

EDITORIAL COMMENT

COMMONWEALTH PRIME MINISTERS' CONFERENCE OF 1964

The evolving Commonwealth may be viewed in terms of international legal relations as well as general international co-operation. The rapidity with which newly independent states have emerged and become full members of the concert has been a striking development of the post-World-War-II period. Discussion continues as to what the Commonwealth essentially is.¹ It is not a person in public international law, although contractual and other relations between its members have come to rest increasingly upon that law. Its peoples number more than seven hundred millions; they occupy more than a quarter of the earth's surface. What the member states aspire to accomplish and what they actually achieve through common action may point ways of effective co-operation in the wider international community.

When seen from the point of view just suggested, the Prime Ministers' conference held at Marlborough House in London in July, 1964, and the sequel to that conference, invite examination. Within the limits of a brief comment, attention may be drawn to (1) the purpose and composition of the conference, (2) the principal political question that was under discussion, (3) new Commonwealth machinery planned at the meeting, and (4) the outlook for further changes in Commonwealth objectives and methods.

Over the past two decades there have been conferences of Commonwealth heads of governments at fairly regular intervals, the one in 1964 being the thirteenth such meeting during this period. The current plan (dating from 1960) is to have conferences at eighteen-month intervals, except that the immediate successor to the 1964 conference will come somewhat earlier than that. The meetings are secret and there is no formal agenda. In the recent past certain major incidents or proposals have tended to overshadow routine matters in discussions—as did the South African withdrawal in 1961, and in the following year the matter of Britain's position with respect to the Common Market.

In attendance at the 1964 conference were representatives of eighteen states,² seven of which had emerged as independent entities since the 1962

¹ Cf. "The Commonwealth as Symbol and as Instrument" (a comment based largely upon Australian opinion), 53 A.J.I.L. 392-395 (1959).

² Australia, Canada, Ceylon, Cyprus, Ghana, Great Britain, India, Jamaica, Kenya, Malawi, Malaysia, New Zealand, Nigeria, Pakistan, Sierra Leone, Tanganyika (which, as united with Zanzibar, has subsequently become Tanzania), Trinidad and Tobago, and Uganda. One of the states, Malawi (the former Nyasaland) acquired statehood on the very eve of the conference. A British comment on the meeting noted that the conferees included "a field marshal and a widow, a former male nurse . . . winners of a Nobel Peace Prize and a Lenin Peace Prize . . . a prince, an unbelted ex-earl and two other knights, and three 'prison graduates' (there would be five if Mr. Shastri and President Makarios had been able to come)." *The Economist*, July 11, 1964, p. 136. Since the conference other new states (Zambia, Malta and Gambia) have become independent members of the Commonwealth.

conference. Fifteen heads of states (presidents and prime ministers) participated. The spokesman for India was her Minister of Finance, for Cyprus her Minister of Foreign Affairs, and for Jamaica her Deputy Prime Minister and Minister of Finance. Of the states participating, seven were members of regional organizations such as NATO and SEATO; others were unaligned. They acknowledged no common sovereignty, but all acknowledged the Queen as "Head of the Commonwealth"—and some had had occasion in the recent past to call upon Great Britain under conditions of danger, as at the time of the mutiny in Tanganyika early in 1964.

That the type of concert which the Commonwealth represents is not without its critics (inside and outside of the Commonwealth) is illustrated in happenings during or near the time of the conference. Thus a Cairo broadcast addressed to English-speaking Africa in the same month that the conference occurred referred to the Commonwealth as "outdated" and suggested that it should be "dismantled."³ A few months prior to the meeting an anonymous British Conservative referred to the Commonwealth as a "gigantic farce."⁴

The London Conference of 1964 seems to have demonstrated effectively, however, that there is capacity to present a united front on a matter of high political importance, and also to move forward in planning for machinery that should make possible more effective co-operation in the interest of the associated states. The first of these capacities is illustrated in what was done concerning Southern Rhodesia, the second in steps taken looking to a Commonwealth secretariat.

In Southern Rhodesia had come to power a government representing a white minority and against which was directed forceful criticism by the Asian and African states of the Commonwealth. Unwillingness of the Government at Salisbury to make basic changes in its existing arrangement had been followed by the British Government's refusal, under the conditions which existed, to relinquish sovereignty. This, in turn, had been met by the Southern Rhodesian leader's suggestion that British inaction on the point could cause the Southern Rhodesians to declare their own independence.⁵ To this suggestion the British Government's reply had been

³ The Economist, July 18, 1964, p. 230.

⁴ An article by "A Conservative" contained, *inter alia*, the following statements:

"The Commonwealth has really become a gigantic farce. Most people, including most Conservatives, know this, and in their hearts they despise the politicians who keep the farce going. Not merely the non-European members . . . but the so-called 'Old Dominions' have no present real ties with Britain other than such as history might have left between any two foreign nations." The Times (London), April 2, 1964, p. 13.

⁵ Apparently the Government of Southern Rhodesia felt that it was entitled to an invitation to the 1964 conference. The reported statement of Prime Minister Ian Smith before the 1964 conference was to the effect that Southern Rhodesia had in the past been invited to attend the Prime Ministers' conferences and that, since the break-up of the Federation, Southern Rhodesia had assumed the rights and privileges of Commonwealth membership which it had before these were surrendered to the Federation. The Times (London), April 21, 1964, p. 10.

that such a move on the part of those in power in Southern Rhodesia would be regarded as treason against the Crown.

There has been anticipation that Great Britain would be bound to sever relations with a Southern Rhodesian regime that should make a unilateral declaration of its independence. Questions have arisen as to whether such a move would cause Southern Rhodesians to cease to be British subjects, and whether the independence move on Southern Rhodesia's part would cut that state off from the Commonwealth. There has even been mention of the probability that there would be British recognition of a Southern Rhodesian government-in-exile. While recognizing that the problem was Great Britain's, the spokesmen for the other states represented at the London conference appear to have given strong support to the British Government's position and to have recorded their view that a unilateral declaration of independence would not be recognized by any of the states which they represented.

The idea of a Commonwealth secretariat was not new in 1964. Not until the conference of that year, however, was effective action taken to this end. At London a proposal emanating from three African states and a West Indian state received favorable consideration. It was perhaps natural that this action should raise questions of whether there was dissatisfaction with the services which the Commonwealth Relations Office has in the past performed. In any case, the personnel of the new secretariat is to be chosen from the member countries of the Commonwealth and is to be financed by their contributions. The new secretariat, in the language of the final communiqué of the conference, "would be available *inter alia* to disseminate factual information to all member countries on matters of common concern, to assist existing agencies, both official and unofficial, in the promotion of Commonwealth links in all fields, and to help to coordinate, in cooperation with the host country, the preparations for future meetings of Commonwealth heads of government and, where appropriate, for meetings of other Commonwealth Ministers."⁶ Further steps concerning the secretariat were left for action to be taken at a Commonwealth conference in June, 1965.

Aside from what was done concerning Southern Rhodesia and the step looking to the creation of a mixed-manned secretariat, the conference concerned itself with such matters as technical and educational co-operation among the member states, the Commonwealth's share of world trade, and administrative training. There continues to be emphasis upon fundamental rights of individuals; these rights, whether written or unwritten, tend to form throughout the Commonwealth "the standards against which the relationship between the individual and the state is judged."⁷

There was anticipation of further development of the Commonwealth and the addition to it of additional independent states. Besides the three states

⁶ British Information Services, Reference and Library Division, T.18 (July 16, 1964), p. 12.

⁷ *Ibid.*, Political and Economic Notes, Supp. to British Record No. 11 (July 23, 1964), p. 3.

(Zambia, Malta and Gambia) which became full members of the Commonwealth within a few months after the adjournment of the London conference, it was thought that others would emerge within a reasonable time. It was noted that Basutoland had been promised that its independence could be had within about eighteen months, that Bechuanaland would be free to follow when its people wished, and that Swaziland's new constitution had set that community upon the same course. There was reference to agreement that the Federation of South Arabia should become independent within three and a half years, and British Guiana as soon as she was able to assure internal peace. There was reference to some colonies (including the Bahamas, Barbados, British Honduras and Mauritius) which already enjoyed wide measures of self-government. Account was also taken of the possibility that some parts of the former Empire might elect to couple independence with a treaty of friendship, such as that which Western Samoa has with New Zealand.⁸

Presumably, when former British colonies become independent, they are, at least in theory, free either to remain in the unique association (as most of them have done); or to elect not to join (as was the case with Burma); or, having been members (as Ireland was) to cease to be members. It has been said that no one has ever *applied* for membership in the Commonwealth.

Perhaps the most obvious impression that can be drawn from the work of the Prime Ministers' conference of 1964 is that the Commonwealth continues to have vitality and purpose, even under conditions that are greatly different from those of the 1950's. The mystique of the enterprise is less important than its practical programs of co-operation and mutual assistance. Its internationalism is in contrast to a type of regionalism that might be unduly restrictive. Evolution has proceeded rapidly since it ceased to be the "British" Commonwealth of Nations. It has the weakness of any association which includes members whose leaders hold such a wide range of political views. There has apparently been some concern in the past that it should not be over-institutionalized. Its principles and purposes, insofar as they find expression through legal forms and instruments, proceed upon the assumptions of international law. In the words of the President of the Canadian Institute of International Affairs, the Commonwealth, essentially, "must be looked upon now in the 1960's as an informal and largely deinstitutionalized association among countries of various races and continents which as a result of a common historical experience and in spite of wide differences of political practice and international orientation, share certain constitutional and legal attitudes, governmental and business practices, and habits of working together."⁹

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⁸ Official Communiqué (referred to in note 6 above), p. 5. The text of the mentioned treaty is in *New Zealand Treaty Series*, 1962, No. 5.

⁹ John W. Holmes, "Present Realities of the Commonwealth," a paper presented to the National Conference on Canadian Goals, at Fredericton, Sept. 9-12, 1964.