congress opposition led up to certain disturbances, as a result of which eleven people were killed and 72 injured. "In January 1954 Congress acknowledged defeat. At its annual conference it passed a resolution abandoning the campaign . . . Support for Congress dwindled and its fortunes were at a low ebb."

Later Britain gave five seats in the Legislative Council to the Africans, and elections for these seats were held in March 1956.

The Congress Party won all five seats. The two Congress with candidates the largest majorities were Mr. Chiume and "These two Mr. Chipembere. were new to politics and both are young and able men. Mr. Chipembere is now 28 . . . Mr. Chiume is now 29 . . . These two young men were extremist in their views and belonged to the left wing of Congress . . . The Congress Party was immensely heartened by its great success in the elections. In Nyasaland people began to think that it might mean the end of Federation."

Letters Urge Return

The Report then turns once again to Dr. Banda. "In August 1953 Dr. Banda had left London to settle in Ghana." He wished to give Federation a chance. If he had stayed in London he would inevitably have been the centre of opposition to it.

By 1956 he began to get letters from many people telling him that Federation was not succeeding, and "urging him to return and

take up the struggle."

"By far the most urgent of these came from Mr. Chimpembere who was in close correspondence with him from November 1956 onwards," Mr. Chimpembere and Mr. Chiume were dissatisfied with the then leadership of Congress, and wished Dr. Banda to return to take it over. "What was needed was a kind of saviour: although it is wrong to be led by a single man placed in a powerful position, still 'human nature is such that it needs a kind of hero to be hero-worshipped if a political struggle is to succeed."

"Mr. Chiume and he were too young, he thought, to fill the vacuum. What was neded was a man of about fifty or sixty; an intellectual, with a character combining nationalism with honesty, self-denial and a spirit of co-operativeness. Mr. Chipembere said quite frankly that Dr. Banda's reputation would have to be built up. He told him that he was known as a name, as an African highly educated doctor in London of Nyasa birth, . . . but that little was known about him among the masses. He must not be frightened if he was heralded as the political messiah. Publicity of this sort could be used with advantage; it would cause great excitement and should precipitate almost a revolution in political thought."

Dr. Banda decided to accept, and preparations went forward for him to return in the middle of

Before leaving London he, Mr. Chipembere, and two others were received by the Colonial Secretary as a delegation. Dr. Banda told the Colonial Secretary that he was anxious for more power in the

"Mr. Chipembere then returned to Nyasaland and it was arranged that Dr. Banda should follow in due course."

legislature to be given to Africans.

The Report then examines the situation in Nyasaland and the case against Dr. Banda and the Congress. It shows how the whole difference between Dr. Banda and the Government narrowed down to this one great issue of Federation.

All Oppose Federation

The Report finds that the opposition to Federation is almost unanimous. "It was generally acknowledged that the opposition to Federation was there, that it was deeply rooted and almost universally held. We found it to be so.

"Even amongst the chiefs, many of whom are loyal to the Government and dislike Congress methods, we have not heard of a single one who is in favour of Federation. Witness after witness

(Continued on page 8)

(Continued from page 7)

appeared before us for the sole purpose of stating that the cause of all the troubles we were investigating was Federation . . .

"On this issue there is a deep and bitter division of opinion separating the Government from the people. It has unfortunately contributed very largely to a cleavage between the Government and the Church of Scotland missions. The Church of Central Africa Presbyterian preaches and practises complete equality between the races and many Africans are therefore high in its councils. . . . Many of its ministers are also active members of Congress. On this issue it feels that it is with the people and against the Govern-

The Report shows how the Government will not go back on Federation. The Congress on its side will not budge either. It is this clash that has produced the present collision.

At this stage we continue in the actual words of the Report, with some omissions through lack of space.

ARRIVAL OF DR. BANDA

After the Colonial Secretary had received in London on 13th June, 1958, the Congress delegation, Mr. Chipembere returned to Nyasaland, leaving Dr. Banda to follow in due course. When Mr. Chipembere got back he found great anxiety on the part of Congress to see Dr. Banda and hear what he had to say about the constitutional position, so he telegrapher Dr. Banda asking him to come on 29th June, Dr. Banda never answered this telegram and in fact on 29th June he was addressing a meeting in London.

Nevertheless on that day a crowd of more than 2,500 Africans, including all the Congress notabilities, assembled at Chileka airport to welcome him. Placards were distributed describing Dr. Banda as the leader of self-government and the President-General designate of Congress.

When the aeroplane arrived without Dr. Banda, the crowd got out of control and many of them rushed on to the tarmac. It was said that there was a plot to kill Dr. Banda; and it was rumoured that the Government had withheld a telegram announcing the post-ponement of his return.

At the insistence of the crowd Mr. Chipembere was allowed to search the aeroplane and there were threats to burn it. Congress leaders calmed the crowd and it eventually dispersed on their promise to telephone to London. This incident illustrates the sort of difficulties that were in store for the police. On this occasion they did not attempt to restrain the crowd by force; and Congress leaders thereafter used it to point out the advantages of being allowed to handle the crowd themselves.

When Dr. Banda eventually arrived on 6th July, there was a similar crowd but the proceedings were orderly. Dr. Banda gave an interview to the press and later in the day he made a speech at Soche. He said that his mission was to work towards self-government by

BANDA IS ELECTED PRESIDENT-GENERAL

(Continued from column 1)

negotiation. He emphasised that the weapon to be used was not the spear but negotiation and stressed the necessity for maintaining the tie between the British and the African peoples.

In the course of the next few days he paid a series of courtesy calls on government officials. The attitude of the Government was not at all hostile to Dr. Banda and indeed his presence was at first welcomed; the Government was, and showed itself to be, genuinely anxious to work with him if that proved to be possible. Governor in particular felt that with someone like Dr. Banda with his maturity and his intellect there might be a chance of arriving at a compromise on the constitutional proposals; he never quite lost hope that Dr. Banda might be persuaded to compromise.

Nothing Against Governor

The Governor himself made an excellent impression on Dr. Banda when he met him and one which has not been effaced. Dr. Banda declines to believe that the Governor was himself the author of the White Paper and wished us to assure the Governor that even now he has nothing against him.

On 1st August, 1958, Congress held its annual general meeting at Nkata Bay. Dr. Banda was of course elected President-General and on his own terms. His terms were that there should be a new constitution which among other things gave him the sole power to appoint the other officers of Congress and the members of the executive committee. His choices represented a victory for the left wing which had been responsible for securing his return. Mr. Chipembere became treasurer and Mr. Chiume publicity secretary; Mr. Chisiza was brought back from England, where he had gone to begin a university course, in order to fill the office of Secretary-General.

Dr. Banda accepts the comment in paragraph 14 of the White Paper that "in choosing his colleagues, he ignored the older, more experienced and more moderate leaders and took on the younger more volatile and extreme people." Dr. Banda's attitude was that, while he found it necessary from time to time to curb the excesses of youth he was in general agreement with the attitude and feelings of the young and preferred them as colleagues to the older men whom he thought of as failures.

We have no doubt that the real power on the executive committee was concentrated in the hands of Mr. Chipembere, Mr. Chiume and Mr. Chisiza.

These proceedings certainly gave strength and encouragement to the extremist elements in Con-

gress. Dr. Banda's inclination towards them became particularly noticeable in one respect. The extremists had always avoided any form of social contact with Europeans. We do not think that this necessarily means that they had any personal dislike of or hatred for Europeans, though it is quite possible that Mr. Chipembere had; in any party the left wing is apt to suspect, or believe that its supporters would suspect, social favours; at the meeting with the Governor on 21st November, 1957, Mr. Chipembere had made a point that he did not want social equality before political equality was granted. Dr. Banda would not have thought for a minute that any European was capable of influencing him by social favours, but he may well have thought it desirable that in this respect he should conform with the others; at any rate after this time he was careful to see that he had nothing more than formal contact with Europeans.

Dr. Banda was the undisputed leader of Congress. Naturally he was looked up to as the greatest of Nyasaland's sons and as one whose gifts made him the equal of the European. But over and above that there had already been created for him a mystique which raised him far above the level of the ordinary leader in the minds of

Mystique of 'Saviour'

You have seen how plans had been made to present him to Nyasaland as a messiah. We do not doubt that these had been effectively carried out and the theme was constantly repeated; even in the Legislative Council on 4th December, 1958, Mr. Chipembere referred to him as "our Mahatma," "our Messiah," "our Saviour." Dr. Banda had come to be regarded as one who would deliver Nyasaland from bondage.

At all his meetings there were enormous crowds and immense enthusiasm. He spoke in Englishhe could not speak in Chinyanjaand everything he said had to be interpreted. That did not diminish the impact of his oratory; his speeches were moderate in content but highly emotional in the way in which they were delivered. We have listened to the recordings of some of them and they are the speeches of a demagogue. As he wrote in a letter to a friend, he found himself with an unexpected gift of mob oratory; he obviously enjoyed the sensation of power over the crowd.

In addition to inspiration he gave to Congress after a period of squabbling a united leadership. He brought with him some new ideas which enlarged the appeal of Congress—a women's league and a youth league. But he never con-

cerned himself with detailed administration and as time went on he gave less and less time to the party. He had chosen as his licutenants young vigorous men, whom he considered to be capable administrators, and he gave them a free hand. There was a great increase in Congress membership. In the Northern Province alone the special branch of the police reckoned that, in the six months ending January, 1959, the number of Congress branches had increased from 37 to 63 and that the active membership, apart from sympathisers, was then about 5,000.

Complaints to make

On 24th October a meeting took place at Zomba between Dr. Banda and Mr. Ingham, the Secretary for African Affairs. Mr. Ingham had been pressing for this for some time; the statement in paragraph 13 of the White Paper that "it was made abundantly clear to him (Dr. Banda) that the Government was anxious to discuss all matters he wished in an endeavour to reach satisfactory conclusions" is well justified. When after his arrival in Nyasaland Dr. Banda called on Mr. Ingham, Mr. Ingham asked him if he wanted to discuss anything and Dr. Banda said that he must go about the country first.

In October Mr. Ingham took the initiative again and asked Dr. Banda to come and have a talk on common problems. Dr. Banda replied that he would rather have a round table conference with all senior officials because as the result of his tour he had some complaint to make against every department. Mr. Ingham said that he would ask Mr. Youens (then acting Chief Secretary) to arrange this but that he would first like to see Dr. Banda alone. It was in this way that the meeting of 24th October was arranged

Dr. Banda had not responded to an invitation to lunch and, when pressed, he declined it. But the discussion was extremely amicable and he put forward his various complaints without any trace of bitterness. The first of them was of the "political injustice" of the representation of the African people by only five members in the legislature and none in the Executive Council.

Dr. Banda said that his study of British colonial policy showed that notwithstanding the declared ultimate aim of self-government for the people of a colonial territory, the bogey of immaturity or the desire to uphold the vested interest

(Continued on page 9)



(Continued from page 8) of the European always prevailed until some great pressure was put on the British Government.

He conceived his task as being that of organising the people of Nyasaland behind him to bring about the degree of pressure required to right the basic wrong regarding political rights. He said that bloodshed did not form part of his programme. Mr. Ingham pointed out that, notwithstanding the desire of a leader like himself to avoid bloodshed, a mass movement such as he was endeavouring to organise was liable to get out of hand. Dr. Banda said that the Nyasaland people were basically peace-loving and that that was most unlikely.

The Clock Tower Incident

Mr. Ingham did not deny the possibility of giving the African a further measure of political power but said that the Government was not prepared to give the measure demanded by Dr. Banda and Congress. Dr. Banda said that of course he had to demand complete political power; he could not get a following by putting forward a carefully phased plan. He then went on to make a specific com-plaint about the enforcement of the agricultural rules and the Government's attitude towards chiefs. On the latter point he said that it was iniquitous of the Government to require of the chiefs that they should not participate in Congress activities because this was to insulate the natural leaders of the people from national feeling.

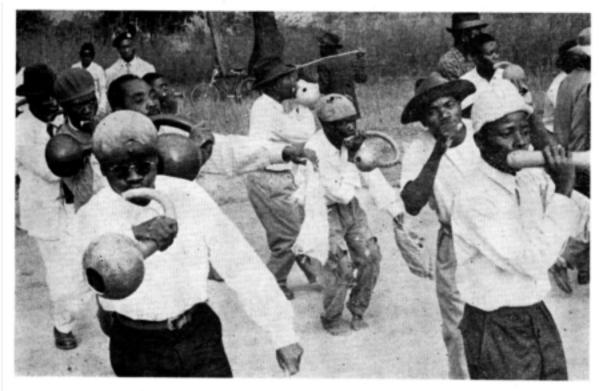
There comes next an incident which, because it was the first of its kind, has been given an importance which in retrospect appears to be rather exaggerated. In the afternoon of 26th October Dr. Banda addressed a meeting in the Blantyre market square. There was a crowd of nearly 3,000. Police were there in force, two parties of 20 men each as well as two platoons of P.M.F. (Police Mobile Force) standing by. The meeting was orderly and Dr. Banda left about 4.30 p.m. The crowd began to disperse and a large number, about a thousand, waited for buses at a point known as the Clock Tower.

They staved there for some considerable time because it was Sunday and no special transport arrangements had been made. A number of motorists collected to see what was happening. crowd was on the whole goodnatured; but there was some jeering at Europeans and Asians, and during a period of about ten minutes just before 5.0 p.m. stones were thrown at cars. There were about a dozen of these incidents and two women were slightly injured. Unfortunately none of the stone throwers was identified; they all disappeared in the crowd and no arrests could be made.

Like a Black Tidal Wave'

We are satisfied that the offences were committed by hooligans -there is a considerable young hooligan element in Blantyre, due partly to unemployment-and that they had no political character, except that they were probably committed by youths who had attended the meeting and may have been excited in consequence.

This affair created a great stir and the police were severely criticised for inaction. The Nyasaland Times reported the incident in lurid language. It referred



Nyasaland Congressmen at Nkata Bay dancing to the music of their gourd instruments. Their dance is the "pick-up," named after the police vans in South Africa where these men all once worked as

THE DEVLIN REPORT

'A DREADFUL **AFTERNOON'**

(Continued from column 1)

to "mob law," to "two hours of

threatening violence when no

European or Asian was safe to

walk the streets or drive past in a

car," and to Africans "stretching

across the road like a black tidal

wave." An editorial described the

incident as "a raw display of racial

hatred without parallel in this

country," and demanded to know

why the Riot Act had not been

read and why the P.M.F. was not

allowed to break up the ugly mob;

it demanded also that the Govern-

ment should tell the public

whether it would continue to per-

mit violence to be used as a

Dr. Banda in a Press interview

said that he was sorry about the

incident but denied that it had

been organised by Congress. The Government, which considered the

Press comment to be irresponsible,

issued a statement of the facts

which again was severely criticised

in another editorial. The paper

demanded to know why no arrests

had been made and said that the

public was entitled to know

exactly what security measures

were being taken to prevent "this

dreadful afternoon" happening

cannot travel around Nyasaland

without harm, then we will

descend to savagery. The despic-

able act of injuring those women

deserved swift retaliation, without

We think that the police, and

the Government as well, took these

criticisms too much to heart. The

task of the police was not at all an

easy one. The African constable

is not used to handling large

crowds in towns. The police officer, who has to take the deci-

sion when to intervene, rarely has

a sufficient force present to control

a large crowd if it really gets ex-

cited. He has to make up his

mind exactly when he should try

to nip trouble in the bud. We

think that on the next few occa-

sions at Zomba the police, out of

jumpiness, were too quick off the

"If women, of any race,

political weapon.

again.

second thought."

On the 30th October Dr. Banda went to Zomba to have his first meeting with the Governor. There was a very cordial discussion on constitutional reform. Dr. Banda said that he stood by the Congress proposals, except that he was prepared to modify them by conceding three officials as ex officio members of the legislature and of the Executive Council. He gave the Governor the impression that he might be prepared to agree on some modification of universal suffrage. He was willing to have discussions with European politicians and said that he had been waiting to be approached. He told the Governor, as he had previously told Mr. Ingham, that he was not anti-European, that when self-government came Europeans could continue as they were and that indeed he would try to recruit more Europeans for the Civil Ser-

Two Stoning Incidents

vice. The Governor said that he

would suggest to European poli-

ticians that they should meet him.

Dr. Banda left Government House in his Land-Rover and on his way back the car was surrounded by a crowd of about three or four hundred people who had turned out to see him. They blocked the road and the car moved forward slowly with people hanging on to it and others "dancing and cavorting about," to use the words in the police report, in front of it. The police pulled people away from the Land-Rover. cleared the road in front and told the driver to move on faster. They arrested two men who refused to get away from the vehicle and to leave the scene when told to do

On 21st November there was a meeting in Zomba between Dr. Banda and Mr. Youens in which

they had a very amiable discussion over a cup of tea. Dr. Banda spoke of his admiration for the Governor and of his desire to establish friendly relations with him and his advisers, and Mr. Youens said they all shared that desire. The usual questions were discussed, the first of them being the position of the chiefs. Some of them had been asked to sign letters in which they acknowledged that it was their duty to assist the Government and not to take part in opposition to government policies.

After some discussion Dr. Banda said that he was prepared to accept the desirability of keeping chiefs out of politics but that the Government must be consistent; District Commissioners should not tell chiefs that they should refuse permission for one particular party to hold meetings in their area. Mr. Youens said that he did not think that had been done (in this we think he was wrong) but that he would investigate the point.

The talk about meetings led Mr. Youens to refer to the stoning incidents after Dr. Banda's meetings; he was not suggesting, he said, that Dr. Banda instigated them but "they did appear to follow him around". In point of fact there had been only two stoning incidents, one at the Clock Tower and another on 12th October in the Lilongwe district when crowds dispersing after a meeting had thrown stones at cars belonging to Asians without causing injury. Dr. Banda vigorously denied that these incidents were any part of his plan; he said the police were to some extent to blame because they insisted on aggressive demonstrastrations of their power whenever they appeared on the scene; they should behave more like the 'London Bobbie'.

In December the Legislative Council met and, on 2nd December, Mr. Youens introduced a bill to increase the powers of the police in dealing with crowds. He

said that it was necessary because of "certain deplorable and shameful incidents over the past few

We have had evidence from European sources that, beginning about this period, there was a feeling of tension which went on increasing until the emergency was declared. We have no doubt that Dr. Banda's arrival, his speeches and the position which had been accorded to him, had stirred up immense enthusiasm among Africans and also great expectations.

We think that they were beginning to believe that self-government was imminent and to act accordingly. Putting it one way, they were beginning to show much more independence and less respect; putting it another way, they were behaving insolently. Europeans were beginning to be alarmed and to feel that the situation was getting out of hand.

Large and demonstrative meetings and concerted acts of hooliganism were new phenomena. The African members of the Legislative Council did not take the opportunity of the motion of 4th December, to denounce hooliganism and lawlessness. Dr. Banda may have condemned it privately, but he did not accept Mr. Youens' suggestion to make it plain to all his followers what he thought about it. It was felt on both sides that something must happen soon.

SHOWING THE **EUROPEANS**

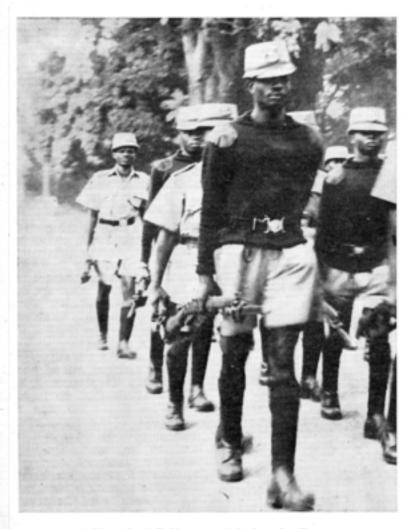
On 1st December Dr. Banda left Nyasaland to attend the All-African Peoples' Conference at Accra. By this time he had covered the whole country and spoken at many meetings to large crowds. He had been greeted with great demonstrations. We shall take as an example of these one which followed a meeting at Mzimba at the end of August and give what is substantially Dr. Banda's own account of it.

After the meeting his car was pushed a mile and a half or two miles mostly by women who were singing all the time. Traffic was at a standstill on the main road. The people pushing the car deliberately chose a route which went past the European club, the golf course and the police station, "to show the Europeans that at least on that Sunday, they were in control of Mzimba. . . . I felt sorry for a veterinary surgeon and his wife who met my car coming from the other direction. The women ordered him to stop and the poor fellow meekly obeyed."

At the golf course there was a group of five Europeans watching the procession in amazement and two African women went up to them and made grossly insulting gestures before Dr. Banda could intervene. As they passed the police station men and women were threatening to pull down the Union Jack and Dr. Banda gave orders forbidding it. Dr. Banda did not permit violence in his presence but there is no doubt at all that, apart from that, he relished this sort of thing very much. He liked it too when District Commissioners and police inspectors were made to appear at a disadvantage beside himself-not, we think out of nastiness to them but because it would make them realise what in him they had to reckon with. It showed the Government the popular forces which he had behind

(Continued on page 10)

CONTACT



A Nyasaland Police patrol during the Emergency.

(Continued from page 9)

him.

Dr. Banda's speeches up to the end of November were all very much the same in content. The main theme was always anti-Federation.

Before then, although the special branch of the police were present at all his meetings and made notes of what he said, only summaries now exist. Dr. Banda has complained with much justification of the way in which his speeches during this period are sumarised in the White Paper

Lawbreaking Not Encouraged

There was nothing in Dr. Banda's speeches designed to encourage lawbreaking and disregard for authority. We may add, too, that he never spoke at a meeting for which permission had not been granted; and that he was scrupulous in his observance of the conditions in the permit.

[The Commission here analyses parts of the Governor's White Paper of March, 1959, and continues:]

In paragraph 13 of the White Paper it is said (correctly, as we have already found) that the Government made it clear to Dr. Banda that they were anxious to discuss all matters in an endeavour to reach satisfactory conclusions. The White Paper goes on to say in paragraph 14 that Dr. Banda made it equally clear in his talks with Government officials that he was not prepared to compromise.

A White Paper Omission

This last statement is not true. We have already given instances which show that Dr. Banda was willing to compromise on details of constitutional reform; and there are others which come later in the narrative. We do not think that this statement in paragraph 14 can have been well considered, since the Governor made it clear to us that to the very end he continued to hope that talks on constitutional reform would be fruitful.

Paragraph 16 of the White Paper sets out a passage from a letter written by Dr. Banda to a Congress leader. The passage is not correctly quoted. We set out below the passage as quoted in the White Paper followed by the correct text. The passage as quoted is:—

"You have heard about the riots. I have set Blantyre and Zomba on fire, I hope soon to set the whole of Nyasaland on fire." The correct text is:—

"You have heard of the socalled riots. Well things are hot here. I have the whole of Blantyre and Zomba on fire. Very soon, I hope to have the whole of Nyasaland on fire."

The most important of these differences is the omission in the White Paper version of the word "so-called." Without that word the text gives the impression that Dr. Banda approved of rioting; the inclusion of the word shows that he was refusing to treat the disturbances as riots at all.

Report from an Informer

The Government first knew of the letter through a report from an informer who had seen it; and this report contained the version of the relevant paragraph which is set out in the White Paper. Later, before the White Paper was written, the Government obtained the original of the letter. The two things, the letter and the report, were compared and the difference between them was not observed. When the White Paper was prepared the original letter could not be found-it had been temporarily mislaid-and so the text was taken from the report.

The White Paper does not give the date of the letter. It is 1st November, 1958. What had

EXTREMISTS CHOOSE VIOLENCE

(Continued from column 2)

happened by that time in Blantyre and Zomba were the stoning of cars in the Clock Tower incident and the "dancing and cavorting" when on 30th October Dr. Banda left Government House; neither of these incidents could be described as riots in any sense of the word. The expression "on fire" is one which is repeatedly used by Dr. Banda in his speeches and letters and clearly means no more than that he has kindled great enthusiasm. We attach no significance at all to this letter.

We have exposed some deficiencies in the White Paper and it is therefore right that we should remind you that it was prepared in very difficult circumstances. All those concerned in the administration of Nyasaland had during the previous fortnight been though a time of great strain and emergency operations were still continuing. The despatch was urgently called for and much that we have dealt with fully had of necessity to be abbreviated.

[A Section headed 'Police and Military' is here omitted.]

The Accra Conference was held from 5th to 13th December, 1958. That part of its conclusions which may be relevant to the situation in Nyasaland is set out in the White Paper paragraph 20 and is as follows:—

"That the All-African People's Conference in Accra declares its full support of all fighters for freedom in Africa, to all those who resort to peaceful means of nonviolence and civil disobedience as well as to all those who are compelled to retaliate against violence to attain national independence and freedom for the people. Where such retaliation becomes necessary, the Conference condemns all legislations which consider those who fight for their independence and freedom as ordinary criminals."

Dr. Banda's TV Interview

This resolution represented a compromise. Some delegations wished for a much less qualified statement of the circumstances in which violence should be used. It is not suggested that Dr. Banda belonged to this group and there is no evidence that he himself advocated at the conference the use of violence in any circumstances.

On 22nd December Dr. Banda returned to Nyasaland, after a short stay in Salisbury during which he addressed a meeting. The public were not allowed to gather at the airport to meet him or to line the streets; the police pointed out that permission had been given for a public meeting on 28th December at which Dr. Banda could be suitably welcomed.

On 23rd December Dr. Banda gave an interview on television which is noteworthy in two respects. First, on his attitude to violence. When he said he would fight Federation, he was asked, did

he mean with violence? He replied: "I mean not with violence
but one can't exclude that if we are
not allowed to get out of it."
Secondly, he proclaimed his readiness to go to gaol in such terms
as almost to invite arrest. Constantly thereafter he dwelt on this
theme, both in public and in private, saying that he was ready to
die, to go to prison, to the Seychelles, to St. Helena, or anywhere,
that he would fight Federation
from prison or the grave.

Six References to Gaol

On 2nd January Dr. Banda had a long talk with Mr. Youens on constitutional reform. Outspoken but amiable, Mr. Youens reported; and he counted six references by Dr. Banda to the likelihood of his imprisonment. On the constitutional question Dr. Banda remained firm on the need for an African majority in the Legislative Council. But he did not regard that, he said, as the same thing as immediate self-government because he envisaged that the Governor would have the power to veto any legislation.

January 20th, was the date fixed for Dr. Banda to go again to Zomba to discuss constitutional reform with the Governor and Mr. Dixon (a European leader). Before Dr. Banda arrived a group of about 40 women "started to gather in an organised manner," to quote the police report. They were ordered three times to disperse but refused, saying that they were going to the Secretariat to see Dr. Banda arrive. The police pointed out that permission had been given for a meeting in Zomba later in the afternoon at which they could see Dr. Banda. 36 of them were arrested and taken to police headquarters. All but four were later released without being charged; and the four who were later tried for unlawful assembly were all acquitted.

The discussion with the Governor and Mr. Dixon on constitutional reform took place on the basis of the Congress proposals. The meeting "talked itself out" without reaching any conclusion. At the end of it the Governor's own conclusion was that Dr. Banda could not be negotiated with except by conceding an African majority in the legislature; and that in the Governor's view was "a negation of negotiation."

At the public meeting which followed, Dr. Banda began his speech with a reference to the talks which he had just had. "I know you are anxious to know what was being discussed and what was decided but you must be patient, you must be very very patient. There was no question of reaching any agreement on the problem." The meeting, he said, was in the nature of an exploration.

He described Congress proposals

as being an African majority in the Legislative Council and the Executive Council. They must have a majority in the Legislative Council because that was where the laws were made. At present there were stupid laws, such as the agricultural rules; he believed in good agricultural methods but not in sending people to prison. Another example of a bad law was a law that permitted 50 women, who were only waving to him in the streets as he passed, to be arrested. No one arrested women in the streets of London for waving to the Royal Family or to Churchill. This sort of thing, he said, might make them angry with the police, but the people to blame were not the police, but the people were not the police, but those who made the laws.

First Stirring of Violence

His speech was followed by an intemperate and in parts extremely offensive speech by Mr. Chipembere. He was afterwards rebuked by Dr. Banda for the offensive parts; and he told us in his evidence that he regretted them but that he had been made extremely angry on hearing about the arrest of the women. His speech, which was short, was entirely devoted to this incident and at the end of it he said:- "If we are men not women we must see that the women are released now, this very instant. Your Kamuzu, your leaders and I shall see that these women will be released. You too must see that these women are released from police custody today, this very instant."

In consequence of this a crowd of 400 or 500 rushed to the police station. They were shouting and waving sticks. The police drew a cordon in front of the station and were heavily stoned. No physical injury was caused but some damage to the surrounding property. The District Commissioner arrived and read the Riot Act; and then the Police Mobile Force went into action and dispersed the crowd with tear smoke and batons.

The riot on 20th January was the first occasion on which Congress leaders deliberately stirred up violence. It was not premeditated and there is no evidence that it fitted in with any plan. Between this riot and those that followed there was a very important meeting of Congress with which we must now deal.

THINKING OF ALTERNATIVES

WE have said already that by the middle of 1958 the Congress leaders were suffering from a feeling of frustration. Their continued protests against Federation were falling on deaf ears and the Government had made it pretty clear that they were not likely to

(Continued on page 11)

22nd August 1959

NON - CO-OPERATION, STRIKES AND BOYCOTTS

(Continued from page 10)

make much headway with their demand for an African majority. Naturally they must have been considering what alternatives there were to negotiation.

You will remember that, before the disturbances in 1953, Congress had passed a resolution in favour of non-co-operation and passive resistance. After the failure of its campaign passive resistance had been abandoned but it had been discussed again from time to time at Congress meetings. In particular it was being discussed during 1958 by those who mattered in Congress both before and after Dr. Banda's return in July. No formal resolution was offered in the executive committee but discussions showed that all the members were in favour of some form of non-co-operation if by negotiation Congress could not obtain the African majority in the Legislative Council which they felt was necessary before the 1960 review.

Dr. Banda himself spoke of a movement of non-co-operation which would paralyse the Government. Economic sanctions was another term which was used; and in particular Mr. Chaluluka—you will see in the course of the next few paragraphs why we single out his name—had spoken strongly in favour of it.

Strikes and Boycotts

Non-co-operation is a rather nebulous term but we were told clearly enough what it was intended to embrace. It meant first of all that there would be no cooperation in the machinery of government, that is, no participation in elections for the Legislative Council if the new proposals were unsatisfactory, and no African membership of district councils. It covered strikes and boycotting of European and Indian stores, refusing to buy goods there or to sell goods to Europeans and Indians. It included non-payment of taxes. Apart from non-payment of taxes, it did not extend to any other breach of the law; in particular, we were told clearly, it did not extend to holding meetings without permission. It did not of course extend to any form of sabotage or damage to property or to any form of physical injury.

In theory it is perfectly easy to draw a line between violence and non-violence; it is not so easy to draw the line in action. What is to happen, for example, if the Government seizes and distrains goods for non-payment of taxes or if it arrests and imprisons defaulters? Non-co-operation presumably requires that government action of this sort should be meekly accepted. The debate at Accra and the form of resolution which was eventually agreed upon illustrates the difficulty of finding a satisfactory formula about this. The test comes at the time of arrest: will the non-co-operator accept it and go to prison or will he resist? Herein presumably lies the difference between active and passive resistance and you will find that when the subsequent disturbances began there were persons in both categories.

The Governor had said that by early in 1959 he expected to announce the new constitutional proposals. By the beginning of 1959 therefore it was plain that Congress must anticipate that its demands would probably be rejected and must come to some decision about its future course of action. We do not think that it is a pure coincidence that, at the beginning of January on his return from Accra, Dr. Banda began to talk so insistently about the prospect of his arrest. The dynamic approach which he had made could not be allowed to peter out; and if he was going to follow the way of Gandhi the sooner the matter was brought to a head by his arrest the better.

But to the younger men, like Mr. Chipembere and Mr. Chisiza, there must have been the counter-attraction of violent policies which might well appear to them to have brought in other countries much quicker results than Gandhi's methods. We are satisfied (the grounds for our conclusion will appear as we go on with the narrative) that by the beginning of 1959 the extremists had made up their minds that they would get Congress to adopt a policy of violence.

'Practically Given Up Hope'

It has been suggested to us that one of the factors driving them to extremes (whether the extremes were violent or non-violent) was the Government's delay in announcing its proposals for constitutional reform. The truth, we think, is that the Congress leaders, certainly the extremists, had practically given up hope that anything satisfactory to them would come out of any more constitutional talks; if they had believed that it would. we cannot think that just before the talks were coming to maturity, they would have abandoned the way of peaceful negotiation.

At the beginning of January Mr. Chisiza approached Dr. Banda with the suggestion that an emergency conference consisting of delegates from each branch, the chairman and secretary if available, should be called in Blantvre. Dr. Banda agreed with the proposal for the conference and accordingly notices were sent out summoning the delegates for Saturday and Sunday, 24th and 25th January. It was not intended that Dr. Banda himself should take any part in the conference except that on the Saturday afternoon he would make a speech to the delegates and obtain a vote of confidence. This was in accordance

with his usual policy.

It is convenient at this point to say something more about the relationship between Dr. Banda and his three lieutenants. Dr. Banda is not one of those leaders to whom the cause is everything and nothing else matters at all. He had come to Nyasaland after much hesitation and largely as a matter of duty. In the first three or four months he had done some very hard work touring the country. After that at the beginning of November he settled down to start a medical practice. His house and surgery were at Limbe but they were some distance apart, and his work at the surgery kept him very busy; after November, he found time for speechmaking only at week-ends.

Susceptible to Flattery

Moreover, he had little inclination for detailed work and he rarely, if ever, presided at business meetings, even those of his Cabinet, as they called it. It may be, though he did not tell us so, that his inability to speak in the vernacular partly accounted for his abstention at any rate from the general meetings. Inevitably the control of Congress passed into the hands of those who were willing to do the detailed work.

To some extent this is what Dr. Banda wanted; we think that he was quite genuine in his view that he believed in the young and wanted them to be trained for the future. No doubt he thought they would refer to him everything that mattered and to all appearances they did so. Dr. Banda's reception in Nyasaland and the reverence and adulation with which he was treated everywhere he went was enough to turn the head of even the most modest man and Dr. Banda is not that; it would not have crossed his mind that even his unexpressed wish was not law.

But in fact his three lieutenants were all men with minds and ambitions of their own. There is evidence that when he treated them in public as subordinates, they did not like it. In all probability they saw no necessity to tell Dr. Banda everything that was going on; they probably only consulted him when they wanted, for some specific purpose, to invoke his authority and before they did so they probably made sure that the decision would be the one they wanted; for Dr. Banda is a man who is susceptible to flattery.

On 22nd January there was a meeting of the executive committee in the house of Mr. Makata, who, in the absence of Dr. Banda, was to take the chair at the conference. In the evening of 23rd January Dr. Banda received at his house the delegates who had already arrived for the meeting the next day. After that there was another meeting of the executive

committee at Dr. Banda's house. Dr. Banda was not present at either of these meetings when the agenda for the conference was discussed.

The Man Who Faltered

We were told that in addition to questions of finance and organisation the discussion turned on what answer the committee should give if they were asked what was to happen in the event of the Government's constitutional proposals being unsatisfactory. We were told that there was also discussion about what should be done if Dr. Banda was arrested and that what was decided upon in either contingency was non-co-operation.

Mr. Chipembere wrote to Mr. Chiume about these meetings and in particular about the part played in them by Mr. Chaluluka. "He misbehaved at the most crucial moment. As soon as we began discussions on the secret items to be presented to Conference, Bwana Chaluluka began to falter. His participation in the discussions became scantier and scantier, and his expressions of opinion more and more non-committal. He then decided to absent himself from the final meeting of the Central Body" (i.e. the executive committee or Cabinet) "and ended by staying away from the first half of the Secret Session of the conference." Now there was nothing about nonco-operation that would have upset Mr. Chaluluka. As we have said, it had already been generally agreed upon and, so Mr. Chiume told us, Mr. Chaluluka had been a strong supporter of it. We are satisfied that something more non-co-operation than would be needed to make Mr. Chaluluka falter and misbehave.

What Went On at Limbe?

The proceedings on the Saturday and Sunday fall into three parts. There was first on the Saturday morning a meeting at the Mikeka Hotel at Limbe at which routine matters of organisation were discussed. Then in the afternoon there was the meeting addressed by Dr. Banda at Ndirande. Then on Sunday there was a meeting in the open at a place in the bush a little way out of Limbe.

This meeting began in the morning and went on until it started raining in the afternoon. The proceedings at the first and third meetings were secret but that does not necessarily mean that there was anything sinister about them; they were private meetings of officials in which organisation and policy were being discussed; great care was taken to see that no unauthorised person was present.

There was nothing secret about the place of the meetings and the fact that the third meeting was in the bush is no evidence of a conspiracy. The fact that an emergency conference of delegates was being held on the Saturday and Sunday was well known to the police; they had been asked for and had eventully refused permission (there was a controversy about the timing and terms of the application which we need not go into) for the meeting on Saturday afternoon to be public. Congress had failed to secure (they

attributed their failure to the illwill of the police) the hall they wanted for the private meetings on Saturday morning and Sunday. They had met on Saturday morning in a room in a hotel which we have seen and which was obviously far too small and so on Sunday as they wanted more space, they chose a place in the open. They went there, about 200 of them, in cars and lorries, in a body and without concealment.

After the customary prayer the meeting in the bush on Sunday began with a resumption of the discussion on matters of finance and organisation which had been left unfinished on the Saturday morning. As to what was discussed and decided after that there is an acute conflict of evidence. It is common ground that the possibility of the Government's constitutional proposals being unsatisfactory and the possibility of Dr. Banda's arrest were both considered and that there was discussion about what should be done in either of these events; one set of witnesses said that what was decided was that there should be non-cooperation but that violence was not even mentioned; another set said that every form of violence was discussed from sabotage to murder. Most of the evidence on either side is of doubtful value; at a later stage in this report we shall attempt to analyse it. There does not emerge from it, or from so much of it as is at all acceptable, any full and coherent account of what was discussed and decided.

Four General Decisions

On many topics it is probable that no clear line was drawn between discussion and decision. It is not suggested by anyone that any resolutions were put to the meeting. In the end we have thought it safe to conclude that general decisions were taken on four matters. First, it was clearly decided that Mr. Y. K. Chisiza (the brother of Mr. D. K. Chisiza, the Secretary-General) should be appointed as private secretary and as a sort of bodyguard to Dr. Banda. This followed upon talk that Dr. Banda's life had been threatened, which may well have been introduced so as to lead up to proposals for a black list and for violence generally. Secondly, it was decided that the Secretary-General was to keep a black list of "stooges and quislings" headed by Mr. Chirwa and that branches were to write up and propose additional names. The black list was for Africans, not Europeans, and was to consist very largely of chiefs who refused permission for meetings.

We do not think it was at all clearly decided what was to be done with people on the black list; suggestions varied from deportation when self-government came to killing. Thirdly, approval was given to a policy of sabotage-cutting of telephone wires, blocking of roads, destruction of bridges and the like and of defiance, such as holding meetings without asking permission. Fourthly, there was general approval of a policy of resisting with violence attempts to enforce unpopular laws, and attempts to arrest those who broke them; most of the disturbances which we shall have to consider

(Continued on page 12)

THE DEVLIN REPORT

in fact arose in this way. These policies were not to be to the exclusion of non-violent methods but rather as an extension of them: non-cooperation, boycotts and strikes were all generally approved of as well. The alternative of submission to arrest was not ruled out and there was discussion about engaging counsel from Britain to represent Dr. Banda or other

leaders who might be arrested.

We do not doubt that there was also a great deal of talk about beating and killing without any dividing line being drawn. Many men talk violently in order "to show spirit," as one witness put it. If murder was talked of, as it may well have been, certainly no clear decision was taken about the circumstances in which it was to be committed; and you will hear that although after 3rd March opportunities presented themselves in which both Africans and Europeans might have been killed, no murder was ever committed.

Violence Not Excluded

We have a document, which we reproduce in Appendix II to this Report, which we think gives as good an impression as can be got of what went on at this meeting. The document consists of notes of items which were either discussed or decided upon and it was probably prepared some time after the meeting, since delegates were warned against taking notes at the time. The notes reflect the confused impression of the whole which probably most delegates took away with them. There is an item:-"Hit Europeans or cut throat"; but there is also an item that if a person is arrested because of Congress the case must be taken to "senior Europeans," which presumably means the High Court or such of them whose throats had not been cut. There is an item about what is to be done if Dr. Banda is arrested; and also a note that African police should not wear puttees. The meeting was conducted in Chinyanja with interpretations into Tumbuka and it is very likely that at times several people were speaking and that there was discussion among groups,

We have tried to make what we think the effect of it was as intelligible as we can; but because we have tried to summarise it in four points, it must not be thought that anything at the meeting was neatly tabulated. Perhaps the effect of it all can best be summed up by saying that there was to be an all-out campaign to defy the Government, violence not excluded. When would the violence begin, how far would it go and what form exactly would it take? The only answer is that it would depend on what happened. If it started in some places and have spread and might have gone very far; that was the real danger in the situation.

Baton Charge and Arrests

The meeting of the delegates naturally caused a good deal of excitement and interest in Blantyre and Limbe. On the Saturday evening a crowd assembled and groups of youths behaved boisterously jumping out into the road

BLACKLIST OF STOOGES AND QUISLINGS

(Continued from column 1)

and interfering with traffic; they were dispersed without incident. On the Sunday afternoon a larger crowd of about two or three hundred assembled outside the Ndirande Welfare Hall where it may be they thought that the delegates were meeting. Small stones and gravel were thrown at passing cars. Two platoons of P.M.F. were called out and the crowd was ordered to disperse. It did not do so until it was dispersed by a baton charge, 21 arrests being made.

No report was ever made to Dr. Banda of what was discussed or decided at the conference. We were told that all the decisions were subject to his approval and could not be effective without it. One would have supposed that decisions to adopt non-cooperation and to expel Mr. Chaluluka would be sufficiently important to make it desirable to seek Dr. Banda's approval at the earliest opportunity. As to that, we were told that it had been decided that members of the committee should not discuss these matters with Dr. Banda individually but that it must be done at a meeting of the committee as a whole. We were given no reason why the committee should not see Dr. Banda that evening or the next morning except that there was a dance for the delegates in the evening.

Likelihood of Rumours

After that, we were told that the engagements of various members made it impossible for the committee to meet again for another six weeks; before the six weeks had elapsed the emergency was declared. We were therefore invited to believe that between 25th January and 3rd March neither Mr. Chipembere nor any other member of the committee mentioned to Dr. Banda the decisions taken although there was nothing in them that they wished to conceal. We found this all the more surprising since between 25th January and 3rd March meetings of branch committees were taking place all over the country at which the delegates were reporting what had gone on at the emergency conference. Here again we do not think that the evidence is sufficiently reliable to enable us to give an accurate account of what went on at any one of these meetings. We have seen a letter dated 3rd February from the secretary of a branch to his chairman. "Things are getting hotter every day. The results of the last conference was done in the most secret manner that even the delegates find it very difficult to explain they were not allowed to take notes; anyone taking notes was beaten."

We think it likely that there was a great deal of confusion in the reporting and that many different versions were current. It seems clear that at many of the meetings there was opposition to the new

policy but we have no report of any meeting at which it was rejected. One very important meeting was held on 22nd February at Ndirande of the southern provincial committee of the Congress, of which there were about 70 members. Mr. Chipembere was there in order to ensure that the provincial chairman was replaced by a nominee of his own. At this meeting there was considerable opposition to the use of violence. No vote was taken, but there were thought to be more in favour of violence than against it.

Notwithstanding the efforts that were made by Congress leaders to keep their plan strictly secret, it is likely that rumours were spreading among Africans that something was afoot. It is also likely that rumour concentrated on the more dramatic parts of the discussion and that the killing of Europeans was talked about. Several European witneses testified to their increased feeling of tension by the beginning of February. We have been told also of sinister enquiries being made about the habits of Europeans; with all the talk that there had been on 25th January it is certainly conceivable that some Africans were thinking about murder. But in most cases we think that it was the feeling of tension itself which caused a sinister construction to be put on innocent enquiries.

Among the Europeans there was a growing feeling that something must be done and there was talk of a showdown. Dr. Banda refers to that in his letter of 21st February to the Governor. We doubt whether this had much effect on the Government. We think that by this time some such talk was to be expected and it does not lead us to think that Europeans were not fundamentally on the defensive. It is not unnatural that they should react in that way whenever there is any real suspicion that the African may resort to violence: they are a tiny minority in the country and their safety depends on their striking first, for if the African population once got out of control, there is not in the country any force that could con-

[Here the Commission describes a series of disturbances throughout the Protectorate between February 8th and 27th.]

During this period the leaders of Congress had been variously employed. On the day after the emergency conference, 26th January, Mr. D. K. Chisiza left for Northern Rhodesia, his object being to visit the branches of Congress there so as to develop Northern Rhodesia as a source of income which might replace Southern Rhodesia. He also wanted to arrange for a "summit conference" of all the Congresses in Rhodesia and Nyasaland. He returned to Blantyre on 7th February and was at headquarters for a fortnight and then set out again for Northern Rhodesia, this time in company with his brother. He went through Ncheu, Lilongwe and Fort Manning and you will have observed that in all these places there were disturbances within the next few days; it is possible, though it has not been sufficiently proved, that this was not a coincidence. The Chisizas took with them a film of Congress activities to use as propaganda and also a recording of a speech made by Mr. Chipembere for the same purpose. The recording was made at Blantyre on 19th February when the disturbances at Karonga and elsewhere were already in the news. We quote the following passages from it:-

'We are no longer playing as we used to do in the days of the rotten Manoah Chirwa and in the days of the rotten T. D. T. Banda and their filth-ridden hearts. We are now doing serious business. We mean to die for this country or win liberation . . . The masses of Nyasaland have been called to action by the great Kamuzu. His honesty and his courage have impressed them and they have responded wholeheartedly. So much so, that from Port Herald to Karonga you find everybody in a state of mental revolt against the imperialists. In far away Mlanje among peasants, people are struggling for liberty and defying the authority of the District Commissioner. Away in Fort Manning, in Dowa, people have become so infuriated against imperialism that they've gone so far as to lay their hands on the dirty body of a white-skinned fellow. And away in Karonga you will hear people have stood in open revolt against British authority. They are defying death, they are defying all the diabolical instruments of death in the face of the imperialist. They are defying prison bars of the Central Prison Zomba and exposing themselves deliberately arrest."

The expression of these sentiments makes it difficult for Mr. Chipembere to contend that he disapproved of violence and would not encourage it in any form. Nevertheless, in his evidence before us, he did so. He told us that in truth he thought it a bad thing that hands had been laid on the dirty body of a white-skinned fellow. He just wanted to state the facts; and the facts as he then understood them (no white man had in fact been hit) were that a European had been assaulted and that he was in fact a dirty man and a man of untidy habits. He thought that the statement of these facts would bring home to his audience the desperate mood in which the people were.

References to Bloodshed

In Northern Rhodesia on 23rd February Mr. Y. K. Chisiza made a speech which contained a number of references to disturbances, bloodshed and to keeping the police busy. At one point he said:— "We mean to embarrass the local government, Nyasaland Government and the British Government about our demands. This is the only way. Negotiations won't do. But we mean to create disturbances from Port Herald to Karonga even if it means every person in the country dies."

Mr. Chisiza denied that he had ever advocated violence. He agreed that the parts of his speech we have just quoted and similar parts could only mean violence but he denied that in fact he uttered the words. He continued to deny that even after the recording of his speech had been played over to him and thus made further examination unprofitable. We have no record of any speech made by Mr. D. K. Chisiza but we have what we regard as incontrovertible evidence of what he was saying, probably at this time, and we are satisfied that his thoughts on these matters were substantially the same as those of his brother and Mr. Chipembere.

Tie with British People

On 20th February it was announced that Lord Perth, the Minister of State for Colonial Affairs, would come to Nyasaland for talks on the constitutional question; and on the same day the Chief Secretary, Mr. Footman, who had previously been away on leave, had an interview with Dr. Banda about the deterioration in conditions. He gave him full details of what had happened at Karonga and said that the Government had had reluctantly to bring up reinforcements. Any further disorders, he feared, might make negotiations impossible; and he hinted that the Colonial Office might already be taking the view that the talks with Lord Perth would not be possible. He felt that this sank in.

TROOPS FROM S. RHODESIA

Dr. Banda said that he wanted to move by negotiation. Mr. Footman said that he did not suggest that every disorder was Congress; there was always the hooligan element. But there were occasions when members of Congress were involved and he asked Dr. Banda to control the situation through his branches. Dr. Banda did not say that he would make any move, but the Chief Secretary felt that he had given him a good deal of matter for thought. At this interview Dr. Banda asked, but was not told, whether any of the reinforcements that were coming in were Southern Rhodesian, and

(Continued on page 13)

WHAT HAPPENED AT FATEFUL MEETING

(Continued from page 12)

he added that he hoped not as that would really cause trouble.

Dr. Banda did not respond to Mr. Footman's request. He did not entirely believe the official account of what had happened at Karonga. He thought—and it was very likely true — that his own letters and messages from the Northern Province were being intercepted. However, from what Mr. Footman told him he did not like the sound of things; he was worried, he told us, and on 22nd February arranged to send Mr. Arnold Nkata (who was Mr. D. K. Chisiza's assistant) up to the Northern Province to report.

[The Commission records that Mr. Nkata's report confirmed the official version and that Dr. Banda said he was shocked by it.]

But what caused him, he says, to abandon all thought of cooperation was that on the evening of the 20th he heard on the radio that troops from Southern Rhodesia,—that is, European Federal regiments,—were being sent to Karonga. On the next day he wrote an open letter of protest to the Governor. Law and order had not, he said, been so broken down as to necessitate the calling in of Federal troops. This was the showdown of which the European settlers had been talking and it was dictated by them. The letter was in rhetorical terms.

On 26th February an incident occurred, not very important in itself, but which several witnesses mentioned as showing Dr. Banda's pacific intentions. There was a quarrel and some fighting between a European and some Africans. We have not investigated who was to blame, but in some way the Africans came into possession of the European's shotgun which they took to the Congress secretariat who sent them on with it to Dr. Banda. Dr. Banda at once telephoned the police who went to his house and recovered the gun.

Banda Expects Arrest

For some days past Dr. Banda had expected to be arrested at any moment. The country was full of troops, the press was assembled in force and everyone expected something to happen. The Government's plans were in fact completed. On the afternoon of 2nd March the Governor gave a press conference where he was placed in a position of some difficulty; for security reasons he did not wish to disclose that he intended to arrest the leaders of Congress in the early hours of the following morning and to declare a state of emergency so as to enable him to do so.

According to the news broadcast that was made that evening, the Governor said that he had the power under the present laws to deal with dissidents without having to declare a state of emergency. There is no completely reliable verbatim account of what was said at the press conference. The account we have seen is open to misinterpretation.

The broadcast caused many people to think that the worst of the crisis was over, and there was therefore some shock when on the following morning they learned that a state of emergency had been declared at midnight and a large number of Africans arrested.

TO ACT OR TO ABDICATE

We are not, under our terms of reference, concerned with the underlying causes of the emer-gency. We have heard many opinions about where the responsibility for it should ultimately lie; it is not part of our task to choose between them. We apprehend, however, that it will be generally agreed that on the facts we have found and in the situation that existed on 3rd March, however it was caused, the Government had either to act or to abdicate; and since with the forces at its disposal the maintenance of order could not be achieved within the ordinary framework of the law, it had to resort to emergency powers.

Everyone may not agree about the extent to which it exercised them and the manner in which it did so. It exercised its powers with the object of stamping out Congress wherever it could be found and in the later parts of this report we shall describe the means which were taken to that end. When we do so, we shall neither express nor imply any view about what was the right policy; our duty is to find the facts about the activities of Congress so that you can consider how it should be dealt with.

This we have done; and you will have observed that in some important respects our findings do not confirm the appreciation of the facts set out by the Government in the White Paper. In particular we have not found any detailed plan for massacre and assassination; we shall refer to this shortly as "the murder plot", a term which was afterwards applied to it though not one which is actually used in the White Paper.

Accordingly anyone who wishes to consider in the light of our findings the policy of the Government will have also to consider to what extent this policy was based upon the supposed murder plot and how far the extent and severity of the measures employed to crush Congress were due to a belief in the plot. We propose, therefore, in this part of our report to examine that question and to begin setting out what information the Government had at its disposal before 3rd March about Congress activities.

We shall also set out what steps it was taking to deal with Congress; it has been criticised from one side for doing too little and doing it too slowly and from the other for allowing itself to be forced into action by outside pressure. Finally, we shall assess the evidence about what was decided upon at the emergency conference and state our reasons for rejecting the contention that violence was never discussed at all as well as the contention that a plot was framed for massacre and assassination.

Information about what was going on in Congress circles was constantly being collected and digested by the special branch and was made available to the Governor and his Executive Council in the form of monthly intelligence reports. Until towards the end of 1958 none of these reports indicated the possibility of any violent action on the part of Congress. To the contrary, the Government's information was that in the Northern Province when violence was discussed earlier in the year it was disproved of. We have been given the name of the man who was said to be advocating violence. From what we have heard about him, and not merely from sources unfavourable to Congress, we have little doubt that he was in fact a man of violent tendencies and that he was probably the instigator of a good deal of the trouble in February in the Northern Province which we have already recounted. But in the second half of 1958 his views were making little headway and he was definitely in the minority.

The first reference to violence as a possibility is contained in the intelligence report for the month of September. It is there reported that as a result of intense political activity following upon Dr. Banda's campaign, there had been a number of references by Africans to possible violence against Europeans. The Government began to take into consideration the possibility of disorders if, when its constitutional proposals were announced, they did not satisfy Congress; but it did not anticipate that this would happen until about

Whenever there is a prospect of an outbreak, the policy of the Government is naturally to anticipate it by preventive action which includes the arrest and detention of the leaders believed to be reponsible for its organisation. In Nyasaland it has been the practice at least since 1954 for the special branch to maintain a list of "suspects" whom it thinks might have to be arrested on the declaration of an emergency. In November 1958 a complete revision of the list was undertaken on the assumption that there might be serious trouble from Congress some time in 1959. The list was to include all those persons who were believed to be members of the central executive committee, or of the three provincial committees or were known as the chairman or secretary of any

Throughout December and

January the Government regarded the situation as worsening by reason of the events we have already recorded. But it was felt that these did not give sufficient ground for any change in the appreciation that there were unlikely to be widespread disorders until after the constitutional changes were announced. So plans proceeded for constitutional talks and by 9th February had proceeded far enough for arrangements to be made for the visit of Lord Perth on or about the 22nd.

MURDER AND SABOTAGE

At the beginning of February reports about the emergency conference began to come in to the special branch from informers. These reported specifically the dismissal of Mr. Chaluluka and the appointment of Mr. Y. K. Chisiza and generally that civil disobedience, violence and murder had been discussed. These informers were not present at the meeting and claimed to have got their information from those who

On 11th February the special branch received from one informer a comprehensive and detailed account of what was supposed to have been decided at the meeting; he claimed to have got it from a branch official. They found it convincing and immediately embodied it together with the other information received in a special intelligence report dated 13th February; this is the assessment, the contents of which are summarised in paragraph 24 of the White Paper from which we now quote.

"According to these reports it was agreed at the meeting that:—

(a) until such time as the announcement of the impending constitutional changes was made, unlawful public meetings and processions should be held throughout the Protectorate. These meetings were to be held where possible in the bush. Those attending them should not resort to violence but should offer themselves for arrest if the need arose.

if the need arose. (b) If Dr. Banda were arrested, four persons, Messrs. H. B. Chipembere, D. K. Chisiza and M. W. K. Chiume and Mrs. Rose Chibambo, elected to run Congress in his absence, were to fix a day when violence was to begin, to be called "R" day. Every branch in the Central and Northern Provinces should be informed of the arrest. In view of the difficulty of communications "R" day would probably be from ten to twenty-one days after Banda's arrest. All action was to begin simultaneously in every district on this "R" day.

(c) The plan for violence on "R" day included:

(1) Sabotage of telephone wires, road and rail bridges, airfields (including Chileka) and installations, petrol dumps and the main power station at Blantyre.

(2) Murder of District and Provincial Commissioners, District Police Officers and other Europeans, including missionaries, also of certain Chiefs and other Africans classed as "Quislings". In the townships Europeans and Asians were to be killed, including women and children.

(3) Assassination of the Governor and other senior British officers.

It was also reported that at the meeting on the 25th January the delegates were told to go home and brief the Chairman and Secçetary of each Congress branch about the plan."

Any Weapon at First

The informer went into considerable detail about the plans for murder and assassination. Each district chairman was made responsible for the murder of his District Commissioner to be followed by that of the police officer and then of any other Europeans. Mr. Chipembere was reported to have said that the murders should include all women and children and their bodies should be mutilated and then burnt if possible. In districts where there was also a Provincial Commissioner, the district chairman was responsible for him as well.

Inevitably the greatest responsibility fell upon the district chairman for Zomba. He had to see to the assassination of the Governor, which was to be done by the Governor's own staff of servants; and then to that of the Chief Secretary. After that there came in order of priority the Commissioner of Police, the senior police officer in Zomba and the senior K.A.R. officer there; these were to be murdered by the police and the K.A.R. themselves, 75 per cent. of whom were expected to go over to Congress with their arms and ammunition. To begin with any sort of weapon would have to be used; but after the first killings weapons would be obtained from murdered Europeans. After all this had been done, Congress leaders, and those who had taken part in the outrages, were to retreat into the bush until such time as things had quietened down.

On 18th February another special intelligence report was produced. Further information had been obtained, the report stated, indicating that Congress was setting up an organisation to acquire data about the habits of Europeans and their arms and ammunition and that particular attention was being paid to the murder of European children. The report also stated that since 24th January there had been eight cases of illegal meetings, three of which (we have referred to them in paragraphs 106-108) has been followed by rioting or stone throwing. This, we may observe, was inconsistent with that part of the reported plot which laid it down that until Dr. Banda's arrest no violence was to be offered; but it was treated in the report not as casting doubts on the sources of the information but as showing that Congress instructions regarding passive resistance were not being followed. But, as the intelligence report pointed out, taken by themselves these incidents revealed serious deterioration in the security situation; the view generally held in the Southern Province was that any incident might spark off immediate vio

On the same day, the Commissioner of Police expressed to the Governor his view that the information about a plan for the mass

(Continued on page 14)

murder of all Europeans and Asians, men, women and children, in the event of Dr. Banda being arrested, was correct and must be accepted seriously. He believed it to be the intention of Congress to overthrow the Government and to place the country in a complete state of anarchy. In his opinion, urgent action was necessary at once to prevent the situation becoming out of hand. He stated it as his considered opinion that unless the forces of law and order were immediately reinforced substantially and action was taken against Congress, the situation might get beyond control.

Governor Asks for Troops

On this advice the Governor decided to ask the Federal Prime Minister for a battalion of K.A.R.; he decided also that he would ask the Governor of Northern Rhodesia to provide two platoons of P.M.F. He had earlier, on 29th January, asked the Government of Tanganyika whether they would be prepared to help, if there were disturbances in the course of the next six months, with two platoons; and the Government of Tanganyika had somewhat reluctantly offered one platoon if they were able to spare it when the occasion arose. These were precautionary measures and the Governor, Sir Robert Armitage, had not yet made up his mind what action he would take. He noted that the information about the plan was secondhand from informers and had not yet been fully confirmed. He noted also that it called for action only if the constitutional proposals were unacceptable or if Dr. Banda was arrested; and he believed that Dr. Banda had every intention of participating in the constitutional talks.

On the whole he believed that in the immediate future there was more likelihood of isolated disorders than of an organised outbreak of violence. On and after 18th February the list of suspects prepared by the special branch was revised, to include any person known to have attended the emergency conference who was not already on the list as an official of Congress. In each case history sheets were prepared for submission to the Governor. By 3rd March a list of 208 people had been approved by the Governor. It consisted mainly of officials and participators in the emergency conference but with some others added whose names the special branch had submitted as likely to be a menace to public tranquillity.

SIR ROY AND SIR ROBERT

On 20th February Sir Robert went to Salisbury for a meeting of the heads of government,-that is, of the two Prime Ministers, Sir Roy Welensky of the Federation and Sir Edgar Whitehead of Southern Rhodesia, the Governor of Northern Rhodesia and himself. These meetings were regularly held to discuss common problems and this particular meeting had been arranged for some time before and had nothing to do with the prob-lems of Nyasaland. But naturally the problem in Nyasaland was discussed; all three territories had similar problems since there were

Congresses in each of them. The Federal Prime Minister as Minister of Defence had the final say about the disposition of the troops. Sir Robert stated the factors affecting his decision and in particular that he still felt that the visit of Lord Perth would have a restraining effect; he believed that Dr. Banda with his western upbringing would want to carry through with the constitutional talks before he allowed other plans to take place. It was while he was at this meeting that Sir Robert received news of the events at Fort Hill.

On 21st February, the Nyasaland Operations Committee, which the Governor set up to plan for an emergency, held its first meeting. The committee considered that there was nothing at present to indicate that the overall plan of Congress had been put into action. Troop movements were discussed; and also the question of accommodation for detainees who might be arrested when an emergency was declared. At a meeting of the committed on the next day, a direction was given that security plans must be completed within ten days and special attention must be paid to a detailed operation for the pick-up of suspects, which operation must be planned meticulously.

By 24th February a number of further incidents had occurred. We have recorded them; they included the disturbance at Lilongwe at which the troops had opened fire. But the Governor still did not come to any final decision. As he saw the situation, the two factors restraining him were the need for further reinforcements before he acted and the talks with Lord

On 25th February Sir Roy Welensky asked the Governor in view of the further developments in Nyasaland to give serious consideration to deferring Lord Perth's projected visit. In his, Sir Roy's, view it would be wrong to hold constitutional discussions so long as Congress were deliberately adopting a policy of intimidation since any constitutional advance could be represented by Congress to be a direct result of pressure brought to bear by them.

Suggestions of 'Pressure'

On the same day the Governor telegraphed to Lord Perth suggesting that he should postpone his visit saying that the situation made an early declaration of a state of emergency inevitable. On the next day the Chief Secretary flew to Salisbury in order to make final arrangements for the despatch of troops; the arrangements that he made and which he reported to a meeting of the operations committee the same evening gave the Governor the assurance of those forces which he had been advised were necessary before he took action. So at this meeting the declaration of the emergency was fixed for the night of 2nd/3rd March. On 27th February it was announced in the House of Commons that the visit of Lord Perth had been postponed because it would provoke disturbances.

After the emergency was declared the suggestion was made in Parliament that the Governor had acted under pressure, in particular from Sir Roy Welensky. It is for this reason that we investigated closely and have set out in detail the factors which were operating on the Governor's mind. We are

THE GOVERNOR ASKS FOR TROOPS

(Continued from column 2)

quite satisfied that we have been that violence was discussed on 25th given all the information, oral and documentary, which bears on this point and in particular we are satisfied that the only contribution which Sir Roy made was the expression of opinion which we have set out in the preceding paragraph. No one, we think, will suggest that it was a point on which he ought to have kept silent. The Congresses in the three territories were closely associated bodies and the object of the "summit conference" to which we have referred in paragraph 138 was to concert common action; the way in which a threat from Congress in any territory is met is the concern of all three territories and of the Federation as a whole.

THE WELENSKY INTERVENTION

Sir Roy's fear that any constitutional advance would be represented by Congress as a victory for a policy of violence was not an imaginary one. This is shown by the speech of Mr. Y. K. Chisiza in Northern Rhodesia two days before Sir Roy expressed his opinion. We have quoted from that speech in paragraph 139, the passage in which Mr. Chisiza said that negotiations would not do and that Congress meant to create disturbances all over the country.

After this Mr. Chisiza went

"Now, you will be pleased to know that already the British Government in London is shaking . . the Britishers are sending Lord Perth . . . usually all they do is let Lennox-Boyd or whoever it is announce the reforms from London, but now they understand that the situation in Nyasaland is a delicate one. They can't afford to do that. Otherwise the whole country is going to be in bloodshed. Now they are sending Lord Perth to try and persuade Dr. Banda, beg him, to let his people cool down and perhaps ask him to compromise."

Sir Roy's intervention was not directly on the question of whether or not an emergency should be declared. But by this time in the Governor's mind the choice lay between carrying on with the constitutional talks and declaring a state of emergency, so that the two things were bound up together. We have no reason to think that the Governor did not give to Sir Roy's expression of opinion the weight which it obviously deserved; but equally we have no reason to think that the decision to postpone the visit and declare a state of emergency was not his own. He did not make up his mind until a week after the Commissioner of Police, who under him was responsible for the security of Nyasaland, had pressed for immediate action; and during that week the most serious disorders occurred.

[Here the Commission considers the evidence about the meeting on 25th January.]

We have therefore what we regard as a firm basis for a finding January. It consists of first, the documents; secondly, the fact that something was being concealed; thirdly, the inference that can reasonably be drawn from what actually happened afterwards for there is no doubt that violence was committed and that, particularly in the Northern Province, it was violence in a form that suggested something much more than the reaction to an ad hoc situation. On top of this we had testimony given directly to us-not a great deal of it, but some-to the effect that violence, and even murder, had been discussed.

BANDA AND VIOLENCE

We next had to make up our minds whether Dr. Banda, who was not at the meeting, authorised or assented to the policy of violence. There was no direct evidence to show that he did. But we had to take all the circumstances and especially his position as the President-General of Congress, into consideration and ask ourselves three questions,

1. Was Dr. Banda's absence from the meeting deliberate, and did he know what was going to be discussed and decided?

2. Was he taking care not to know what was being decided?

3. Was he throughout in complete ignorance of what was going on behind his back?

The answer to all these questions depends very largely upon the impression which we formed of Dr. Banda as a witness and as a man, from what we knew and had been told about his character. The answer to the first question depends almost entirelty upon that; and we answer it by saying that we accept Dr. Banda's account of how and why he was absent from the meeting. For reasons which to a considerable extent we have already indicated we find the relationship which Dr. Banda's evidence shows to have existed between himself and his principal lieutenants to be quite a convincing one. We have given careful consideration to the other two questions and we think that the answer lies somewhere between

Never Condemned Categorically

We think that Dr. Banda would never have approved a policy of murder and that he would have intervened decisively if he had thought that it was so much as being discussed. We think that he was quite honest in saying that he did not approve of violence in principle. But we think also that he had come to regard some degree of violence as inevitable; he would do his best to restrain it but he could not always succeed. It would indeed be very difficult to succeed, for a policy of civil disobedience, which Dr. Banda was prepared to enforce, requires, as he must have known very well, a much higher degree of discipline and restraint than the average of his followers possessed. Dr. Banda made his own position clear-that he would accept arrest-and he exhorted others to follow him; but he did not, as he once frankly said, exclude violence and he never condemned it categorically.

It was this inaction on Dr. Banda's part which made the meeting on 25th January possible. If he had been known to have condemned violence unreservedly, Mr. Chipembere's proposals could not have succeeded. If every official of Congress knew that Dr. Banda disapproved of violence in every form, those proposals would have failed. We think that the ordinary official did think, and could reasonably have thought, that Dr. Banda would not disapprove.

We thought Dr. Banda to be a frank witness. He gave us the impression that he was probably aware of the danger that Mr. Chipembere and others like him might go further than he himself would approve; but that he felt that he was doing as much as he could reasonably do and going to the limits of what was practicable by discountenancing any violence which was brought to his notice. He said that he several times had to restrain his supporters from acts of violence after his meetings.

There are two main differences between the effect of the meeting as we have found it to be and the effect as stated in the White Paper. We have found that violent action was to be adopted as a policy, that breaches of the law were to be committed and that attempts by the Government to enforce it were to be resisted with violence. We have found further that there was talk of beating and killing Europeans, but not of cold-blooded assassination or massacre. That is the first difference.

Unconvincing

The second difference is that we do not think that there is anything that can be called a plot nor, except in a very loose sense of the word, plan. Branches were encouraged to resist the enforcement of the law and ways were suggested; but we do not think that anything more detailed than that was planned. The White Paper and the intelligence report upon which it is based suggest a plot, worked out in reasonable detail.

(Continued on page 15)

22nd August 1959

CONTACT

(Continued from page 14)

THE DEVLIN REPORT

There is only one witness who attempts to describe the meeting as resulting in a neat series of decisions. That is the informer upon whose report the intelligence report is based. We saw and heard the main informer and found his evidence most unconvincing.

By contrast with the sparseness of the positive evidence in favour of the plot, there is a vast quantity of negative evidence. This is not the type of case in which negative evidence proves nothing in favour of either side. If a plot of the sort alleged had been hatched at the meeting, no person there could have missed it; and inevitably it would have been the highlight of his story; everything else, cutting telephone wires, black lists and the rest of it, would have faded into insignificance.

It is quite clear from what we have heard that to obtain evidence in confirmation of the existence of the plot was the object of every interrogator. Every witness therefore who speaks of violence and yet fails to depose to the existence of a plot to assassinate and massacre on R-day is a witness against it. The offices of Congress and the houses of every officer were searched on the morning of 3rd March and no document was discovered to corroborate the existence of the plot.

No Attempt at Assassination

No attempt at assassination was ever made; notwithstanding that there were considerable districts which for a time were controlled only by Congress gangs, no European was ever killed, though upon one occasion one was at the mercy of the mob.

It is said that the Congress leaders were too intelligent to suppose that violence would pay. Here, we think, a difference may be drawn between the sort of violence that Mr. Chipembere and Mr. Chisiza sponsored and the sort of plot with which they are credited. They are certainly intelligent men who must have known that they could not succeed in taking over the government of the country by assassinating the Governor and his Council. "That would have been tantamount to declaring war," as Mr. Chisiza pertinently observed. "You cannot kill a representative of the Queen and expect the people in the United Kingdom to take the whole thing lying down. After all we had the example of Kenya before our very eyes."

Nor do we think that Dr. Banda could have been expected to swallow any possible explanation of it. For this purpose the violence must not be indefensible. It must be done in response to Govern-

FOR ALL THESE REASONS WE HAVE REJECTED THE EVIDENCE, SUCH AS IT IS, FOR THE MURDER PLOT. We must now consider to what

ment measures and must be something which could be represented as an answer to provocation. It is now being said in Nyasaland that the blood shed was that of defenceless men and women. That can be made into not incredible propaganda, whereas assassination and massacre would wreck the cause. 'EVIDENCE' REJECTED

"MURDER PLOT **EVIDENCE REJECTED"**

(Continued from column 1)

extent the Government's belief in the supposed existence of a murder plot affected its policy. It has not proved at all easy to ascertain to what extent the Government was convinced of its existence. Quite apart from the murder plot, everyone in the Government felt that the declaration of the state of emergency was justified by the attitude which Congress had adopted and by the disturbances which had taken place before 3rd March. Accordingly, the Government never had to look at the murder plot in isolation or sought to make up its mind how far it

justified any particular measure. No one at the centre of Government positively disbelieved in the murder plot; but no one appears to have belived in it with sufficient intensity to allow it to colour his actions. "Thus, on 20th February the Chief Secretary exchanged "the usual compliments over a cup of tea" with the man who, according to the White Paper, there was reason to believe had a month before directed his assassination; and said that he had made an impression on him by threatening the suspension of the constitutional

A murder plot obviously would be the best justification for the declaration of a state of emergency and, one would have supposed, the best argument for convincing all shades of opinion in Nyasaland of its necessity. But no reference at all to it was made in the broadcast at 7 a.m. on 3rd March in which the Governor gave his reasons for declaring a state of emergency seven hours before.

He said:-"I have taken this step because of the action of the leaders of the Nyasaland African Congress. It has day by day become increasingly apparent that they are bent on pursuing a course of violence, intimidation and disregard of lawful authority . . . Under emergency powers the principal organisers of the campaign of violence and unlawful demonstrations are being arrested and will be detained."

Ministers Talk of Massacre

In a statement made on the 6th March the Government referred to "a carefully prepared Nyasaland African Congress plan, designed to disrupt government services, and to destroy communications and to bring about widespread violence directed against property and

The word "murder" was first used on the following day, 7th March, when a government leaflet said, referring to the arrest of Congress leaders:-"the Government has done this because these leaders had made a plot to destroy property and to murder many people both Africans and Euro-peans." On 9th March the Governor directed that no information should be disclosed of the Congress master plan unless it was authorised by him. On 11th March he directed that action should be taken urgently to build up the full story of the Congress plan. This no doubt was in preparation for his dispatch which was published in the White Paper on 18th March and which sets out almost the whole of the plan.

In the House of Commons references to massacre and murder and to plots were being freely made on 3rd March, by yourself and by Mr. Amery, the Under Secretary of State. We understand that you had received the intelligence report of 13th February On the evening of 3rd March you said that a massacre was being planned. Later in the debate Mr. Amery said there was a conspiracy of murder and he referred to Mau Mau and to a blood bath.

The Government view, as expressed to us, was that the murder plot was a possibility rather than a probability, but something which had to be treated seriously and taken into account. We have no doubt that it was treated seriously but it is difficult to put into words how it was taken into account. If the Government had had no information about a murder plot, we believe that they would still have declared a state of emergency on or about 3rd March. None of the measures taken to give effect to that declaration can be isolated and stated to have been included because of the supposed existence of a murder plot. We have found no evidence that any particular measure was made more severe because of the belief that the Government was up against something in the nature of Mau Mau. We cannot find, for example, that the list of persons to be arrested was made any more extensive than it would otherwise have been. We think that before there was any suggestion of a murder plot it had been contemplated that all branch officials of Congress should be arrested in the event of an emer-

The decision to suppress Congress, we think, owed more to the belief that its continued activities were making government impossible than to the feeling that it was, or might be, a terrorist organisation. On the whole therefore we think that belief in the murder plot did not materially affect the conception of government policy. When the time came to prepare the justification for government policy, the murder plot began to play a larger part; no doubt it was natural to make it the frontispiece of the story. But people naturally asked themselves why, if it were true, the Governor had not referred to it when he declared the state of

Effect Was Unfortunate

We have found that the effect of this upon opinion in Nyasaland (we are not reporting upon

opinion anywhere else) has been unfortunate. Most Africans are incredulous on this subject and the attempt to involve Dr. Banda in massacre and assassination is generally thought by those who have seen or heard him to be ridiculous. We have found that the publicity given to the murder plot has distracted attention from the real strength of the Government's case against Congress. This is particularly unfortunate in the case of moderate opinion, by which we mean Africans who do not belong to Congress or are not on its extreme wing and those Europeans and Africans in the Church of Scotland mission who support Congress in the belief that its policies are not violent.

We have said that the belief in the murder plot did not materially affect the conception of government policy. But it may have affectted the attitude of mind of the policy-makers towards the members of the organisation which they were suppressing and it may have affected the attitude of mind of those who had to execute the operations which were set in train. Did the ordinary European policeman or special constable think that on the morning of 3rd March he was arresting the potential murderers of his wife and children? If so, that fact might offer an explanation, if not an excuse, for some of the incidents which we shall record below. We have not found any witness who would endorse the view that this belief might explain any unnecessary degree of violence that was used after 3rd March; it was suggested that if there was anything of the sort it was more likely to be typical of the state of tension which had grown up between the races before 3rd March.

The fact is however that some knowledge of the supposed murder plot had penetrated to quite a wide circle. We do not think that anyone below the Provincial Commissioners was officially informed but it was left to the discretion of the Provincial Commissioner whom he told; and if he told the District Commissioner, then to the latter's discretion how far it went below him. In some districts special branch officers were the source of information. The position therefore varied from district to district but we are satisfied that in some districts every police officer and most of the special constables had heard talk of the supposed plot.

Operation 'Ŝunrise'

On 21st February the Nyasaland Operations Committee was set up to direct operations during the emergency.

The first operation that was planned was called "Sunrise" because its intention was to pick up at or shortly before first light on 3rd March the 208 persons whose names were on the Governor's list of hard-core detainees. The general terms of the "Sunrise" operational order were settled by the Nyasaland Operations Committee on 27th February. Each province and district had its quota of police and military and each pick-up operation was to be undertaken by a separate body of men numbering about half a dozen. The need for strict secrecy was emphasised because, it was said, surprise was vital to

It was evident from the orders that were given about the "Sunrise" operation and the size of the force that was sent to arrest each man that the Government anticipated violent resistance. In fact there was almost none. The great majority of detainees came quietly as soon as they were called for. A dozen or more who were not at home when the police came, gave themselves up voluntarily later that day or on the following days. In about a dozen cases, most of which we record below, some resistance was offered. This is not surprising when it is considered that the house was broken into in the hours of darkness and the householder had no way of knowing the character of the intruder.

We think that you would wish to know the manner in which Dr. Banda's arrest was effected. Elaborate preparations were made for it and a large force assembled.

The diversion group rushed the servants' quarters at the rear and the assault group rushed the house. About 60 men sleeping round the house and assumed to be a bodyguard fled leaving behind them two bows and arrows, four catapults, one spear, twelve batons and knobkerries, three axes and sundry metal bars. The front door was forced with an axe. It opens into the sitting room where the snatch party found Mr. Y. K. Chisiza lying on the settee. He led them to the bedroom occupied by Dr. Banda who was asleep. Dr. Banda was refused permission to dress but was allowed to put on a dressing gown and he was then taken to a waiting Land-Rover. The house was searched, all locks being broken open with an axe or bayonet. Dr. Banda was not handcuffed until he got to the aeroplane. A suit of clothes, but no underclothes, was taken so that he could dress at the airport.

Hit and Thrown by Inspector

We propose now to set out without comment the facts relating to a number of arrests which we investigated. Chikafa's arrest took place in the Mlanje district. He is a man of about 40 and not strongly built. He is an elder of the Church of Scotland and we have heard nothing to suggest that he is a man of violent habits. The party sent to arrest him consisted of a police inspector, three special constables and three police ser-4 a.m. on 3rd March.

The inspector's evidence was that he entered the room where Chikafa was, which was of course in darkness, and flashed his torch on Chikafa. He saw that he was out of bed and was stooping down. The inspector did not tell him who he was or what he had come to do but hit him with his baton, aiming for the shoulder. The inspector's explanation, which we found most unconvincing, of why he did this was that he thought Chikafa was bending down to get

a weapon; no search was made for (Continued on page 16)

CONTACT

22nd August 1959

(Continued from page 15) any weapon after the arrest.

The inspector said that this blow had no effect. He was a large and powerful man and he next caught hold of Chikafa and threw him towards the door, six or eight feet away, with sufficient force so that he crashed into one of the special constables who says that he was just coming through the door at the time. The constable says that he thought that Chikafa was trying to escape so he hit him on the head with his rifle butt. In his first report of the incident the inspector said that Chikafa was 'strongly resisting arrest." Chikafa was then carried to the Land-Rover and on his arrival at the police station two hours later he still appeared to be unconscious and was carried into it.

Trussed, Gagged, Handcuffed

A medical examination made at the prison showed that he had sustained four wounds on the head, two three-inch lacerations and two one-inch lacerations, which re-



LENNOX-BOYD

quired to be stitched. Chikafa says that he was held down on the bed and beaten. We think that this is probably exaggerated, but the wounds on his head suggest that he was beaten even more severely than the police admit.

[The Commission here describes other arrests, many of them resulting in injuries to the detainees. The Commission continues:]

We have said that the Northern Province order required all arrested persons to be handcuffed or otherwise secured. This order went down to the District Commissioner who had a discretion as to how they should execute it; and the general instructions in the Mzimba district permitted arrested persons to be handcuffed, tied at the elbows and at the ankles and gagged. The majority appear to have been treated in this way. This included a party of four, all of whom had come quietly on being arrested. They were handcuffed. trussed and gagged and then put into Land-Rovers and taken to the Eutini road junction which had been arranged as a meeting place. The four men were picked up at different points. There was only the one pick-up party to cover the four points so the Land-Rovers had to follow a circular route, the total distance being 120 miles. The party was taken, still tied up, from the Eutini junction to Mzuzu.

Unnecessary and Illegal Force

One of the four was a Presbyterian minister and another a village headman. Two of the Land-Rovers were open; the prisoners' condition could therefore be seen. The minister, who was also an active and outspoken member of Congress, was the Reverend Henry



The Nyasaland Commission. Left to right: Mr. E. T. Williams, 46, Warden of Rhodes House, and Lord Montgomery's chief intelligence officer in the last war; Mr. Justice Devlin, 53; Sir John Ure Primrose, 59, former Lord Provost of Perth and Chairman, Scottish Motor Traction; Sir P. Wyn-Harris, 55, former Governor of Gambia.

THE DEVLIN REPORT

GOVERNMENT USED FORCE ILLEGALLY

(Continued from Column 1)

Makwakwa who had been arrested at his manse. He had been a chaplain in the K.A.R. for two years and he was described by the camp commandant at Kanjedza, who knew him, as "a very good front line padre." The same witness also says that on arrival at the camp (this was 4 days later) Mr. Makwakwa's arms were bruised.

[The Commission next describes disturbances and arrests following Operation Sunrise, and continues:]

We think that it is quite evident that unnecessary and therefore illegal force was used in making a number of arrests; illegal measures of restraint were also employed. Apart from those instances which may not be defensible judged by standards, you may think that the incidents show generally a freer use of the baton than would be tolerated in this country. The arrests were carried out in the main by small groups of inexperienced officers in the dark of an African night. Operating often in unfamiliar terrain they were to arrest people whom they did not know personally and whose arrest they feared might provoke violence by the local populace.

Deliberate Policy?

These have been put to us as grounds for regarding ordinary British standards as inappropriate. In this respect it may be useful for you to have a comparison with a ried out in Southern Rhodesia on the night of 25th-26th February. This operation was also planned secretly so as to create the maximum amount of surprise. It was conducted by the regular police alone. Just over five hundred persons were arrested; we are informed that none of them was injured in any way and that there were no incidents of any sort.

We believe that the administration, which we found to consist in the main of conscientious and

devoted men, has been greatly trusted by the African villager. The ordinary African is not of course a student of constitutional law; but we found that quite a number of Africans who gave evidence before us had some general notion that in a British territory the Queen does not allow her subjects to be arrested without charge or imprisoned without trial. It would be a poor advertisement for 60 years of British rule if it were otherwise. If, however good the cause may be, this is to be swept away overnight, we think there



DEVLIN

might have been expected in Nyasaland at least a small part of the consternation that a similar act would cause in Britain.

We do not think that the Government ought to have been satisfied that on 3rd March a bare statement by the Governor, which very few Africans would have heard, that Congress was a bad thing and guilty of violence, intimidation and lawlessness, would automatically carry conviction everywhere. Whether or not it was due to the belief in a murder plot, we think that the Government overestimated the extent to which the idea of violence had penetrated Congress; and under-estimated the impact which their own emphatic action would have on the minds of persons who were normally lawabiding.

We must record one other observation that is also based on our hearing of the evidence. As we have said, we saw everyone who was responsible for the shooting. In the incidents that we have so far recorded we have not found anyone who was "trigger-happy." The general policy for dealing with wrong; the individual may have been mistaken in his assessment of the position; but having seen all those who were responsible for the shootings in the incidents so far recorded, we are satisfied that each man did what he did because he honestly felt that he could not discharge his duty in any other way.

[In a closing section on "Governmental responsibility," the Commission adds:—]

We consider that some of the acts recorded in this Report as committed by or on behalf of the Government might be the subject of criticism. While the Government must and does take responsibility for all acts done in its name, we sought to ascertain to what extent they were part of a deliberate policy inaugurated by the Government and to what extent they were unauthorised irregularities. We shall give you the information we have obtained on this point under four heads.

- (1) Burning of houses. This occurred only in the Mlanje district and was initiated by the D.C. on his own responsibility. It was not suggested that he had any legal power to do it and indeed he was at the time aware that he had none. The Provincial Commissioner describes it as "not strictly in accordance with the rules." It seems clear that the Nyasaland Operations Committee immediately called for a report on the subject. There were no more burnings and an application from the Northern Province for permission to burn was refused. On 13th March, all D.C.s in the Central Province were instructed that punitive action of this nature must not be
- (2) Confiscation of implements. No general orders were given

about this. It was done on the initiative of the officer in command of the troops which were searching the village; and when so done, it was approved. The question of its legality did not arise until we asked for information about it and this was produced after some research.

- (3) Use of unnecessary force in arrests. It was admitted that in some cases unnecessary force might appear to have been used and it was not suggested that that was other than illegal. There was no express authorisation, but we think it is plain that individual officers were given a latitude which allowed them to behave as they thought fit and that their illegalities, often recorded in their own reports, went unnoticed or unrebuked.
 (4) Use of force in villages. It
 - was not suggested that this was other than illegal and we are satisfied that these illegalities were expressly or impliedly authorised from the top. We have referred to the conception of these operations and to the use of the words tough and punitive. We do not suppose that these words were used in orders of the day, but we are satisfied that the intention behind them was clearly conveyed to the troops who had to execute them. We had very frank evidence on this point from the High Command of the Army. The Army regarded it as a military operation the object of which was to subdue troublesome areas. It was a job which fell to the troops; and it was felt better that they should do it rather than the police because the police had to live with the people. An aggressive and bullying attitude was part of the treatment and lack of submission to it meant hitting



ARMITAGE

and beating. All this was generally known and we sought opinions about it at every level in the administration. They varied from those who thought it proper and desirable to those who thought it regrettable but inevitable.

No Government Regrets

The Government has not at any time, either before us or, so far as we are aware, to anyone else, expressed any regret for or disapproval of what has been done under these heads. We record this as a fact and not as indicating that any expression of regret or disapproval is necessarily appropriate: that is a matter for you. We think that for many of these actions there are thought to be sound administrative reasons. If that is so, no doubt you will be furnished with them. We do not set out such as we have heard because it would be outside our province to discuss them or to discuss the larger question whether sound administrative reasons can justify breaches of the law.

22nd August 1959