

# THE FAILURE OF THE WEST INDIES FEDERATION

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Any attempt to uncover the reasons for the failure of 'The West Indies' Federation would, I think, be vain if it did not begin with a survey, however brief, of the background to the Federation. Perhaps it will be convenient to make it from four viewpoints—the geographic, the social, the economic and the political.

## The Background to the Federation

### 1. Geographic

The Federation comprised most<sup>1</sup> of the British islands of the crescent-shaped archipelago between Central and South America. There were ten constituent units<sup>2</sup>—nine of them forming a fairly closely-linked chain in the east and separated from them by Hispaniola and Puerto Rico, Jamaica alone in the west. In area and population Jamaica is rather larger than all of the rest combined, and in distance it is about 750 miles from St Kitts at the northern end of the eastern chain and about 1000 miles from Trinidad at the southern end. Thus, in terms of distance, it stands remote and apart.

In terms of communications, it was much the same. Apart from some produce and migrant traffic by schooners and sloops between the eastern group, such shipping as became available was provided primarily to carry the agricultural produce which the islands exchanged for the manufactured goods of the metropolitan countries. Normally, it was more economic to do so for Jamaica separately from the eastern islands: hence, except for a chance opportunity, it was at the beginning of World War II easier and quicker to get from Jamaica to the Eastern Caribbean by travelling via Britain or North America. During the war air services were introduced, but by reason of the limitations and expense of air travel, especially in those days, the masses were brought no closer together.

### 2. Social

Practically speaking, there is no indigenous West Indian.<sup>3</sup> A large majority of the inhabitants are African in origin, but there are also

\*Commander of the British Empire; Chief Justice of Tobago and Trinidad. This article was the basis of the Southey Memorial Lecture, 1965.

<sup>1</sup> The Cayman and British Virgin Islands opted to keep out.

<sup>2</sup> The units were: Jamaica, St Christopher-Nevis-Anguilla (together commonly referred to as St Kitts), Montserrat, Antigua, Dominica, St Lucia, Barbados, St Vincent, Grenada and Trinidad and Tobago.

<sup>3</sup> A few, but only a very few, Carib and Arawak Indians are still to be found in Dominica and Trinidad.

descendants of Asian Indians whose numbers are appreciable, particularly in Trinidad. The Africans were imported as slaves and, after their emancipation, the Indians on indenture to work on the plantations. Through miscegenation a mixed group sprang into being and, because they were issue of the white economic class, enjoyed a precedence and privileges such as entrenched them between the dominant minority and the landless masses. Shade discrimination therefore became rampant. Further, immigrants from every part of the world have settled in the islands, thereby making them very cosmopolitan in population, but they have usually formed separate communities intent primarily on advancing their own sectional interests.<sup>4</sup> Thus, human resources were being frittered away and divisive influences were constantly at work. Accordingly, there was little attempt to harness the energies of the people for co-ordinated community effort.

What was true of each island was no less true inter-island. The several peoples of the units stemmed from common sources and shared a common history, but they had so little contact that their co-operation was negligible even on matters of common interest. Rather, there was such rivalry between the islands as to breed intense jealousies and suspicions. Each was anxious about its own problems and none trusted any of the others. And when regional activity began, the jealousies and suspicions nevertheless persisted. Hence, no delegation could go forth from the region unless it included representatives from each of them. Each maintained a sense of self-importance and a parochialism that in the context of world affairs cannot but have appeared ludicrous. Jamaica's Chief Minister Bustamante reflected the thinking of most West Indians when in 1947 he declared at the Montego Bay federation conference that—

Whilst some people say we of the West Indies are all the same, I am not going to follow that trend of thought for, although we of the West Indies are all alike, to me Jamaica and Jamaica's interests come first. It must be so.<sup>5</sup>

### 3. Economic

Most of the units are tiny, ranging in size from Dominica with 304 square miles to Montserrat with a mere 32. However, Jamaica's land area is upwards of 4400 square miles and Trinidad and Tobago's almost 2000. Up to the beginning of the nineteenth century all of them based their economy solely upon sugar but, learning the hard way, they began to diversify their crops in an effort to improve their lot. Nonetheless, agriculture continued to be their mainstay. And because their land area was small and they concentrated upon export crops to

<sup>4</sup> Most notably, the Chinese, Syrians, Lebanese, Portuguese and Jews.

<sup>5</sup> See 'Conference on the Closer Association of the British West Indian Colonies—Part 2: Proceedings'—Colonial No. 218 (London 1948) 25.

the extent of having to depend upon imports for their own food supply, they were at the mercy of world factors which they were powerless to control. Moreover, pests and plant diseases as well as storms and hurricanes often wreaked havoc and thereby imposed a great burden on the financial resources of peasants. Land consequently tended to become more and more concentrated in the hands of a small capitalist minority and, generally, the largest growers were companies most of whose members resided abroad.

Mineral resources were few. From the turn of the century, oil and asphalt made a major contribution to the economy of Trinidad and Tobago which, in a West Indian context, became attractively prosperous. And from about 1950 (this date has a relevance to which I shall refer later) bauxite did the same for Jamaica. But whereas job-seekers from the Eastern Caribbean flocked into Trinidad and Tobago, obliging its government to impose and enforce immigration restrictions so as to maintain the level of its economy, Jamaica attracted no such immigrants, no doubt in part because of its remoteness and in part because of the well-known high incidence of its own unemployment.

Industry in Trinidad, and from a later date in Jamaica, made some contribution also. So, too, tourism—principally in Jamaica, Antigua and Barbados. But although they generated employment, it was wholly inadequate to satisfy the wants of an exploding population. The standard of living remained deplorably low. Unemployment and underemployment were still endemic. Inevitably, therefore, the relief of their necessities would for their leaders be of urgent and paramount concern.

#### 4. Political

At the end of World War I all of the islands except Jamaica and Barbados had wholly nominated legislatures. In form, the pattern in Jamaica and Barbados was a close parallel of Britain's, but the franchise qualification was high and excluded from the electorate all but a very small minority most of whom had vested interests to preserve. In all without exception, policy resided with the Colonial Office in Britain operating through a Governor with an appointed Executive Council. A few changes were effected as a result of the Wood report<sup>6</sup> in 1922, but by the middle thirties little of significance had been achieved.

Suddenly, however, there was a jolt. In 1937, a series of riots swept through the islands, sparked primarily by labour grievances but having also some political flame. Three major consequences ensued:

- (a) constitutional advance was set swiftly in train so that by the coming into being of the Federation, responsible ministerial

<sup>6</sup> Cmd 1679/1922.

government based upon universal adult suffrage had been established in each of the units, and three of them—Jamaica, Barbados and Trinidad and Tobago—had entered upon full internal self-government;

- (b) everyone was made aware of the strength and power of labour, so that the trade unions and the working masses became firmly rooted politically and, indeed, the pattern was set whereby union leadership or support would prove to be the highway to the leadership of government; and
- (c) arising from the recommendations of a Royal Commission<sup>7</sup> appointed as a result of the disturbances to investigate the social and economic conditions in the islands, a Development and Welfare Organization was set up in 1940 with headquarters in Barbados to advise and assist the several governments technically and financially. But perhaps its most important service was that of prompting and influencing a regional approach to common problems. To that end, conferences were convened to discuss a wide variety of subjects. These conferences marked the beginning of what has aptly been described as 'the functional approach to political union.'<sup>8</sup>

#### The Functional Approach

The thesis was that political union can be effectively approached through the development of co-operative action in handling specific problems of an economic or technical character. Hence the Secretary of State urged in the White Paper<sup>9</sup> in which he proposed for consideration the establishment of a federation that 'attention should not be focussed solely on political matters, but the fullest possible use should be made of every unifying influence.' But this approach miscalculated the obstinacy of the spirit of self-importance and the mistrust of one another which prevailed in the islands. The smaller and poorer feared that they might be dominated by the larger and more prosperous, and the latter feared that they might have to succour and support the poorer. There were also the fears of the vested interests and the apprehensions of the minority ethnic groups none of whom wished to see the constitution of a political unit in which it was anticipated that the governing majority would be Afro-West Indian socialists. But the approach was the latest of a number of experiments by Britain to unify the administrations of the islands, or of some of them, beginning from as early as the 1660's.<sup>10</sup> It was no doubt hoped

<sup>7</sup> See Moyne Commission Report dated December 21 1939; Cmd 6607/1945.

<sup>8</sup> Proctor, 'The Functional Approach to Political Union: Lessons from the Effort to Federate the British Caribbean Territories' (1958) 10 *International Organization* 35.

<sup>9</sup> Cmd 7120/1945.

<sup>10</sup> For accounts of these experiments see Williams, 'Select Documents' [1954] *Caribbean Historical Review*; Ramphal, 'The West Indies—Constitutional Background

that, the objective being self-government with Dominion status, the leaders would accept the commitment to ensure its achievement. But, true though it is that etymologically 'federation' means to unite or establish by treaty, disparate groups of people cannot be so united. There must be some predisposing urge to get together, some fundamental need to be together, some cementing interest to keep together. This is more especially so in the case of islands with the sort of background to which I have made reference. What, then, were the thoughts of the people?

The answer may, I think, be found in the statements of their leaders. For, however far forward a leader may be, he must both influence and reflect the thinking of his followers or he will lose his following.

### The Montego Bay Conference

Two years after making his proposals for the federation of the British Caribbean territories,<sup>11</sup> the Secretary of State convened a conference at Montego Bay in Jamaica to discuss them. He presided himself. The two mainland territories, British Honduras and British Guiana, envisaged for themselves 'a continental destiny' and in any event were apprehensive that the land-hungry islanders might move in and take possession of their vast areas of undeveloped and unoccupied land. The Caymans and the Virgins, tiniest of the islands, were content to remain colonies under the protection of the Crown. Then, there was a substantial body of opinion in favour of a functional approach but unready for any form of federal union which, for the present, was regarded as impractical. Chief Minister Bustamante, now as always the authentic voice of Jamaica, ominously and prophetically inquired

what power the federal government will have over each and every island. I heard you say this morning, Sir, that with a federal government no island would have any control over another island. That is quite right, Sir, but you did not tell us what control the federal government might have over the islands' domestic affairs. That is the part I fear, that someone should stay over in St Kitts or Grenada or British Guiana and direct us in our country as to what we should do and what is good for us here. We must know what power, what authority the federal government would have over the West Indies. I understand the federal government would sit over there and tell people what to do here. Not so long as I live that won't happen.<sup>12</sup>

to Federation' [1959] *Public Law* 128; Braithwaite, 'Federation of the West Indies' 6 *Social and Economic Studies* 133, published by the Social and Economic Research Institute of the University of the West Indies; Bourne, 'The Federation of the West Indies' (1960) 13 *University of Toronto Law Journal* 135.

<sup>11</sup> Cmd 7120/1945 (see n. 9).

<sup>12</sup> Conference Proceedings—Colonial No. 218 (London 1948) 24-25.

He ended by saying that one day federation would come, but not yet. Before it could, 'there must be a better understanding in the West Indies, there must be a better friendship between the West Indies.'<sup>13</sup>

The protagonists for federation were the leaders from the Caribbean Labour Congress. They were looked upon as militant socialists bent upon turning the existing social order inside out and were therefore anathema to the dominant and intermediate minorities who were anxious to retain the priorities and privileges which had been traditionally theirs. They met together in the week before the conference and recorded their conviction that

the development of a West Indian nationhood, the evolution of our social and cultural standards, the expansion and stability of our economy, the orderly and vigorous development of our resources in human material and in land, the achievement of the individual and collective aspirations of our people, and the creation of civilised standards of life whereby each and all may hope to enjoy life, liberty and the pursuit of happiness can best and most fully be secured by the federation of the territories concerned.<sup>14</sup>

Although not in attendance in any capacity associated with the Congress, Norman Manley of Jamaica put its case forward like the brilliant advocate that he was. His speech<sup>15</sup> claims attention not only for its content but also because the fateful decision was his, primarily if not solely, to stake the Federation's future on a referendum to the Jamaican people. In the view he expressed, 'federations are not born of anything else except necessity, economic, social and moral necessity'; 'consultative bodies, voluntary representation, voluntary associations—none of these things can give you the assurance that political independence alone can give'; 'no substitute of any description can do for us on practical levels what can be done if we had political unity and the authority that can only derive from that source'; 'it is impossible to suppose that every single one of these territories, or perhaps even the largest of us, can ever achieve alone the basic human services which it is the whole aim of politics to create and make possible for the common man.' 'The real reasons for opposition', he declared, were (1) 'a sincere fear about our financial ability to maintain federal structures'; (2) 'the inevitable fear of change'; and (3) 'the opposition which springs from vested interests': 'vested interest in the status quo' and 'the vested interest of ambition in power—the most dangerous of all the vested interests.' He was ready to concede that federation would 'not *bring* prosperity', but it would 'enlarge the area of action and enlarge the possibilities of winning that prosperity which we

<sup>13</sup> *Ibid.* 27.

<sup>14</sup> Conference Documents annexed to the Conference Proceedings, *Ibid.* 121.

<sup>15</sup> *Ibid.* 57-62.

West Indians alone can, and certainly must, create for ourselves.' He ended with this challenging counsel:

I have a deep and passionate belief that our areas are destined for nationhood and destined to make a real contribution to the civilisation of the world; and I should hate to think that anything should stand in the way of our realizing that ambition and that goal. It is an old familiar saying that the history of nations is the history of amalgamations. It would be an irony the like of which history has never known that a community with that ambition of nationhood, having been offered this chance of amalgamation, which is its only hope of real political destiny, were to refuse that offer . . .

. . . here are we all on a sea of world conditions, stormy and hazardous in the extreme, each huddled in some little craft of our own. Some hardly have oars and only a few have accomplished a rudimentary sail to take them along. And here offered us is a boat, substantial, capable of being made seaworthy and ready to be manned by our own captains and our own crew. If we won't leave our little boats and get into that larger vessel which is able to carry us to the goal of our ambitions, then I say without hesitation that we are dammed and purblind and history will condemn us.

The time restrictions of a single lecture will not permit further analysis of the speeches and decisions made and reached at Montego Bay. Suffice it to say that it was accepted that federation was 'desirable'; that political development of the units must be pursued as an end in itself though without prejudice and in no way subordinate to progress towards federation; and that a 'Standing Closer Association Committee' (SCAC) should be constituted of delegates, to be appointed by the several unit legislatures, to work out and submit proposals in respect of a number of subjects including the form of a federal constitution and the means of financing the operation of the federal services. Recommendations, too, were made for broadening and accelerating the functional approach. But no firm decision was taken. Regional economic co-operation had first to be seen in action. The practicability of federation would then be examined. Care would be taken to contain the federal power within precise and acceptable limits.<sup>16</sup>

SCAC reported in October 1949.<sup>17</sup> The irresolution still was manifest. The Committee felt obliged to record the reiterations of those who persisted in the view that 'the time for federation is not yet' and that regional co-operation should be allowed to continue and expand until 'the habit of joint action' became so strong that political federation would follow as a matter of course. Anything like a strong federal centre was therefore quite unacceptable. So a state was proposed with a very minimum of power.

<sup>16</sup> Conference Resolutions in the Report of the Conference Proceedings—*Ibid.* 105-109.

<sup>17</sup> Colonial No. 255 (London 1950).

## Statehood Versus Nationhood

I distinguish between a state and a nation. I accept the differentiation between the two concepts made by Professors Wendell Bell and Ivar Oxaal when discussing problems of emerging nations and, more especially, whether the state and the nation should be coterminous.<sup>18</sup> A state is a political entity whereas a nation is an integrated community. Geographical boundaries identify a state but it is a sense of oneness which identifies a nation.

Notwithstanding Manley's references to nationhood in his Montego Bay speech, it seems to me clear upon critical analysis that what he and all the other speakers had in mind was not so much the emergence of a nation as the creation of a state. The objective was independence—and, through it, economic prosperity. And since the creation of a federal state appeared at that time to be the best if not the only practical means of attaining that objective, it seemed right that there should be a commitment to federation. But because there was little if any semblance of a West Indian society and, far from having a sense of oneness, the islands and people thought only in terms of their own narrow interests, it could not be expected that there would be any commitment to West Indian nationhood.

It is, I think, because the sights were so limited that the Constitution for the Federation was so effete. Three features about it fall to be noticed here. First, it was essentially colonial in character;<sup>19</sup> secondly, it gave to the Federal Government stringently restricted revenues and a mere *simulacrum* of power; and, thirdly, it expressly provided for its review not later than the fifth anniversary of the date on which it came into force. I endorse the view of Professor Proctor that the defects of the Constitution as finally agreed in 1956

reflected the underlying geographic, demographic, economic and political reality. The framers faced extremely difficult problems arising from the vast distances and poor communications among the units, the disparities in the size of their population, their diverse economic conditions and interests, the unevenness of their constitutional development, the strength of their insularity and the weakness of a sense of West Indian nationalism. The context was such that agreement could be reached only on the basis of numerous compromises which satisfied no one entirely. The alternative to federation on these admittedly imperfect terms, as the framers now saw it, was not a better constitution but none at all; and they were convinced that it was of over-riding importance to

<sup>18</sup> 'Discussions of Nationhood': A monograph presented as a paper at a seminar on the problems of the Emerging Nations arranged by the University of Denver's Social Science Foundation in September 1963.

<sup>19</sup> Reference may be made to McPetrie, 'The Constitution of the West Indies' [1959] *Public Law* 293, and also to Marshall, 'The Federation of the West Indies' (1962) 15 *Current Legal Problems* 132.



launch the Federation as soon as possible since the task would only become more difficult the longer they delayed.<sup>20</sup>

Perhaps speaking from hindsight, I would say that it would have been better to have had no federation at all. Enthusiasm for it reached its highest peak when it was accepted at Montego Bay as desirable. But from the moment that SCAC met, all the old insularities began to bare their weapons again. Moreover, a new and powerful economic interest suddenly came into being. Bauxite was discovered in Jamaica in or shortly before 1950. This was followed by an explosive growth of the economy in that island. Not only did the exploitation of the considerable deposits boost government revenues beyond all previous expectation; it led also to an industrial growth that was truly phenomenal. The result was that to the remoteness of Jamaica in terms of togetherness and geography was added a chauvinism in economic philosophy.<sup>21</sup> As Bustamante had prophesied, no 'federal government would sit over there and tell us what to do here.'

Opposed to this centrifugal force was a new nationalism generated in Trinidad and Tobago by its Chief Minister, Dr Williams. Trinidad's industry, though of longer standing, was nonetheless in need of protection. But in September 1959 his Government announced that the rationale of federation

lies in the opportunities it provides for the federated territories to attempt by their united effort to bridge the widening gap between the relatively 'better-off' territories and their less fortunate brethren *within* the Federation,

to deny which

is to assert the contrary, namely, that the rationale of federation lies in the opportunities it provides for the 'better-off' members of the Federation to narrow the gap between themselves and the 'better-off' countries *outside* the Federation.

Accordingly, it declared that

only a powerful and centrally directed economic co-ordination and interdependence can create the true foundations of a nation . . . Anything else will discredit the conception of a Federation and in the end leave the islands more divided than before.<sup>22</sup>

Thus, the issue was ready to be joined. And, fortuitously, a 'cause' had been started in which to raise it.<sup>23</sup>

<sup>20</sup> Proctor, 'Constitutional Defects and the Collapse of the West Indian Federation' [1964] *Public Law* 125, 150.

<sup>21</sup> Jamaica refused to join the International General Agreement on Tariffs and Trade [GATT] and insisted on protecting its industry by means of quantitative restrictions even as against Trinidad and other members of the Federation. It also established its own Central Bank for the regulation of its own economy independently of the other units.

<sup>22</sup> *Economics of Nationhood* pp. 10-11 published by the Government of Trinidad and Tobago.

<sup>23</sup> There were, so to speak, interlocutory proceedings in which the issue was adum-

## The 'Cause'—a Motion for Review

A constitution so colonial in character as the Federation's was an affront to those who were intolerant for independence. Ken Hill was one such. Accordingly, in the very first session of the Federal Parliament in 1958 he tabled a motion calling for the appointment of a special select committee 'to take such steps as may be necessary to achieve the goal of self-government and dominion status within the Commonwealth at the earliest possible moment.' The Government was in a quandary. As Professor Proctor points out, comprising as it did 'the champions of West Indian independence', it

could not defend such a vulnerable instrument lest it thereby forfeit leadership of the popular nationalist cause. It could not even counsel delay in revising it without running a great risk, especially since the Constitution had established five years as only the maximum length of the initial period and thus clearly left open the possibility of an early review.<sup>24</sup>

I might add—especially also as Ghana had startled the world by crashing through to independence in 1957. Moreover, some of the smaller islands were already chafing against the immigration restrictions which Trinidad and Tobago were permitted to maintain as much against fellow West Indians as against any other immigrants whomsoever. Yet the Prime Minister, Sir Grantley Adams, had many misgivings. As he explained in a broadcast after the Federation had collapsed, he was presented with the problem that almost as soon

as the Federal Government took up the reins of government, it had to face the possibility that the whole basis of its existence was still under discussion in all the units of the Federation. It was something like trying to build a house on shifting sand.<sup>25</sup>

Indeed it was—so much so that 'when the rain descended, and the floods came, and the winds blew, . . . it fell: and great was the fall thereof.'

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brated. In 1959, Jamaica entered into negotiations with Esso Standard Oil for the erection and operation of an oil refinery in that island for which it would grant a number of special incentives. The refinery called for an investment of U.S. \$25 million and would be of obvious advantage to Jamaica. But one of the incentives, although professedly not a monopoly, would give to Esso for 15 years privileges such as would make competition in Jamaica economically impracticable. As there had long previously been in operation in Trinidad two large refineries owned by Texaco and Shell which had been supplying Jamaica with most of its requirements, Trinidad protested that the proposed agreement would render genuine internal free trade impossible and that if its 'techniques were to become generalised' the effect would be to destroy the Federation itself. Notwithstanding this protest the validity of which the Federal Government did not dispute, that Government approved the agreement (albeit reluctantly) because, in its view, the considerable investment would be of major interest to the area. The agreement was accordingly completed: see the official documents copied in Appendix 'A' to 'Economics of Nationhood' pp. 27-29.

<sup>24</sup> Proctor *op. cit.* 132.

<sup>25</sup> 2 *The West Indies Federal Review* p. 11.

## The Shifting Sand

### 1. Elected Representation

One of the compromises of the SCAC report was its recommendation for the composition of the Federal House of Representatives. The size and population of the respective units had posed an almost insuperable problem. If representation was to be based upon any recognized or prescribed formula, the composition of the House would be heavily weighted in favour of Jamaica, thereby creating apprehensions in the minds of the others. The recommended compromise therefore avoided any formula at all. It was that the House should consist of 45 members—5 to be elected in Barbados, 17 in Jamaica, 10 in Trinidad and Tobago, 1 in Montserrat and 2 in each of the other six units. It is not without significance to add that in all the debate and discussion in the many committees and conferences which met during the next six years before the Constitution was finally agreed the recommendation passed almost completely unchallenged.

Unhappily as the events proved, it was also agreed that no member of the Executive Council or the Legislature of any unit should be qualified to be or remain a member of the Federal House. But with its powers and finances so very restricted as they were, there was little to attract to the Federation 'ambition in power' in any of the several units. Manley, who had been the certain choice for the office of Prime Minister, decided to stay on as Chief Minister of Jamaica for fear of, and in the hope of combating, the anti-federation forces both outside and within his Cabinet and party.<sup>26</sup> Bustamante was too Jamaica-centred to be bothered about the Federation. Bird took the view that his leadership was essential for the development of Antigua which to him was of primary importance. Williams was too recently in power (and indeed his party was only as few as two years in existence) to think as yet of change. Four only of the leaders<sup>27</sup> of the units decided to throw in their lot with the Federation, but it did not take long for one of them (Bramble of Montserrat) to return to his special interest at home. That however was not all. No one of any

<sup>26</sup> Manley gave three reasons demanding his staying in and attention to Jamaica:

(1) There was a great anti-Federation conspiracy in Jamaica and forces were working to wreck the Federation and to take Jamaica out of the Federation.  
 (2) Federation was essential to the economic development of the area and to the economic development of Jamaica.

(3) The important job in the first few years of Federation—before the federal constitutional conference is held in five years' time—was for the small territories to achieve constitutional parity and for the leading territories—Jamaica and Trinidad—to so develop their economies that the Federation would start off as a nation economically strong: *Jamaica Daily Gleaner*, 16 January 1958.

<sup>27</sup> Bradshaw of St Kitts, Bramble of Montserrat, La Corbiniere of St Lucia and Sir Grantley Adams of Barbados. Adams became Federal Prime Minister, La Corbiniere his Deputy and Minister of Trade and Industry and Bradshaw his Minister of Finance.

(so far) recognized political stature was selected by either of the parties in Jamaica or by the party in power in Trinidad and Tobago to contest the Federal elections, so that psychologically the people were impressed that the Federation was relatively quite unimportant. In the result, the West Indian Federal Labour Party of which the party of almost every unit government was a member or associate secured a bare majority of one in the House. Since they won only five of Jamaica's 17 seats and four of Trinidad and Tobago's 10, it was to the smaller islands' contribution of 14 out of a possible 18 that they were indebted to become the Government. The Federation came therefore largely under the control of representatives from the smaller and less sophisticated islands, thus provoking Bustamante to declaim after the inauguration of the Federal Parliament:

We in Jamaica are going to be fourth-class citizens of the West Indies Federation . . . Jamaica has been reduced to a nonentity in the West Indies . . . I as a Jamaican could shed tears over this calamity on behalf of all the taxpayers of Jamaica, and I charge the Chief Minister with responsibility for this calamity. No Jamaican who knows the situation would raise his head today with dignity, for our future has been placed in the hands of incompetent men.<sup>28</sup>

It was inevitable that in the shifting of the sand Jamaica would demand the measure of representation commensurate with its size and population.

## 2. The Powers of the Federation

Following the Australian precedent, the Constitution gave to the Federal Legislature power to make laws for the peace, order and good government of the Federation—exclusively in respect of matters in an Exclusive Legislative List, and concurrently with the units in respect of matters in a Concurrent Legislative List. Substantially, the exclusive powers related to the provision by the Federation of advisory assistance and to the establishment and maintenance of regional institutions and services such as the Federal Supreme Court, the University of the West Indies and any libraries, museums and the like which might be established by or given into the charge of the Federation. The concurrent powers ranged over a wide area, including the acquisition of property for any purpose of the Federal Government, customs and excise duties, the development of industries, trade and commerce with countries outside the Federation and between unit territories, and taxes on income and profits. But no power was exercisable within the first five years to levy taxes on income and profits<sup>29</sup> or which might in any way affect restrictions by any of the units upon

<sup>28</sup> Jamaica *Daily Gleaner*, 24 April 1958.

<sup>29</sup> Government Legislative List, proviso to paragraph 35.

the free movement of persons within the Federation,<sup>30</sup> and, as regards the free movement of goods, there was merely a recital in the preamble to the Constitution that it is essential for the economic strength of the area that there should be introduced, as far and as quickly as practicable, a customs union including internal free trade. Further, the financial strait-jacket into which the Federation was placed (it was allowed a maximum revenue of £1.9 million sterling to be collected by levies on the units) was designed to disable it from wielding any really effective power. Subjective fears and the clash of inter-unit interests thus determined the policy that the Federation should be incapable of exercising most of its concurrent powers. Indeed, when it enacted a Land Acquisition Act in 1959 a howl went up in Jamaica that it should so rashly have dared.

Meanwhile, the units pursued each its own way, which was bound to cause frustration. Perhaps the most discussed and certainly from its consequences the most significant instance of this was the seemingly gratuitous and (in the face of Jamaica's preoccupation with its own economic objectives, I think) impolitic statement by Prime Minister Adams at a press interview in Kingston, Jamaica, that unit governments planning economic development and the creation of monopolies in the next few years should take into account the end federal result, that notwithstanding any tax holiday granted by unit governments the Federal Government 'could levy its own income tax after five years and make it retroactive to the date of Federation', but that the Federal Government did 'not intend to pass legislation on these fundamental matters without consulting the unit governments.'<sup>31</sup> He had previously made much the same statement to the press in Trinidad where it had been allowed to pass by unnoticed, but he was warned by Chief Minister Manley that he should expect just the opposite reaction in Jamaica. He nevertheless made it. Forthwith, Manley issued a press release in reply declaring that the Federal Government had no power to levy income tax for the first five years, that it was 'a matter of high policy that [it] should honour all obligations entered into by unit governments in regard to matters which may now or subsequently come under [its] jurisdiction' and that:

Any other procedure is unthinkable, would be wholly contrary to the established standards on which our political and constitutional practices are based and would inescapably have the effect of disrupting the Federation and would make any development policy impossible.

He ended the release as follows:

I give the Public of Jamaica the assurance that if ever there should arise any possibility of the Federal Government contemplating policies which

<sup>30</sup> Articles 49, 50 and 51 of the Constitution and paragraph 14 of the Concurrent Legislative List.

<sup>31</sup> *Jamaica Daily Gleaner*, 31 October 1958.

would have the effect of disrupting the economic development of Jamaica or which contemplated dishonouring agreements entered into by this Government or retrospectively interfering with our laws or contractual obligations, Jamaica would be forced to reconsider her position in regard to Federation itself.<sup>32</sup>

That was just ten months after the Federation was launched. The sand was shifting again. Would the Federation have any real power, or should it be content with the sham appearance of power or ought it to be humiliated by an unconcealed denial of power?

### 3. Conditions on the Grant of Independence

It had long been the accepted view—accepted as well by the United Kingdom as by the island units—that independence was unattainable by any except as part of a state comprising the whole. The clearest statement confirming this appears in the SCAC Report in which the Committee prefaced their recommendations as follows:

We start from the assumption that the main underlying purpose of our task is to seek the shortest path towards a real political independence for the British peoples of the region, within the framework of the British Commonwealth—what is meant in fact by 'Dominion Status'. We assume further that we have been charged with this task because there is general agreement that this object cannot be attained without some form of federal association between the territories concerned, but that with Federation its attainment becomes practicable. We are aware that in some circles there is a demand for full independence, or for self-government, either in advance of or simultaneously with Federation, on the basis of existing political units. While we reaffirm the view expressed at the Montego Bay Conference that the political development of the units must be pursued as an aim in itself, we are satisfied that the sheer force of circumstances of the modern world makes independence on a unit basis a mirage. Independence or self-government as a Federation is however a practical possibility, and we have framed our proposals with this specific objective in view.<sup>33</sup>

Even as late as in November 1959, in a speech in the Jamaica House of Representatives, Premier Manley affirmed the belief that

A West Indian Nation would play a part in history that no one unit could hope to play by itself . . . [and that] it would be better to go about as a group of independent people than to go about as independent beggars with ten caps in ten hands.<sup>34</sup>

By January 1960, however, appreciating the gravity of the issues which had by then arisen from the fact that, as I shall mention shortly, the views of Jamaica and Trinidad and Tobago appeared to be irreconcilable, Manley led a Jamaican delegation to London to inquire of the Secretary of State for the Colonies, among other things,

<sup>32</sup> *Jamaica Daily Gleaner*, 1 November 1958.

<sup>33</sup> SCAC Report p. 11.

<sup>34</sup> Proceedings of the Jamaica House of Representatives (November 1959) pp. 95ff.

what the minimum requirements were for the attainment of dominion status and whether Jamaica could reasonably expect to meet them. The answer was in every respect favourable, so much so that on his return he reported that Britain would not stand in the way of Jamaica seceding from the Federation if it was dissatisfied with the Constitution when finally revised.<sup>35</sup>

Once more the sand was shifting. No longer could the objective of independence suffice as a cementing interest to keep the units together.

#### 4. The Right to Secede

Article 118 of the Constitution provided for its review not later than the fifth anniversary of the date on which it came into force. When tensions arose, both the major parties in Jamaica contended that on its true interpretation the article fell to be construed as meaning that at the time of review any unit might withdraw from the Federation. But Prime Minister Adams and other founding fathers strongly maintained that no right to secede could be extracted from the obligation to review. Since constitutions are to be construed according to their text, perhaps I may quote the terms of the article itself. It reads as follows:

there shall be convened a conference . . . for the purpose of reviewing this Constitution, and that conference shall, among other things, review, in the light of progress made towards establishing a customs union within the Federation and other relevant factors, the powers conferred by this Constitution on the Federal Legislature to make provision for the levying of taxes on income and profits.

In my opinion, the article meant what it said. It conferred powers of review—but no more. What, however, it would seem that the rival contentions overlooked is that, incident to the colonial character of the Constitution, the United Kingdom Parliament had not divested itself of its power to legislate for the Federation. By the British Caribbean Federation Act 1956, it had authorized the issuance of the Order-in-Council constituting the Federation, but by the retention of its legislative powers it could dissolve it, or sever one or more from the rest, or alter its state and status. Indeed, p. 7 of the Order-in-Council<sup>36</sup> explicitly reserved the power by any later Order to amend or revoke any of its provisions. Consequently, just as Parliament was influenced to create the Federation by the expressed will of the units, so too it might be influenced to permit the secession of any of them if such should later become its desire. The decision was nonetheless Parliament's so that other factors might be taken into account. Just as at the beginning one such factor was the fear of the British Colonial

<sup>35</sup> Jamaica *Daily Gleaner*, 19 January 1960.

<sup>36</sup> The West Indies (Federation) Order-in-Council, 1957.

Office that yet another attempt to unify the administrations of the islands might prove a slip, so now another such factor was its new and growing anxiety to be rid of the colonies as speedily as practicable.

However, from as early as 1959 current opinion throughout Jamaica was that the legalities mattered little. Once more Bustamante voiced the prevailing sentiment when he said in the Jamaica House of Representatives as the then Opposition Leader:

If I was the Government and I could not get these material changes [such as he thought at the time that Jamaica should demand], whether we could secede by law or not we would leave and allow Her Majesty's Government to send the dreadnoughts to keep us in.<sup>37</sup>

Again, the sand was shifting. The Federation was now being challenged that it was never intended to be an organism in growth but simply an experiment in test.

### The Failure and Fall

Ken Hill's resolution calling for the appointment of a special select committee to take steps to achieve independence as early as possible was amended at the instance of the Minister of Communications and Works who proposed that, instead of constituting a committee, the conference required by article 118 be convened not later than June 1959. The Government was eager to achieve the desired goal, he said, but thought it better to use the machinery provided by the Constitution itself. It was also decided that a preliminary conference of the West Indian delegates should meet in an endeavour to reach agreement before the constitutional conference at which article 118 required the attendance of United Kingdom delegates.

The preliminary conference did not meet until 28 September 1959. It had by then become abundantly clear that there was the widest divergence of view between Jamaica and Trinidad and Tobago. It was Jamaica's contention that the island had embarked on a long-term economic policy which had been enshrined in a ten-year development plan; that the successful implementation of this plan was vitally essential not only to Jamaica but likewise to the Federation of which it formed so significant a part; that to that end it had set in motion the development of the necessary institutions and the evolution of fiscal and economic policies which already had imposed the severest strain on its domestic resources and its capacity to borrow in the world markets; and that any disruption of this programme would have the most disastrous consequences. Diametrically opposed to that contention was the demand by Trinidad and Tobago for 'centrally directed economic co-ordination'<sup>38</sup> and consequently for the effective enlargement of the

<sup>37</sup> Proceedings of the Jamaica House of Representatives (16 September 1959) 50.

<sup>38</sup> Trinidad and Tobago had gone on record in 'Economics of Nationhood' pp. 10-



powers of the federal centre. As if this clash of ideologies was not enough, the Federal House of Representatives in December 1959 amended a government motion to invite the views of the units on the introduction of a cabinet system and internal self-government by adding to it that Her Majesty's Government should be asked to set a date early in 1960 for the grant of dominion status. Jamaica promptly objected, arguing logically that no such date should be set until agreement was reached finally on the form the Federation should take.<sup>39</sup> The Secretary of State agreed.

Meanwhile, on his home front Manley was being kept under pressure. Bustamante had already declaimed that Jamaica had been 'reduced to a nonentity in the West Indies'. He followed that up by a demand for representation based on population, or else Jamaica should secede. When Manley gave his assurances to the country in reply to Prime Minister Adams' press statement, Bustamante went further and demanded that the Constitution 'be rewritten so that the Federal Government will have no right whatever to impose any kind of taxation upon Jamaica without Jamaica's prior agreement.'<sup>40</sup> Manley therefore knew, and feared, what the reaction would be if he did not pursue an uncompromisingly Jamaican rather than West Indian attitude.

There was politically little, if any, opportunity for him thenceforth to leave his little boat and get into that larger vessel of which he spoke so eloquently at Montego Bay. Therefore he led his delegation to London in January 1960 and returned with a menace. Either Jamaica would have its way or the Federation was doomed.

The preliminary inter-governmental conference of September 1959 had set up working parties to work out the implications of various proposals. It reconvened in May 1961. Three demands were made by Jamaica: (a) that representation in the Federal House of Representatives should be on the basis of population, thereby securing for Jamaica approximately 50% of the seats; (b) that industrial development and income taxation should be placed for the present in a special Reserve List entirely beyond the control of the Federal Government, and customs union should be introduced in stages over a period of nine years; and (c) that no transfer should be permitted from the special Reserve List without the consent of an absolute majority of unit legislatures representing not less than two-thirds of the Federation's total population.

Despite the powerful criticisms which Dr Williams had invariably

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11, that 'anything else would discredit the conception of Federation and in the end leave the islands more divided than before'.

<sup>39</sup> Jamaica's reply to the proposal was cited by the Minister of Finance in a speech in the Federal House: Debates of the West Indies House of Representatives (25 May 1960) col. 1645.

<sup>40</sup> Jamaica *Daily Gleaner*, 5 November 1958.

levelled against a Constitution which to him was 'an abortion'<sup>41</sup> in that it purported to confer powers the exercise of which was denied, and notwithstanding that in a public speech in March 1960 he had declared 'the alternatives bluntly: either a strong, independent Federation with all of us, or a weak Federation without Trinidad and Tobago',<sup>42</sup> he yielded to the first two of Manley's demands. As regards the Reserve List, he stated (and had written into the record) that he had made a serious analysis of Jamaica's economic position, that its dependence on agriculture was greater than Trinidad's, that he understood its difficulties in respect of industrial development, high cost production, the extensive use of quantitative restrictions and taking the maximum advantage of its non-association with GATT. He appreciated Jamaica's stand but he nevertheless felt that Jamaica had conspicuously underestimated the advantages it would derive from federation. He did not agree with Jamaica's fears with respect to Federal control of industry. However, because Trinidad and Tobago could understand and sympathize with the Jamaican case, he would go with it most of the way.<sup>43</sup>

Williams found it impossible however to accept the proposal regarding transfers from the special Reserve List. As Jamaica's population was more than half of the Federation's total, unless its legislature agreed, consent would never be secured from legislatures representing not less than two-thirds of the Federal population. Jamaica would therefore have a permanent veto, and it alone would. In view of Williams going with him so far along the way, Manley undertook to have the last remaining difference reconsidered by his party and Government, and the conference adjourned.

It reassembled in London in June. The deadlock was unresolved. Finally, the Reserve List was rejected, industrial development and income taxation were left in the concurrent list, but the Federal Government was to be expressly prohibited from exercising any power in reference to them without the consent of every unit legislature. This meant that the 32 square miles that comprised Montserrat would have the power to hamstring a combination of all the other units if it so cared. Trinidad and Tobago did not accept the decision and demanded (but without success) that, if it was to be allowed to stand, its Government should have the right to veto the exercise by the

<sup>41</sup> In *The Nation* (his party's weekly) of 16 September 1959, an editorial stated in reference to the Federal Government and Constitution of the Federation that 'The Constitution by which it must guide itself is an abortion. Its budget is a mockery. It lacks the stimulus which can come from complete responsibility.' On another occasion, to wit, on 22 April 1960, he made a bonfire of a copy of the Constitution to show his contempt for 'a nineteenth-century anachronism': *Trinidad Guardian*, 23 April 1960.

<sup>42</sup> *Jamaica Daily Gleaner*, 23 March 1960.

<sup>43</sup> Official Conference Report paras. 298-300.

Federal Government of any power for the free entry of West Indians into Trinidad. Such unrestricted entry would cause social dislocations which could only be offset by the integration of the economies of the several units and by the advantages which might be expected to follow from the free movement of goods within the Federation. When Her Majesty's Government supported the opposition to this demand, Dr Williams asked that his position should be reserved.<sup>44</sup> For all practical purposes the Federation was at an end. The only question was—who would end it? Would the people of Jamaica or would the Government of Trinidad and Tobago?

Manley returned to Jamaica and broadcast jubilantly to the Jamaican people: 'We have won our case finally and forever . . . Jamaica can forget her fears.'<sup>45</sup> But, even with so much in hand, Bustamante seized on the fact that no more than thirty out of sixty-four seats were being allotted to Jamaica and argued powerfully that what would continue for ever was the 'control of the little islands over Jamaica.'<sup>46</sup> The argument got home as the referendum showed.

One further inquiry would seem to be necessary. Why did Manley decide on a referendum? The suggestion had been put forward in the Jamaica House of Representatives in 1959 after the first preliminary inter-governmental conference was held. He then replied as follows:

To go and ask the people whether it is good for Jamaica to stay in the Federation? Mr Speaker, have we lost all sense of responsibility to the people? When we are ready to go and tell the people that for this or that or the other reason 'get out', we will tell them so; but until you have decided that the time has come when it is our duty to say so, then we will tell them that we are going to continue to fight, and ask them to trust us as they have trusted us in the past.<sup>47</sup>

Shortly before going to London however, Bustamante having announced plainly that he was opposing federation on any terms whatsoever, Manley changed his view and declared:

The official decision of the Jamaica Labour Party to oppose Federation has created a new situation in Jamaica. When both parties were acting together it was right to assume that they represented the voice of the people. Now that one Party, the Jamaica Labour party, has officially resolved to oppose the Federation, it is right that it should come before the people for decision.<sup>48</sup>

The people spoke. In part, their answer reflected 'the inevitable fear of change', the question referred to them being clear *not* whether

<sup>44</sup> Report on the West Indies Constitutional Conference, 1961: Cmd 1417/1961.

<sup>45</sup> Jamaica *Daily Gleaner*, 19 June 1961.

<sup>46</sup> Jamaica *Daily Gleaner*, 28 June 1961.

<sup>47</sup> Proceedings of the Jamaica House of Representatives 3 November 1959, p. 102.

<sup>48</sup> Jamaica *Daily Gleaner*, 1 June 1960.

they wished to *leave* but whether they wished to *join* the Federation. Besides, in his advocacy of federation Manley had made so many reservations for the 'protection' of Jamaica's interests that inevitably the less sophisticated masses would fear accepting the risk that the protection might prove inadequate.<sup>49</sup> So they would have none of it. And Trinidad and Tobago followed. In the view of its Premier,

the [London] Lancaster House decisions violated every concept of federation. They would have been totally disadvantageous to Trinidad and Tobago, and they would have made the West Indies Federation the laughing-stock of the entire world.<sup>50</sup>

Accordingly, he assured his House of Representatives that the Federation had 'died at Lancaster House and . . . was buried in Jamaica in September 1961.'<sup>51</sup> Finally, on the very morning on which a conference was due to begin its deliberations in Trinidad on the future of the Federation without Jamaica, it was announced in the press that his party had on the previous day unanimously accepted his proposal, consonant with earlier declarations by him, that in the events which had happened 'Trinidad and Tobago reject unequivocally any participation in the proposed federation of the Eastern Caribbean and proceed forthwith to National Independence' without prejudice however to any of the others joining in a unitary state with Trinidad and Tobago upon terms to be mutually agreed.<sup>52</sup> Thus was carried to its logical consequence the contention, expressed in jest as is Trinidad's wont, that 1 from 10 leaves 0.

## EPILOGUE

Referring to the six factors which Professor K. C. Wheare had perceived in every case of a federal union up to the time of writing his 'Federal Government', Dr Hugh Springer of the University of the West Indies pointed out—and I agree—that they

fall readily into two classes which may be described as (a) predisposing conditions and (b) inducements. Previous political association [which, as Professor Wheare had indicated, might be from being parts of the same Empire], geographical neighbourhood, and similarity of political institutions may properly be described as predisposing conditions; while the sense of need for common defence, the desire for independence, and

<sup>49</sup> An article in the *Daily Gleaner* of 26 June 1961, written by a Jamaican, Clinton Parchment, stated that—

'While every aspect of Federation had been discussed and debated by the other units since 1948, it did not become even half real for Jamaicans, despite the fact that it was conceived and born on their own doorstep, until Sir Grantley Adams spoke out of turn a couple of years ago. Since then the Federation has had plenty of publicity, but mostly bad and certainly not enlightening.'

<sup>50</sup> Trinidad *Sunday Guardian*, 5 November 1961.

<sup>51</sup> Trinidad and Tobago House of Representatives Debate, 12 January 1962.

<sup>52</sup> See special issue of the party newspaper *The Nation* on 29 January 1962.

the hope of economic advantage are clearly in the class of inducements.<sup>53</sup>

Manifestly, in the case of The West Indies, two of the predisposing conditions were present. The third, geographical neighbourhood, as interpreted by Dr Springer, has 'something to do with distance, and something to do with association'.<sup>54</sup> In my view, the distance separating the farthest from each other of the several units, though great, was insufficient in itself to detract—after all, Perth is farther from Melbourne or Sydney than the 1000 miles between Jamaica and Trinidad; and, by 1958, the functional approach which had been assiduously pursued for at least a decade, had brought about an association not inadequate for neighbourhood. I think, therefore, that all three predisposing conditions were present.

What, then, of the inducements? I doubt that the islands were ever greatly impressed with a sense of need for common defence. Had not the British navy safeguarded them for two or three centuries? Would not the Monroe doctrine ensure them protection? Besides, in a modern world, could they really hope to do more than delay an invader until help might arrive? As to possible dangers within, they were as yet confident that their police and security forces would be able successfully to cope with any form of subversive activity. Common defence was, therefore, not a need at all. At any rate, it was not so regarded.

On the other hand, the federalists had made it clear at Montego Bay that they looked upon the two other factors as irresistible inducements. But, in the constitution-making years which followed, the disruptive elements were already at work. In the result, instead of the Federation being the offspring of faith, confident of economic advantage as the logical outcome of union and intent on nationhood for The West Indies, a federal state was conceived in fear, lived throughout its brief existence with fear, and finally perished through fear. Truly it may be said that fear brings more ills than do the ills it fears.

Yet I am not without hope. I believe that valuable lessons have been learnt. The functional approach may not have led to federation permanently, but it did serve to bring West Indians more closely together. And it is doing so still. The University and the West Indies Shipping Service, maintained by two gift ships from Canada to the Federation, continue on a regional footing. The West Indian Law Reports remain as a unifying asset. And cricket has provided both a stimulus and an example by showing what heights can be attained when a side ceases to be an eleven picked so as to give a 'fair' measure

<sup>53</sup> See 'Reflections on the Failure of the First West Indian Federation' published by the Harvard University Center for International Affairs (No. 4): July 1962, pp. 45-46.

<sup>54</sup> *Ibid.* 46.

of representation to the contributing units and is selected from the whole to play together as a team. But even more enheartening is the increasing awareness of how economically interdependent the islands and British Guiana are. Evidence of this is forthcoming from the trade agreement recently negotiated between Jamaica and British Guiana and from the more recent acceptance in principle of a customs union between Barbados, British Guiana, St Vincent and Antigua. Also, Trinidad and Tobago have been advocating a Caribbean Economic Community and to that end took the initiative to promote summit conferences between Jamaica, Barbados, Trinidad and Tobago and British Guiana for the discussion and resolution of common West Indian problems. All these are signs, I think, that West Indian minds are awakening from the lethargy resulting from three centuries of exposure to the paternalism of the colonial system and that they are beginning at long last to get to grips with the responsibilities of this day and age. West Indians are ambitious to play a significant part in world affairs and, what is more, they have the talent so to do. The more, then, that it is appreciated that this cannot be done by fragmentation of effort, the greater will be the urge and the challenge to the rising generation to pool their efforts and thereby to achieve a national unity. No longer timorous compromise, but rather fearless integration must for the West Indies be their conscious aim and pursuit.