

INSTITUTE OF CURRENT WORLD AFFAIRS

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IMW-8
East Africa High Commission

Mr. Richard H. Nolte
Institute of Current World Affairs
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New York 17, New York

Dear Mr. Nolte:

Almost everyone agrees on the desirability of some form of federation among the three main territories of East Africa: Kenya, Tanganyika and Uganda. At the moment there are a number of common services for them (and some for Zanzibar), centrally administered by the East Africa High Commission (EAHC), which upon the forthcoming independence of Tanganyika will become the East African Common Services Organization (EACSO). Among other things the new organization will reflect the sovereignty of Tanganyika, although the services it performs will remain the same. For those seriously interested in the establishment of an East African federation, it is the existence of such an organization which offers the greatest encouragement. In the future EACSO will represent three sovereign governments rather than a colonial power responsible for the governing of three territories. This is a period of transformation as the High Commission prepares for its different responsibilities as EACSO.

The need for cooperation between the three territories was recognized soon after the First World War, but it was not until 1932 that provision was made for an annual Conference of Governors and a permanent secretariat provided for it. It was during the Second World War when the East African territories were obliged to pool their resources that the organizations under the Governors' Conference were greatly expanded. After the war the Colonial Office proposed that "a constitutional and juridical framework, including a joint Legislature, should be established for the purpose of economic co-ordination and for the operation of inter-territorial services". It was strongly emphasized that political federation was not proposed, and that administration of the territories would remain the responsibility of the three Governments.

These proposals were implemented by the East Africa (High Commission) Order in Council, 1947, which came into effect on January 1, 1948. In February the High Commission, consisting of the Governors of Kenya, Tanganyika and Uganda, held its first meeting. The East African Central Legislative Assembly (CLA), the legislative organ of the High Commission, was established by an Order in Council for a period of four years from 1948. This has subsequently been extended several times, and the CLA is still in existence.

Despite its impressive title, the High Commission is and always has been an organization of civil servants, and as such it has been quite removed from territorial politics. The 1947 Order in Council has been amended several times, but its main structure has not been altered. The High Commission, consisting of the three Governors, meets two or three times a year. When it is not in session, the Chairman, the Governor of Kenya, has power to act on its behalf. In practice, however, he delegates his authority (save the power to assent to bills and the reserved powers discussed below) to the Administrator, the principal executive officer of the High Commission.

The Central Legislative Assembly consists of a Speaker appointed by the High Commission, seven ex-officio members (the top administrators), six nominated members (two office-holders in each territory appointed by each Governor), and twenty unofficial members. Each Governor appoints three unofficial members, each territorial legislature elects three and the High Commission appoints two Arab members. Thus there is a Speaker and thirty-three members. The Speaker can vote only in the case of a tie. The present Speaker, Sir Amar Maini, is East African, was Mayor of Kampala and later Minister of Commerce and Industry in Uganda. He has been a Member of the Assembly for a long time.

The High Commission has the power to legislate on matters under its jurisdiction. It may also, with the advice and consent of the territorial legislatures, make laws for the "peace, order and good government of the Territories". With the exception of the East African Airways Corporation, whose annual program needs only approval by the High Commission, all the services must have their estimates voted, and their appropriations passed, by the CLA. No bill may be introduced into the Assembly unless it has received the approval of the High Commission which assents, or refuses assent, to bills in its discretion. It also has a reserved power, not yet used, to declare a bill passed which the Assembly has failed to pass. It appears that in practice the Assembly wields more power than the above would indicate, although it does suffer from the lack of permanency and constitutional power.

The services provided by the High Commission can be divided into five categories:

- 1) transport and communications;
- 2) revenue collection;
- 3) economic and statistical;
- 4) research; and
- 5) other specific services.

Financially, the transport and communications services are the most important (more than 91% of 1961 appropriations). The two largest (E.A. Railways and Harbours and E.A. Posts and Telecommunications) are self-contained services in that they recoup their expenditures through their own charges and need High Commission financial assistance only to raise loans for capital development. All other High Commission services are non-self-contained. There are two other services under the first category,

civil aviation and meteorological services, which are necessary to the air transport network.

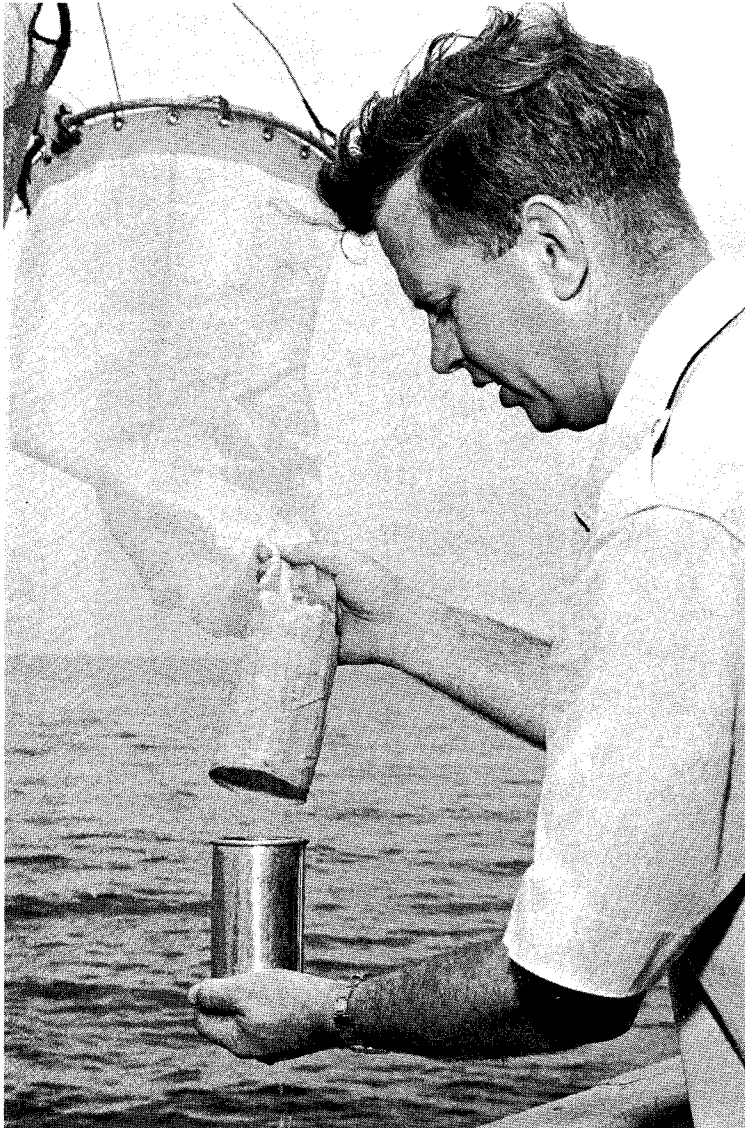
The revenue collecting services are provided by the Customs and Excise, and Income Tax departments. These are furnished directly to the territories which pass their own income tax laws while the High Commission collects the taxes. The customs and excise laws in the different territories are virtually the same, as they are related to the common market currently in force in East Africa. These departments act as agencies of the territories and remit to each its share after deducting, by a complex system, the cost of collection. The economic and statistical services are non-self-contained and require public financing. They provide the statistics required for effective government and are noted for their quality.

The research services are also non-self-contained. As joint undertakings of the territories, for convenience they have been placed under the High Commission. They cover a wide variety of

The shadow the locusts fear!

A Desert Locust Survey plane flies from Hargeisa, Somalia for an air attack on locusts (Photos courtesy of EAHC).





Research into the contents of the Indian Ocean is carried out by the E.A. Marine Fisheries Research Organization.

technical subjects such as agriculture, forestry, fisheries and medical research. Some industrial research is undertaken on a small scale. These organizations generally work on more theoretical matters, since the territories have their own research units, usually of a more applied character. The most comprehensive research co-ordination in Africa is here, since all central research organizations (with the single exception of the E.A. Institute of Social Research at Makerere College in Kampala) are under the control of the High Commission.

The final category of miscellaneous services include the following: the E.A. Literature Bureau (the High Commission's only social service; set up to combat illiteracy by providing reading material suitable for the newly literate in numerous East African languages and dialects); the Desert Locust Survey (for

the survey and control of locusts and aimed at their destruction before they penetrate into East Africa); the E.A. Hides and Leather Bureau (control and improvement of hides and leather for export); the E.A. Navy; and the E.A. Office in London (public relations).

The first three categories relate to and influence the working of the common market. The foundations of the common market preceded those of the High Commission, for it was in 1917 that free trade between Kenya and Uganda was established. Tanganyika became a third partner by stages and completely engaged by 1949. Presently, although transfers of goods between territories are free of duty, they must be declared, and it is in this way that returns from the customs and excise taxes are distributed equitably. It is generally accepted that East Africa is capable of acting as a single market and that the existence of the common market acts as an attraction to potential investors. But most observers feel that Kenya, as the most favored of the three

territories in regard to climate, education and development, has benefitted more than her neighbors. It is only natural that, until living standards become uniform throughout the area, the most productive regions will grow relatively richer than the poor areas. When there are political divisions within the area, as is the case in East Africa, inter-territorial rivalries are bound to occur. This has happened here, and in spite of the development of the area as a whole, many feel Kenya has developed at Tanganyika and Uganda's expense. This has influenced opinion toward the High Commission as well as the common market and may affect the future of both.

With the exception of the self-contained and revenue collecting services, the High Commission is dependent upon government subsidies (meteorological services are paid for, although their receipts are less than their expenditures). Funds for the remaining services are voted annually by the territorial legislatures. Since the provision of finance for each service is compartmentalized, the High Commission cannot make financial adjustments between services without first securing the agreement of the territories. For this reason, in the allocation of funds, the services tend to be considered as they affect each territory rather than on an East African basis.

In our terms, the funds needed are not great, because the largest slice is taken by the transport and communications services which are self-financing. Nevertheless, the remainder is a large sum for East Africa. The following is the estimated expenditure for the fiscal year 1960 (in £'000):

Transport and Communications	41,154
Revenue Collection	1,734
Economic and Statistical Services	120
Research	759
Other Specific Services	568
General (administration, etc.)	423
	<hr/> 44,758

In this same period, grants were made to the High Commission of about £ 420,000 which meant the territories had to provide only about £ 3,184,000 from their own treasuries.

The High Commission, however, has another side. Not only does the Central Legislative Assembly not have a permanent existence, and the High Commission not have an independent source of income, but, in the words of the Raisman Report, "When it was established, the governmental structure of the High Commission reflected fairly closely the governmental structure of the Territories. That resemblance exists no longer. There has been constitutional progress in the Territories, but the High Commission has relatively speaking stood still." In summing up its work, Lord Hailey wrote:

"The Commission is thus an institution of a somewhat unusual character; it does not deal with political issues nor control domestic policies; it can be effective only with the co-operation of the Legislatures and the Executive Governments of the three

territories. But the fact that it is so largely functional in its operations seem so far to have saved it from the tension in the political field which was forecast."

* * * * *

With Tanganyika's move toward independence, it became clear that the agreement governing the work of the High Commission would have to be rewritten in order to respect the sovereignty of the new state. Thus, in July 1960 a committee under the chairmanship of Sir Jeremy Raisman, Deputy Chairman of Lloyd's Bank, was appointed with the following terms of reference:

- 1) To examine arrangements at present in force in East Africa for a common market area, for economic co-ordination between Territories and for fiscal uniformity with regard to measures now taken-
 - a) To facilitate interterritorial trade in products of local agriculture and manufacturing industries and to develop such industries in East Africa.
 - b) To secure uniformity in fiscal and financial matters including methods used to allocate yields from customs, excise and income taxes between Territories.
 - c) To provide the East Africa High Commission with revenue necessary to meet the costs of services administered by the Commission for the benefit of the Territories and to apportion the cost of such services between the Territories.
- 2) To consider the advantages and disadvantages generally of the present arrangements and whether or not those arrangements are economic and are fair to the interests of each of the individual Territories; and to make recommendations for any necessary adjustments, additions or modifications to them.

Their principal recommendations (printed in the Report of the Economic and Fiscal Commission, published on February 7, 1961) were as follows:

- 1) The common market is in the interests of East Africa as a whole and should be maintained;
- 2) the benefits derived by the Territories from participating in the common market are unequal, and there should be some off-setting of these inequalities by means of a redistribution of revenue between the territories;
- 3) an attempt should be made to negotiate a code of agreed general principles of interterritorial trade and marketing policy in order that the policies of the Territories may be brought into greater harmony and the interest of **East Africa as a whole asserted;**
- 4) the High Commission should be provided with an inde-

pendent source of revenue for the financing of the non-self-contained services; and

- 5) redistribution of revenue between the Territories and the financing of the common services should be effected through a Distributable Pool of revenue, drawn from a portion of the yield from the income tax charged to companies on profits arising from manufacturing and finance, and a portion of the yield from customs and excise duties.

In general the recommendations embodied in the Raisman Report were welcomed. When Tanganyika's independence date was set, Iain Macleod, the then Colonial Secretary, invited delegations from Tanganyika, Kenya, Uganda and the East Africa High Commission, and an observer from Zanzibar, to attend discussions on the future of the High Commission and its services. The discussions took place in London from June 19-27, 1961. The delegates agreed it would be in the best interests of the territories that the common services provided by the High Commission should continue to be provided on an East African basis but under a different organization, in order to be compatible with the sovereignty of Tanganyika.

The new organization is to be called the East African Common Services Organization, and it will come into existence as soon after December 9 (Tanganyika's independence day) as independent Tanganyika's legislature ratifies it. The policy of EACSO will be determined by the East African Common Services Authority, a group of three made up of the principal elected minister in each territory. Assuming no changes in government, this will mean Nyerere of Tanganyika, Ngala of Kenya and Kiwanuka of Uganda. The Authority will be supported by four groups (triumvirates), each consisting of the responsible Minister in each territory. Each group will be responsible for formulating policy in one of the following fields: transportation and communications, finance, commercial and industrial, and social and research services. The principal executive official, the Secretary-General, will be responsible for giving effect to the decisions of the Authority.

There will also be a Central Legislative Assembly "competent to pass measures relating to the matters for which the Organization will be responsible". The Assembly will consist of a Speaker and:

- 1) twelve ministers (the members of the four triumvirates);
- 2) nine members from each territory elected by the territorial legislature;
- 3) the Secretary General; and
- 4) the Legal Secretary.

There are three major changes in the set-up of the CIA. First, it becomes a permanent legislative organ, not dependent upon Orders in Council for its continued existence. Second, it will wield real power and the Authority will not have reserved powers (the Governors of Kenya and Uganda, still under British rule, will be able to withhold their assent only on the grounds that the proposed measure would

be in conflict with the obligations of the U.K. Government under "any treaty, agreement or other binding undertaking"). There is a provision for private members' bills, and the enlarged Assembly will encourage effective debate. Finally, and most important, the CIA will be more in tune with the political atmosphere of the three territories insofar as the majority will either be elected by the territorial legislative assemblies or will be responsible to them as a result of their positions in the Governments.

The new organization will not have competence in respect to defense and internal security, and it will be bound, in the same way as the High Commission, by the laws in force in the respective territories. The territorial legislatures will have "a concurrent power to deal with matters within the competence of the Organization". The self-contained services will continue to finance themselves, while the non-self-contained services, which had previously been dependent upon contributions from the U.K. Government and the territorial Governments, will from July 1, 1961 (the beginning of their fiscal year) be financed from a Distributable Pool of revenue, identical to that suggested in the Raisman Report. Naturally the services will remain the same.

One further development remains to be related. The rapid political advance of East Africa has impressed upon all the need for training qualified Africans to take over the jobs of expatriate civil servants. This process is usually termed Africanization, but here it is called localization. In October 1960 the High Commission asked Sir Richard Ramage "to examine the present arrangements for promoting the advancement of local officers ...and to make recommendations for improving these arrangements and accelerating the process". His report was published last March and dealt with most of the services of the High Commission.

His primary recommendation was inherent in his terms of reference: "The main objective must be to produce qualified Africans to fill more responsible posts who can be trained while experienced expatriate staff are available. This, however, should not involve the exclusion of serving non-African officers from promotion. The first need is to train Africans for the middle grade posts, from which senior posts are filled by promotion." He advised also that the most promising source of candidates will be those officers now serving in the organizations and that speed is essential in order to have expatriate staff oversee the training. He warned that "the financial implications will be considerable", but this is unavoidable if the proper foundations are to be laid for "a local Civil Service with adequate African representation", and he recommended the creation of supernumerary posts for African trainees.

He also felt, "Unless there are special circumstances, future appointments of non-Africans should be on Contract terms, except that non-African permanent residents in East Africa should be eligible for pensionable appointment." Finally, he suggested

officers of the High Commission should be encouraged to remain after independence, through a proper compensation scheme, to help in training Africans.

The recommendations of the Ramage Report were generally acceptable to the High Commission, and some have already been put into effect. Just a few days ago, on October 20th, the E.A. Posts and Telecommunications celebrated the opening of a large extension to their Central Training School in Nairobi. With the independence of the East African territories imminent, the High Commission has not hesitated to implement localization programs with vigor, if not with overflowing enthusiasm.

There is much speculation about the future role of EACSO. Peter Bridges, the Clerk of the Central Legislative Assembly, looks forward to a more effective CLA. He feels the CLA will be more representative as it will be more in tune with local political developments. He thinks Tanganyika and Uganda will send some of their "big guns" to the CLA, although he fears Kenya may continue to neglect it. In the past the only issue contentious enough to stir up debate has been the income tax, but since Uganda has no income tax for Africans, it hasn't taken part. In a recent session a Kenya M.L.A. made a statement, with general approval even among Ugandans, to the effect that, "I don't expect to hear a single word from any Uganda Member in this debate." He didn't!

Peter Bridges said, "Many CLA Members don't have the foggiest notion what's coming off. That's why we get so much done in such a short time---two or three six-day sessions a year. Perhaps we'll have some effective debate when we have real politicians responsible to their constituents taking part."

Some people have doubts about the effectiveness of the new organization, because it will be run by politicians rather than civil servants. Not only most of the Members of the CLA, but also the E.A. Common Services Authority and members of the triumvirates will all be politicians. In the days of a civil servant administration, things have come close to grinding to a halt because of the interests of different territories and departments, but under the new system some people think it will be even worse. It may well be more difficult to run it with politicians in the policy-making positions.

There is also considerable opposition to the High Commission, especially among trade unions in Tanganyika. With uhuru, the people's political power will increase and concurrently that of organized groups such as trade unions. In other words latent opposition to the High Commission will be more easily expressed under the new arrangement.

Nevertheless, if federation is to come to East Africa, and almost all African politicians are now talking in this vein, the Common Services Organization will be a good training ground, for if the territories can't come together in pursuit of objects generally agreed to be in their common interest, how can they

embark upon a federation which is as yet untried? Some people feel the current talk of federation is for the purpose of diverting attention away from problems at home. There is, however, a sizable body of persons working devotedly for it. It is easily overlooked that each participating territory has transferred much of its sovereignty to the High Commission.

Federation is a good idea, but it is the territorial politicians who must come to grips with it. The Common Services Organization is a ready-made instrument for its implementation.

Will it be used?

Sincerely yours,

A handwritten signature in black ink, reading "Ian Michael Wright". The signature is written in a cursive, flowing style with some loops and flourishes.

Ian Michael Wright

Received New York October 26, 1961