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# **India, South Africa, and the Cape Town Agreement: A Diplomatic History**

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## ABSTRACT

The Cape Town Agreement of 1927 was the first-ever bilateral agreement within the British Empire in which Britain was not involved. Signed between India and South Africa soon after the Balfour Declaration of 1926, the Agreement heralded a new sovereign order within the Empire. For India, the Agreement also holds a special importance because it was negotiated, for the first time, by an Indian-led delegation. In this article, we narrate how the agreement came about, situating it within the contingencies and constraints of putting into practice India's anomalous international identity in the context of an emerging norm of racialized sovereignty in the 1920s.

*Keywords:* India, South Africa, diplomatic history, Assisted Emigration, Srinivasa Sastri

# **India, Sudáfrica y el Acuerdo de Ciudad del Cabo: una historia diplomática**

## RESUMEN

El Acuerdo de Ciudad del Cabo de 1927 fue el primer acuerdo bilateral dentro del Imperio Británico en el que Gran Bretaña no participó. Firmado entre India y Sudáfrica poco después de la Declaración Balfour de 1926, el Acuerdo anunció un nuevo orden

soberano dentro del Imperio. Para la India, el Acuerdo también tiene una importancia especial porque fue negociado, por primera vez, por una delegación encabezada por la India. En este artículo, narramos cómo surgió el acuerdo, situándolo dentro de las contingencias y limitaciones de poner en práctica la identidad internacional anómala de la India en el contexto de una norma emergente de soberanía racializada en la década de 1920.

**Palabras clave:** India, Sudáfrica, historia diplomática, emigración asistida, Srinivasa Sastri

## 印度、南非和《开普敦协定》：一次外交历史

### 摘要

1927年签订的《开普敦协定》是大英帝国殖民影响下第一个不涉及英国的双边协定。1926年《贝尔福宣言》签订不久后，印度和南非便签署了该协定，预示着帝国影响下一项新的主权规定。对印度而言，协定还具有特殊重要性，因为它是在由印度代表团首次发起的协商下进行的。本文中，我们叙述了20世纪20年代一个新兴的种族化主权规范背景下，印度不寻常的国际身份在付诸实践时所产生的一系列不测事件和限制——在这样的条件下协定是如何达成的。

关键词：印度，南非，民主历史，协助移民，Srinivasa Sastri

### Introduction

**T**.T. Poulouse famously characterized India's position between 1919 and 1947 as that of an anomalous international actor.<sup>1</sup> What does it mean to have an anomalous or quasi-international identity and how does it manifest in practice? Various accounts have shown that India's early

twentieth-century diplomatic history constitutes an important part of the evolution of the country's international identity.<sup>2</sup> Conversely, diplomacy as a site of discursive and representative practice also helped to suture an identity of India both as a nation and as a state.<sup>3</sup> In keeping with this historical scholarship that contextualizes India's identity and diplomatic practice, our work un-

packs the practice of India's anomalous international identity by studying the diplomatic moves and countermoves in the Cape Town Agreement of 1927 between Colonial India and Segregationist South Africa.

The Cape Town Agreement was an important historical landmark in India's diplomatic history, although it is now a long-forgotten footnote, at least on the Indian side.<sup>4</sup> This article thus recovers from the archives a slice of diplomatic history that could well indeed claim to be India's first footprint on bilateral diplomacy. It was also the first-ever bilateral agreement within the British Commonwealth, without Britain's presence. However, its significance on imperial politics was perhaps even greater.

Signed soon after the Balfour Declaration of 1926, the Agreement gestured toward a new sovereign order emerging within the British Empire, encapsulated in the term, British Commonwealth.<sup>5</sup> Britain's position as first among equals became increasingly titular with regards to the other White settler dominions, as latter asserted control over their domestic and foreign policies. Importantly, they also dictated racial politics within the British Commonwealth.<sup>6</sup> A slew of racial immigration laws were legislated across the white settler world immediately after the First World War, normalizing racialized sovereignty in the British Empire.<sup>7</sup> Until the War, the British Government had intervened, even if reluctantly, on behalf of the nonwhite subjects of the Empire. But now, with the fortunes of

the Empire considerably tied to the strength and support from its white dominions, Britain divested itself off its responsibility toward its Indian subjects by placing the onus for negotiating the rights of Indians on the Indian government. Paradoxically, therefore, the more the dominions became autonomous, the more the Indian government was tasked with calibrating its relations with the dominions on a bilateral basis. India's agency as a *dominion-like* colony was asserted in the context of the fateful circumstance of the increasingly racialized nature of sovereignty in the British Empire.<sup>8</sup>

This vicarious form of sovereignty also deprived Indian diplomats of their strongest argument, hitherto employed with considerable force in empire-wide discussions, i.e. "imperial citizenship."<sup>9</sup> Indian leaders, from Mohandas Gandhi to Tej Bahadur Sapru, had emphatically appealed to notions of "imperial citizenship" as the basis for equality of Indians.<sup>10</sup> In the Cape Town Agreement, as India was now treated as an autonomous actor, within the context of an evolving norm of racialized sovereignty, Indian practitioners used this new form of sovereignty to come up with a new language of rights. Here, Indian diplomats, such as V.S. Srinivasa Sastri, replaced the equality of imperial citizenship with the state's duty of welfare as a key norm of bilateral conduct. The Cape Town Agreement is an important landmark because it both granted and embodied these complicated imaginations of identity, rights and diplomatic practice. Furthermore, Indian practitioners are able to mean-

ingly engage with their South African counterparts, and through constant nudging and cudgeling, push them toward a commonly agreed framework that avoids, if not erases, racial constructions. Indeed, they invoke class and civilization to circumvent race.<sup>11</sup>

The structure of the article is as follows. In the next section, the article offers a brief history of the Segregation and the 1925 Bill that set the stage for India's negotiation with South Africa. In the subsequent section, the article elaborates on the role that the Paddison Deputation, which had three important Indian members, played in persuading South Africa for a Round Table Conference. Thereafter, the article engages with anomalous India's diplomatic strategies in the Cape Town Conference. Here, we elaborate on the details on India's concern for self-respect, the role of Indian diplomats in persuading their South African counterparts to portray events within a commonly agreed framework, and the friendly "consensus" that emerged in interaction. In the concluding section, we elaborate on the salience of the agreement.

## **Segregation and the 1925 Bill**

**T**he history of Indians in South Africa starts in 1860 when the first ship carrying indenture labor sailed for Natal, but a more concrete starting date for our narrative would be July 23, 1925. On this day, Daniel F. Malan, the Minister of Interior (and later the first Apartheid Prime Minister), introduced in the parliament the Areas Reservation and Immigration and Reg-

istration Bill (Further Provisions) Bill. Aimed primarily at the South African Indian community, the bill envisioned compulsory segregation of Indians for trading and residential purposes, tightened the immigration laws particularly aimed at wives and children of those already in the Union, and imposed new restrictions on Indians in acquiring ownership and leases. In introducing the bill in the parliament, Malan called Indians as "an alien element" in the country, "no solution [for which] will be acceptable ... unless it results in considerable reduction" of the Indian population.<sup>12</sup>

Malan's bill had followed a series of laws passed in the previous five years, mainly at provincial and municipal levels—in Natal and Transvaal, which had considerably emaciated the Indian community in political, social, and property rights.<sup>13</sup> The bill itself was modeled on the Class Areas Act of 1923, which was introduced by Patrick Duncan, Malan's predecessor, in the Jan Smuts' administration. Before the bill could be passed, Smuts lost power in national elections to J.B.M. Hertzog, the leader of the right-wing National Party, who formed the government with the support of the Labour Party. The bill drew wide support from the European population and all the three major parties.<sup>14</sup> Indeed, Hertzog and Malan, as a newspaper argued, "had stolen the thunder from its dispossessed opponents, and sought thereby to impress the world with its own omniscience."<sup>15</sup>

The South African Indian Community opposed it tooth and nail. They

organized mass rallies and a South African Indian Congress (SAIC) delegation met Malan on November 16, 1925, to express their opposition to the Bill and requested him to consent to a round table conference with India. Malan expectedly disagreed.<sup>16</sup> The SAIC immediately dispatched a delegation, led by Abdullah Abdurahman, the leader of the South African Coloured community, who submitted a memorandum to the Viceroy, asking the Indian government to intercede on their behalf. The delegation also addressed several rallies across India, and spoke at the annual session of the Indian National Congress in December 1925, to influence the opinion in India.

However, the Indian opinion did not need much convincing. The bill had caused a furor, bringing together leaders of all political hues from Gandhi to Jinnah to Motilal Nehru to Srinivasa Sastri. Introducing a resolution at the legislative council, Deva Prasad Sarvadhikary asked the Indian government to take immediate steps to protect Indians in South Africa. Calls were made for retaliatory steps, such as stopping the export of coal. The Viceroy was asked to seek the Imperial Government's intervention, and as a matter of last resort, even request the latter to refuse sanction to the bill. An amendment by G.A. Natesan asked the government to send a deputation to South Africa to convey the views of the Indian public.<sup>17</sup> Umar Hayat Khan sought a more permanent solution to end the indignities suffered by Indians. He suggested bringing back all Indians from South Africa and providing them land to settle in India.<sup>18</sup>

The Indian government had already requested the South African government for a Round Table Conference—and as we would see below, that request had been refused twice. So, Alexander Muddiman, the home member in Viceroy's council, while showing full sympathy with these demands expressed caution, because any retaliatory measures or appeal to the Imperial Government might jeopardize any hopes for a diplomatic solution. The government also consulted leaders such as M.A. Jinnah and Motilal Nehru—both had appealed for stricter measures—and who now agreed that as an extremist stance may worsen matters for the South African Indians.<sup>19</sup> Eventually, the Council of States passed a moderate resolution, without any mentions of retaliation or reference to the Imperial Government. However, Lord Reading, the Viceroy, sent several letters demanding some urgency from the Imperial Government, as the matter was irrevocably linked with how the Indians viewed the Empire. It is important to quote him at some length:

The treatment of Indians in South Africa is a subject which unites all parties in India without distinction and provokes indignation among Europeans .... The absence of support for the Indian cause from the Imperial Government is having a bad effect upon India, for although I have explained the situation to leaders who have waited upon me, they are either only half convinced and suspect that the

failure to take action is due to lukewarmness to espouse Indian interests as against a Government of Whites, or they ask what then is to be the position of Indians in the Empire? .... I am afraid it is little that we can do, as a Government, to mitigate the hardships they complain of, and I need not say that I shall take no hasty step, but I do feel it incumbent upon me to do my utmost .... Unfortunately, whenever we have held our hand, which has been the course pursued now for some time upon my advice, the result has been that South Africa has come forward with more oppressive measures ....<sup>20</sup>

Reading warned that Gandhi continued to remind Indians in his speeches that the British Empire went to war with Transvaal when whites were similarly deprived of their rights, and indeed it seemed better to be born outside of the Empire.<sup>21</sup> The feeling in India, he added, was that “partnership of India in the Empire merely means the inclusion of Indians in the Empire on inferior standing which offers no advantage or privilege.”<sup>22</sup> He continued:

I have done everything possible to restrain people in India from violent language, but their patience is almost exhausted and I cannot wonder .... We cannot as a government continue indefinitely counseling restraint and moderation and patience when the South African government relentlessly pursues its policy

and continues its anti-Indian activities notwithstanding all the presentations we make.<sup>23</sup>

While Reading implored the Imperial government to take some action, Louis Kershaw, the Assistant Under-Secretary of State, noted that “the Viceroy [was] unduly harsh” on the Imperial Government. Britain had given “every moral support to Indian claims” but any pressures on South Africa would mean “secession pure and simple.” He added: “the one issue on which the Boers and British [in South Africa], Unionists and Nationalists, are united is ‘No surrender to Indian claims,’” which “successive Viceroys and their councils are very slow to realize.” On retaliation, he added that South Africa “would rather lose the whole of their Natal Indian coal trade than concede an inch of Indian claims.”<sup>24</sup>

Kershaw’s stoic response was symptomatic of the broad approach of British diplomacy toward the dominions and India. Reading’s pleas reflected Indian frustrations. In the early twentieth century, Britain’s anxieties about its Empire, especially after the South African War (or, the Second Anglo Boer War) lessened its grip on its white settler dominions, and after the First World War, dominion autonomy became almost an unfringeable right. This was used primarily by the white dominions to preserve their racial order. In most instances, the internal racial policies of white settler dominions grossly impacted the largest country in the British Empire, India.<sup>25</sup> As Marilyn Lake and Henry Reynolds have shown such pol-



icies had a considerable “international” dimension, but Britain remained very reluctant to intervene.<sup>26</sup>

Interestingly, Britain abdicated what was seen to be its responsibility, but in a way, necessity turned into a virtue as Britain asked India to conduct its own diplomacy. In this case, neither did Britain want to alarm South Africa by hinting at any form of intervention, especially given the strong anti-imperial stance of the Hertzog’s National Party government, nor could it afford to alienate Indian opinion by appearing to be unsympathetic.<sup>27</sup> Any form of intervention might “cause the Dominion Legislature to stiffen its attitude by way of asserting Dominion independence,” the India Office warned. Instead, it asked the Government of India to approach the Union Government directly, and the latter may actually appreciate this as asserting the autonomy of the dominions. Seeing as it was impossible to evade its logical inference, an internal memo turned it into a congratulatory message: “it is a fitting consequence of India’s new status that she should negotiate with South Africa direct in the matter of Imperial concern between her and South Africa.”<sup>28</sup>

### **Paddison Deputation**

**L**eft to fend for themselves, the Indian government broached a Round Table Conference between India and South Africa. This was not a new proposal. It had been first advanced in 1924 by the Secretary of State for Colonies in the short-lived Labour government, James Thomas, on

a visit to South Africa.<sup>29</sup> However, the Labour government fell that winter, and the new incumbent, Leo Amery, was reluctant to pursue the idea. Having now been advised to directly approach the South African government, Reading wrote the Governor-General of South Africa, Lord Athlone in early April 1925 suggesting a Round Table Conference. However, the South African government declined to participate in any talks without concrete proposals on the repatriation scheme, which India was keen to avoid. Reading sent another request for a round table after the introduction of the bill but South Africa refused to change its position.

Twice rejected, the Indian government made another move. In a cleverly worded proposal, they now proposed sending a fact-finding deputation, which would collect information about the economic position of Indians and their general condition, in order for India to consider ways in which it could help with the settlement of the Indian question in South Africa. The Indian government had shrewdly evaded to mention “repatriation,” but indicated a willingness to settling the Indian question. This encouraged the South Government to agree on November 10, and India wasted no time in assembling and dispatching a delegation to South Africa.<sup>30</sup> George F. Paddison, the Labour member in Madras Government, was chosen as the leader, and Raza Ali and Deva Prasad Sarvadhikary were appointed as nonofficial Indian members.<sup>31</sup> G.S. Bajpai, an efficient ICS then climbing the bureaucratic ladder at an unusually quick pace,<sup>32</sup> was appointed

the Secretary of this deputation. Barring Sarvadhikary who traveled separately, the rest of the delegation arrived in Durban on December 16, 1925. Sarvadhikary joined two weeks later.

On arrival, the Indian delegation found the behavior of the provincial and local authorities in Transvaal and Natal “lack[ing] cordiality,”<sup>33</sup> conveying a strong anti-Indian mood amongst the European population. Prejudice against Indians, the deputation wrote, was partly racial, and partly economic. The inherent racial hatred for Indians was compounded by the fear that the Indian trader was edging out the European trader by accepting lower margins of profit, and reducing labor costs considerably through their ability to live frugally.<sup>34</sup> Thus, the local prejudice framed Indians as not only outcompeting Europeans economically but also considerably lowering the “standards of civilization.” In Transvaal, there was an added grudge against Indians for supporting the British in the Boer War. In Natal, where the Indians had outnumbered the Europeans for a brief period, the fear of Indians and Africans eradicating the white population was quite palpable, even if unfounded. The bill, which promised to reduce Indians to “irreducible minimum” and to segregate the remaining, was an inevitable product of this atmosphere, the deputation noted in its report.<sup>35</sup>

One way, and perhaps the only reasonable one, of having any impact was to factually disprove these assumptions before a select committee of the parliament. The original mandate of

the deputation, as we have noted, was to only collect evidence. However, after the deputation had sailed, the Indian Government was able to convince Hertzog and Malan to allow the deputation to present this evidence to a select committee before the bill became a law. Malan conditioned that the select committee could only sit after the second reading of the bill. A second reading of the bill, however, would establish the principles of the bill—in this case, reduction of the Indian population and segregation—and made them unalterable. As even a staunch anti-Indian Natal leader told the deputation, once the second reading was done, to present any evidence before the select committee would be a “farce.”<sup>36</sup> Patrick Duncan also agreed that the deputation must persuade the Government to present their case to the select committee before the second reading, but saw little chance of this actually happening. The Union Government had similarly refused calls to follow a similar procedure in the Colour Bar Bill passed the previous year.<sup>37</sup>

India’s requests for arranging the select committee before the second reading were curtly refused, until Athlone, the Governor-General, decided to intervene on behalf of the Indian deputation. Athlone approached Hertzog, the lesser of the two obstinate men on the issue—the other being Malan, and impressed upon him that the South African government had made no concessions to the Indian government especially as the former had rejected calls for a round table as well as an inquiry into the issue. International courtesy

required that the Indian government be at least given an opportunity to present their case before the parliament decided to commit to the underlying principles of the bill. On Athlone's request, Hertzog and Malan agreed to meet the Indian deputation on January 30, 1926. Although initially hesitant, Hertzog was eventually willing to make a gesture to placate the sentiment in India. A week later an official offer was made to the Indian Government to make their presentation to the select committee which was to be established before the second reading.

This was a victory, albeit only a minor one. Malan constituted a select committee of 15 members, most of whom had expressed strong sentiments against Indians. The leader of the Committee was Malan himself. Patrick Duncan, his predecessor, who had originally drafted the 1923 bill on which Malan's own bill was modeled, was also in the Committee. Only two members of the Committee, Morris Alexander, the lone parliamentary member of the Constitution Democratic Party and a known liberal, and Ernst Oppenheimer, the chairman of Anglo-American and an MP from Smuts' SAP, had shown opposition to the bill.<sup>38</sup> Despite heavy odds, the deputation was able to make an impression. Focusing entirely on facts of the issues, in both their written and oral statements, the deputation was able to make pointed critiques of several assumptions about Indians in South Africa which underpinned the Bill.

First, the deputation argued, the repatriation scheme was too costly and

offered little rewards for the Union government. Although it was unclear what was the "irreducible minimum," any repatriation scheme that aimed even at a maximum of 3,000 people a year was economically too expensive. At minimal costs, repatriating 12,000 Indians (roughly 7.5 percent) in four years would cost the exchequer, £1,000,000. Despite this, there was no proof that voluntary repatriation schemes, even with the bonuses, were attractive to Indians. The social and economic conditions of most repatriates actually worsened after they went to India, and as these experiences filtered back, there was an even greater reluctance to benefit from the voluntary repatriation scheme.<sup>39</sup> Indeed, in 1924, the Hertzog government had increased the bonus given to each individual and family for repatriation, but the number of repatriates fell almost 40 percent of the previous year.<sup>40</sup> Furthermore, the voluntary repatriation scheme was hardly attractive to the trading Indian class, who were allegedly in competition with the Europeans. Only those Indians, who were on the verge of destitution or could not find jobs, would be induced by bonuses. Focusing primarily on repatriation as a solution to the Indian problem was therefore grossly inadequate and mostly misdirected.

Consequently, despite the fact that the Union, Provincial, and Municipal governments had in the recent times passed several measures that discriminated against Indians, the voluntary repatriation scheme remained less popular. The solution to the latter, the deputation argued, could only be devised through a conference with India,

where the repatriates were expected to return. But also, the focus of efforts could not be on repatriation alone.

The deputation argued that there was no data to substantiate the claim that Indians were taking the jobs meant for Europeans in the labor sector. Indeed, there was as much evidence to show that the competition to European traders came not from Indians, but Syrians and East Europeans who had migrated to South Africa. In their enquiries, the deputation found more evidence on the fact that the Indian labor and the European labor engaged in different kinds of work and that there was very little competition between them.<sup>41</sup>

By focusing only on Indians, the segregationist measures were not only advancing racial policies, but also alienating fellow members of the British Commonwealth. The latter argument obviously appealed more to the members of Smuts's SAP. The deputation also insisted that segregationist measures contributed more toward insanitary conditions by ghettoizing Indians further. In a (controversial) proposal, they suggested that a logical way to ensure nonracial policies which also addressed sanitary concerns of Europeans was to base separation on the basis of "standards of civilization and sanitation." In other words, those with higher standards of living, irrespective of their color, could be allotted separate areas from those with lower standards. The separation, the deputation proposed, should be on a class basis rather than a racial basis.<sup>42</sup> Gandhi's trusted friend C.F. Andrews was also roped in

to give evidence and so were several Indian organizations.<sup>43</sup> Evidence was also taken from hostile European persons and organizations.

On the whole, the evidence had a positive effect on the Committee. The Indian delegation believed that except Malan—who had the author's partiality to the Bill—all other members became sympathetic to Indian appeals. Duncan, an imperialist by faith, was the most important convert. But subjective beliefs aside, he also warned that pure political expediency—of not offending the European electorate—would push the European members to vote in favor of the bill, unless the Government of India announced a major concession. However, within the Committee, there were enough fissures for the Indians to exploit. After the hearings, Malan brought in a resolution in the Committee to confirm the principles of the bill. To his surprise, Alexander, and the Labour member, Reyburn, introduced separate motions asking the government to first explore other avenues with India. Malan was now hesitant to go ahead with the vote on his own resolution.

To break the deadlock, once again on Athlone's initiative, Paddison and Bajpai conducted two rounds of informal meetings with Hertzog and Malan. They appealed to both the leaders to agree to a round table conference with India, and suggested a formulation which would avoid the term "repatriation"—a red flag for Indians—but still address South African concerns about "western standards." The formulation

read that the Indian government “are prepared to assist in exploring all possible methods of settling the Asian question” for which a conference would be organized. They emphasized that repatriation alone could not be seen as a solution, since two-thirds of South African Indians were colonial born. This formulation appealed to both Malan and Hertzog, and they agreed to put on hold the anti-Asiatic Bill until the conference.<sup>44</sup>

This was a significant achievement. After South Africa had for almost two years rejected any proposals for a round table conference, insisting that the only matter it was ready to discuss with the Indian government was how to make repatriation more effective, the compromise formulation had evaded a reference to “repatriation.” The omission of this term had also concomitantly excluded any understanding which started with the assumption that Indians were essentially “aliens.” The focus on “western standards” opened an important avenue for the Indian government to insist that South Africa should do more for the advancement of Indians, especially in education, health, and housing. As we will see below, this was an important gambit, that served Indians very well when they negotiated in the Cape Town Conference. The deputation’s efforts which had managed to create a dissonance in the select committee and Athlone’s backchannel initiatives had created this diplomatic opportunity.<sup>45</sup> As the deputation sailed back to India, a new Viceroy, Lord Irwin, was at the helm.

## **Toward the Cape Town Conference**

South Africa’s agreeing to the conference was a good start. The first issue to come up was the venue. London, the usual suspect for such gatherings, was straight away ruled out. The Nationalist government in South Africa would oppose any interference from the UK, the possibility of which was the greatest in the British capital, or any British for that matter. Geneva, as a neutral venue, was also suggested. But this being a bilateral matter and especially since the problem was a South African one, the South African government argued, the Conference should be held in South Africa, preferably Pretoria.<sup>46</sup> For a brief period, the Indian government considered the possibility of holding it in India. Paddison’s report had argued that South African politicians held a very negative view of India and Indians based on misperceptions, and traveling to India and seeing the country’s progress might palliate their concerns.<sup>47</sup> But this was heavily outweighed by the consideration that the Indian delegates, especially the nonofficial members, might find themselves under tremendous public pressure in India, constricting their room for negotiation.

The Indian Government while agreeing to South Africa hosting the conference, suggested two things. First, they requested Cape Town, rather than Pretoria, as the venue. The latter was in Transvaal, which was dominated by the anti-Indian Afrikaner opinion, but Cape Town, the capital of the liberal

Cape province, still preserved provincial and national voting rights for Indians. Second, acting on the Paddison report's recommendation, the Indian government extended an invitation to a South African delegation, representative of the political opinion in the country, to visit India before the conference in order for South African leadership to conduct a first-hand study of prevalent conditions in India.<sup>48</sup> South Africa accepted both proposals. Accordingly, a six-member South African delegation, all members from the select committee that had heard Paddison deputation's case, arrived in India on September 18, 1926, and toured the country for four weeks (September 18–October 13). The group was headed by the Minister of Mines, F.W. Byers, and also included Patrick Duncan.<sup>49</sup> However, whether the purpose of creating a favorable impression on India was achieved or not was unclear at the time. Indeed, the Viceroy wrote to the Secretary of State, Lord Birkenhead: "They were not generally very communicative, and it is not easy to be sure of the impressions which they really took away with them."<sup>50</sup>

Soon after the conference issue was settled, Irwin discussed members of the potential delegation. Acknowledging the role of Lord Reading, he first suggested that Reading himself should head the Indian delegation. Irwin was of the view that while the delegation ought to have some Indians, "it would be important to have the case stated by Englishmen if we are to impress South African opinion, and at the present moment."<sup>51</sup> But Reading could

not travel to South Africa, and after a few other suggestions were made, Irwin now decided it was perhaps better if an Indian led the team. This would enhance the credibility of the delegation in Indian eyes on both sides, and also make it easier to secure public acceptance if there was an agreement. Mohammad Habibullah, a member of the Viceroy Executive, was chosen to lead the team, which would include two other Indian members—V.S. Srinivasa Sastri and Phiroze Sethna. Three British officials on the delegation were G.L. Corbett (deputy leader), George F. Paddison, and D'Arcy Lindsay. Bajpai was to again serve as the Secretary.

While India was finalizing its delegation, Hertzog was in London to attend the Imperial Conference. This was a conference in which he played a signaling role in the Balfour Declaration, and accordingly for the first time was elevated to being an imperial statesman. For someone who had built a lifelong reputation for being a staunch opponent of Britain, this was indeed a new phase. He invited Bajpai, also in London for the Imperial Conference, for two informal meetings. In these meetings, Bajpai found Hertzog to be very cooperative, and, surprisingly, complaining of the staunchly anti-Asian elements in South Africa. He even assured Bajpai that "if only there were no electorates to think of, he would treat the Indians in South Africa on the same footing as the European."<sup>52</sup> These were hopeful signs for the upcoming conference, and Hertzog assured Bajpai that if India were to show genuine desire to help in the matter of repatriation, the Asiatic Bill

could be postponed or even altogether dropped.

The Indian delegation set off from Bombay on *S.S. Karapura* on November 24, 1926. During their journey to South Africa, the Indian delegation studied a set of documents they were supplied with, including a 78-page brief of instructions which had clearly set the aims and negotiating positions that the delegation was expected to take.<sup>53</sup> From a negotiation point of view, there were broadly two principles at play: repatriation and segregation. The first was advanced to reduce the Indian population, and the second was based on a realistic understanding that since all Indians (the 1926 census figure was 161,000) could not be repatriated, they needed to be separated from the European population in order to reduce commercial and employment competition, but also to maintain the western standard of life.

During the journey, the delegation received two conflicting messages with regard to South Africa's potential negotiating strategy. One came from Bajpai in London. He had gathered from his meetings from Hertzog that the South African delegation will focus primarily on seeking India's help on repatriation, and compromise on segregation. The other telegram came from C.F. Andrews in South Africa, who suggested that South Africa will drop repatriation but focus on getting India's consent on segregation. The delegation chose to trust Bajpai over Andrews, quite correctly as we will see, and strategized mainly to counter the suggestions on repatriation.

The South African government, in Bajpai's interpretation, saw the two in the sequence of repatriation first, segregation second. Malan had called the Indian an "alien element," the primary solution of which was sending them back to their original country. But since this was not physically possible to achieve given the large Indian numbers, the remaining Indians could be kept in conditions which did not impinge upon the continuation of European life, or "western standards," to use the official term. The Indian delegation saw the problem in reverse. The Indian delegation started with the assumption that the key problem was maintaining the western standard of life, seen not in cultural but class and sanitary terms. In other words, "western standard" implied not racial or cultural superiority, but a class dynamic—a standard of living that was enjoyed by the more prosperous European community. The primary duty of the South African government was to raise Indians to such western standards by fulfilling its welfare functions toward Indians, i.e. provide for education, health, and nonracial laws, governing employment, residential, and commercial activities. However, those who could not be uplifted—the extremely poor, for instance—could be encouraged to voluntarily go to India with sufficient support from the South African government.

In essence, the South African discourse on Indians started with them being aliens, while the Indian point of view considered them "South Africans" first toward whom the state had welfare responsibilities.<sup>54</sup> This was not only a

key distinction, but one on which the success of the Conference depended.

Here, V.S. Srinivasa Sastri proposed a viable negotiating position. The term voluntary repatriation had originated in the Gandhi–Smuts Agreement on 1914, which Gandhi himself had called the “Magna Carta of Indian Liberty.” But the term “repatriation” acceded to the point of view that Indians will return to their homeland, even if voluntarily. The moment they left South Africa, they also lost the right to domicile—which was especially harsh on the South African born Indians. In 1912, Gokhale—both Gandhi’s and Sastri’s political guru—had contended in a visit to South Africa, that while recognizing and making attempts to alleviate white fears about increasing numbers of Indians in the country, India’s self-respect must not be offended. Sastri argued that “repatriation,” in implying a foreign status of South African Indians, hurt this self-respect. This could be addressed if the emigrants had the right to return, and could indeed maintain their right to domicile at least for three years after their departure. While insisting on a right to domicile for three years from departure, Sastri acknowledged that this could obviously only be granted with certain conditionalities, most importantly that they should return the total expenses made on them by the Union Government. These punishing costs of return would actually make the return almost impossible for most, but it would allow in principle an acknowledgment of their “South African-ness.” He agreed with a term Corbett had suggested in discussions to replace

“voluntary repatriation,” “Assisted Emigration.”<sup>55</sup> The term “emigration” was an assertion that South African Indians were South Africans who were emigrating to India, rather than expatriates returning to India. The delegation agreed to this nuanced formulation and agreed to push for it in the negotiations.

They arrived in Cape Town on December 16 via a special train from Laurencio Marques. Bajpai had arrived three days earlier via R.M.S. Edinburgh, traveling from London with Hertzog. Malan, accompanied by his wife, came to receive the delegation at the station—scarcely visible were any signs that just two days ago he had threatened to resign from the Hertzog Cabinet over the Flag Bill.<sup>56</sup> Malan’s demeanor and the general welcome the Indian delegation received prompted the latter to see “a marked improvement in the atmosphere” since the Paddison deputation.<sup>57</sup> Indians crowded the station in great numbers, and a message of welcome on behalf of the Indian community was read.<sup>58</sup>

## The Conference

The Conference started the very next day with an opening address from Hertzog, who preferred to spend Christmas holidays on his farm in Transvaal than attend the whole Conference. Basking in all-round applause for his role in the Balfour Declaration, he played the statesman’s role, calling upon both delegations to jettison the bargaining spirit and discuss “broad principles with a wide and just outlook and on the principles of friendliness of



one nation towards the other.”<sup>59</sup> His announcement that if the two sides could mutually agree to some definitive steps, the South African government would put aside the Asiatic Bill set a tone of “friendliness and goodwill.”<sup>60</sup> Later that evening, the core leadership of the two parties met at Hertzog’s official residence, *Groote Schuur*, and agreed upon a common agenda; the first item on the list was the scheme of repatriation.

On December 18, Malan was unanimously elected chairperson. When the Agenda was submitted for approval, Tommy Boydell, the Minister for Labour, insisted on prioritizing segregation over repatriation. Malan responded that segregation was a secondary issue which could be relegated to the background. A feeling of vindication and relief was aroused in the Indian delegation, for they had strategized for this very scenario, disregarding Andrews’ advice for Bajpai’s. It gladdened the hearts of Indians that “[a]s the Conference progressed, segregation continued to recede until it could scarcely be mentioned by a Union delegate with the disapproval of his colleagues.”<sup>61</sup>

Malan made his opening statement on December 20, expectedly seeking India’s help in advertising its advantages to South African Indians, and devising mechanisms to make the repatriates feel welcome. The Indian reply came the next day from Habibullah. While promising cooperation on the scheme, he made three specific administrative proposals: first, the practice of using touts (who exaggerated the prospects of emigrants in India)

should be discarded.<sup>62</sup> The use of touts may initially increase the number of emigrants through false promises, it proved counter-productive for the emigration scheme as soon as the real reports about the conditions of emigrants filtered back in. Second, a specialized agency should be created in South Africa which would provide official details about the number of emigrants and their settlement preferences. India would also designate specialized staff to handle emigrants on the Indian side, who would assist in finding the emigrants employment opportunities and in using their bonuses and savings efficiently. Third, the bonus given to each emigrant and their family should be increased to provide them adequate sum to find settlement opportunities.

The more intractable problem, however, Habibullah argued, was one of sentiment. Voluntary repatriation gave Indians the feeling that they were undesirables, who the South African government was intent on getting rid of. To solve this, he now sprung on the idea of “Assisted Emigration” and the suggestion that emigrants must retain their domicile for three years. Malan responded to Habibullah’s speech on December 23, and to the Indian delegation’s delight agreed to describe the scheme as “Assisted Emigration.” He was “impressed” by the suggestion for modifying the conditions of surrender for domicile, but invited more discussions. Speaking in response, Sastri, often hailed as one of the best public speakers of the time, made a passionate and effective plea in favor of the Indian proposal.<sup>63</sup> Although no decision was

yet taken, the Indian side emerged confident that the Union Government was likely to agree. Some of the other work and discussions relating to the specifics of assisted emigration were referred to a small sub-committee, who came to agree on almost all points over a series of meetings.

Other matters relating to the progressive upliftment of Indians to western standards were taken up in the subsequent meetings of the main conference, and accordingly, a sub-committee was formed to discuss the fine print. By January 11, 1927, the two sides had remarkably come to an agreement in which the Indian delegation had gained considerably more than they had initially set out to achieve. In the main, the Union Government had agreed to three-year domicile even after emigration, which was exactly the same for the European population. In return, India had agreed to appoint specialized officers who would assist the emigrants in India.

The Union Government further decided not to proceed with the 1925 bill and its several segregationist provisions. Instead, while the Indian delegation agreed to the principle of “maintenance of western standards of life” in South Africa, Malan committed South Africa to “the principle that it is the duty of every civilized government to devise ways and means and take all possible steps for upliftment of every section of their permanent population to the full extent of their capacity and opportunities.” This formulation, drafted almost wholly by Sastri, recog-

nized Indians as part of South Africa’s “permanent population” (not aliens as Malan had called them earlier—but not citizens either), and that it was South Africa’s responsibility to work for their upliftment. It also sought to establish a key principle of the emerging “international society”: the duty of every “civilized” government to provide welfare to all those who lived under its protection. In reversed the “standard of civilization” argument which insisted that the populations ought to be “civilized” to gain acceptance into the society of nations. Sastri’s formulation put the onus on the respective governments to demonstrate their “civilized” nature by providing welfare without discrimination. It put colonialism itself in the dock, as a barbaric practice.

On a more immediate level, the provision of educational and other facilities (housing, sanitation) was now perceived as a responsibility of the Union. Malan added that such measures may be perceived “considerably in advance of public opinion” and taking hasty steps may indeed cause irreparable harm of Indians if the white opinion became further antagonized.<sup>64</sup> Consequently, the Agreement outlined some steps, such as the formation of an educational commission in Natal, initiating inquiries into housing and sanitation including consideration for setting up advisory committees with Indian representatives. The Indian delegation had set out to establish broad principles, so although the concrete manifestations (in education and health) were not as desired, it was largely satisfied with the overall Agreement. Importantly, both

sides also agreed that an Agent—a representative of the Indian Government—would be sent to South Africa, who would help the Union Government to implement the specific proposals mainly by acting as a conduit between South African Indians and the Union Government and inducing the European public opinion in favor of the Agreement.

The Conference concluded on January 12 amidst feelings of warmth and friendliness. Considering the tense relations the two countries had over the past few years, it was quite remarkable. Just a month ago, Malan had refused to budge on a matter of principle and offered to resign over the Flag Bill, but in the Conference throughout he was often willing to reconsider his positions, to the extent that he was severely criticized by the members of his own party. Both sides had decided to keep the Agreement secret until February 21 when it was announced simultaneously in the New Delhi and Pretoria.

## Conclusion

The Cape Town Agreement heralded a new era of the bilateral relationship between India and South Africa. Although “Assisted Emigration” was eventually a failure, despite all efforts the numbers of emigrants dwindled within two years and in 1932, both India and South Africa agreed to look into the possibilities of sending emigrants to other colonies.<sup>65</sup> But the Agreement itself and the processes through which the Indian delegation negotiated with their South African counterparts defined a template

for India’s diplomatic maneuvers in a racialized imperial order.

As we have indicated, this was the first-ever bilateral agreement in the emerging British Commonwealth, which did not involve Britain. But the salience of this agreement could only be understood by tracking the several vectors that are spread along the international–internal spectrum, which placed India as a (quasi)international actor.

First, after the First World War, Britain was very reluctant to intervene in the matters of the Dominions, especially on the matters of racial discrimination, even when they influenced relations with other constituents of the Empire. Britain used India’s quasi-international status to divest itself of its own responsibility, which would involve raising issues of discrimination with the Dominions. An acknowledgment of India’s status as a (quasi) sovereign actor, however, comes with difficult choices of political and diplomat judgment. It is only within the context of racialized sovereignty that India is acknowledged as an autonomous actor within the Empire and this means that the Indian diplomats could no longer appeal to claims of “imperial citizenship.” Through diplomacy, Indian delegation in this episode exercised important political judgments on the nature of acceptable discrimination, the benchmarks on the standards of civilization, and India’s self-respect and self-worth in the comity of nations.<sup>66</sup> The significance of the Agreement is not merely in its nudges and winks, but it is in its effective employment of an alternative language of rights. As the nar-

rative showed, Indian practitioners also able to turn the argument of “standard of civilization” to their advantage by recrafting it in a fashion that puts the onus on the South African government (and by larger implication, colonialism) to prove their civilization “standards.” Here, the delegation, especially Sastri, placed the duty of welfare as a key component of belonging to the comity of “civilized” nations.

Second, this success on the “international” stage also had important ramifications for debates about India’s internal sovereignty. The Habibullah delegation was the first-ever Indian-led delegation to negotiate on India’s behalf. But, after its success, the India Office was concerned that this success may have adverse repercussions. The Under-Secretary of State noted in an internal memo: “[t]he Comparative success of the Indian delegation where H.M’s Government had so often failed to secure anything for India will be a fresh argument for Swaraj!”<sup>67</sup> The ability of Indians to measure up to the “standards of civilization,” of which “diplomacy” functions as a key site of authority,<sup>68</sup> significantly weakens the logic and rationale for colonialism, and the memo suggested that the India Office was very attentive to its ramifications.

Third, the “international” is also a realm which sutured a unified identity for India. The issue of Indians overseas largely unified Indians of all political hues, including even the British bureaucrats serving in India. In the Council of States, the Agreement was lauded by all members of the opposition. The

83-year-old veteran politician, Dinshah Wacha, moved a resolution in support calling it “a minor Locarno.”<sup>69</sup> Another leader, G.S. Khaparde, equated the Commonwealth to a joint Hindu family which had been reunited by the Agreement.<sup>70</sup> Gandhi’s accomplice, Polak, wrote from London that “we have left the regions of negation for negotiation, and our worst difficulty has been removed.”<sup>71</sup> Attentive to its diplomatic salience, Sarojini Naidu called it “a memorable performance.”<sup>72</sup> The Agreement served to secure India’s “self-respect” or *izzat*, as internal memos repeatedly asserted, in the international sphere, especially as it negated segregation based on racial segregation, although it also affirmed discrimination on the basis of standards of civilization on a class basis. As we have pointed out above, even the British Viceroys—Reading and Irwin—and their administrations were fully in support of Indians. This is one issue on which the Government of India and the people of India were united.

Finally, this Agreement also held significant value for both Indians in other parts of the world and also for Africans. As C.F. Andrews was to write before the Conference, the Agreement was closely followed by Kenyan Indians as well as Indians in other settler colonies. The Cape Town Conference was “a golden opportunity” to get all the dominions on India’s side.<sup>73</sup> In Kenya in particular, white settlers would be alarmed at losing the support of other white settler states—especially South Africa. This would herald “a settlement all-round the semi-circle of these new white nations, surrounding Asia, from

British Columbia on the one side to Kenya on the other.”<sup>74</sup> Another author pointed out in the *Manchester Guardian*, that the settlement in South Africa may indeed provide a template to settle issues between white settler populations and African populations across Africa.<sup>75</sup> This prefigures the post-independence discussions about India being at the center of debates about the future of Asia and Africa in the international society.

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### **Notes**

- 1 T. T. Poulouse, “India as an Anomalous International Person (1919–1947),” *British Yearbook of International Law* 44 (1970): 201.
- 2 Itty Abraham, *How India Became Territorial: Foreign Policy, Diaspora, Geopolitics* (Stanford, California: Stanford University Press, 2014); Pradeep Barua, “Strategies and Doctrines of Imperial Defence: Britain and India, 1919–45,” *The Journal of Imperial and Commonwealth History* 25, no. 2 (1997): 240–66, 58–64; Sneh Mahajan, *Foreign Policy of Colonial India, 1900–1947* (New Delhi: Routledge, 2018); Vineet Thakur, *Jan Smuts and the Indian Question* (Pietermaritzburg: University of KwaZulu Natal Press, 2017); Stephen Legg, “An International Anomaly? Sovereignty, the League of Nations, and India’s Princely Geographies,” *Journal of Historical Geography* 43 (2014): 96–110; Hugh Tinker, *Separate and Unequal: India and the Indians in the British Commonwealth, 1920–1950* (Queensland: University of Queensland Press, 1976).
- 3 Notably, it was in the realm of diplomacy that the “Two Indias”—British India and Princely states—were first represented as one. Michael J. Shapiro, “Textualizing Global Politics,” in *International/Intertextual Relations: Postmodern Readings of World Politics*, ed. James Der Derian and Michael J. Shapiro (Lexington, MA: Lexington Books, 1989), 11–22. On debates about the complicated politics of sovereignty in the imperial context, see Lauren Benton, “From International Law to Imperial Constitutions: The Problem of Quasi-Sovereignty, 1870–1900,” *Law and History Review* 26, no. 2 (2008): 595–619; Edward Keene, *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics* (Cambridge: Cambridge University Press, 2002).

- 4 There is a considerable historical scholarship on the Cape Town Agreement from the South African side, focusing more specifically on the provisions of the Agreement and its successes and failures. See Uma Dhupelia Mesthrie, “Reducing the Indian Population to a ‘Manageable Compass’: A Study of the South African Assisted Emigration Scheme of 1927,” *Natalia* 15 (1985): 36–56; Uma Mesthrie, “From Sastri to Deshmukh: The Role of the Government of India’s Representatives in South Africa, 1927–1946” (PhD thesis, Durban: University of Natal, 1987); Bridglal Pachai, *The International Aspects of the South African Indian Question 1860–1971* (Cape Town: Struik, 1971); Essop Pahad, “The Development of Indian Political Movements in South Africa, 1924–46” (DPhil thesis, Sussex: University of Sussex, 1972), P. Aiyar, *The Tyranny of Colour* (Durban: E.P. and Commercial Printing Company, 1942), J. E. Corbett, “A Study of the Cape Town Agreement” (MA thesis, Cape Town: University of Cape Town, 1947).

Indian biographers of Sastri have given attention to this agreement, although their accounts are very brief. See P. Kondana Rao, *The Right Honourable V. S. Srinivasa Sastri: A Political Biography* (Bombay: Asia Publishing House, 1963); T. N. Jagadisan, *V.S. Srinivasa Sastri* (New Delhi: Publications Division, Ministry of Information and Broadcasting, Government of India, 1969). Also see Tinker, *Separate and Unequal*, 83–89.

- 5 Although the term was used liberally in the works of the Round Table Movement, it was popularized by Jan Smuts in 1917.
- 6 Marilyn Lake and Henry Reynolds, *Drawing the Colour Line: White Men’s Countries and the International Challenge of Racial Equality* (Cambridge: Cambridge University Press, 2008). Also see David C. Atkinson, *The Burden of White Supremacy: Containing Asian Immigration in the British Empire and the United States* (Chapel Hill: University of North Carolina Press, 2017).
- 7 On how Britain increasingly lost the power to dictate terms to these White Settler states, see Lake and Reynolds, *Drawing the Colour Line*.
- 8 The 1917 Imperial Conference Resolution placed India alongside the dominions in status. It was neither a Dominion nor a Crown Colony.
- 9 On “Imperial Citizenship” and similar arguments, see Sukanya Banerjee, *Becoming Imperial Citizens: Indians in the Late-Victorian Empire* (Durham and London: Duke University Press, 2010); Daniel Gorman, *Imperial Citizenship and the Question of Belonging* (Manchester: Manchester University Press, 2006); Frederick Cooper, *Citizenship between Empire and Nation: Remaking France and French Africa, 1945–1960* (Princeton: Princeton University Press, 2014).
- 10 Banerjee, *Imperial Citizenship*; Thakur, *Jan Smuts*.
- 11 “International Society” is a key concept in the English School of IR. Copious criticisms have been made about how the English School writes out its own complicity in racial constructions of “International Society.” See, for instance, William Callahan, “Nationalising International Theory: Race, Class and the English School,” *Global Society* 18, no. 4 (2004): 305–23.
- 12 For details, see “Position of Indians in South Africa—Statement Submitted to His Excellency the Viceroy of the South African Deputation,” Pro No. 80, In Proceedings Overseas—A., March 1926 (Nos. 1–88), India Office and Records (henceforth, IOR), L/E/7/1411, British Library, London.
- 13 For more on the specific bills, see “Position of Indians in South Africa.”
- 14 Corbett, “A Study of the Cape Town Agreement,” 49–52.

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- 15 Natal Advertiser, "The Men Who Sit on the Safety Valve," *Natal Advertiser*, July 27, 1925.
- 16 "Position of Indians in South Africa."
- 17 "Telegram, Viceroy, Department of Education, Health and Lands, to Secretary of State, September 11, 1925," IOR/L/PO/I/22 (ii), f. 204–6.
- 18 "Extract from Official Report of the Council of State Debates, September 10, 1925," E&O 5512/75, IOR/L/E/7/1411.
- 19 "Telegram to the Secretary of State, No. 529, September 9, 1925," IOR/L/E/7/1411.
- 20 "Extract from private letter from Lord Reading to Lord Birkenhead, dated September 3, 1925," IOR/L/PO/I/22 (ii), f. 197–201.
- 21 "Extract from private letter from Lord Reading to Lord Birkenhead, dated December 24, 1925," IOR/L/PO/I/22 (ii), f. 185–86.
- 22 "Telegram from Viceroy, January 8, 1926," IOR/L/PO/I/22 (ii), f. 170.
- 23 "Extract from private letter from Lord Reading to Lord Birkenhead, dated October 28, 1925," IOR/L/PO/I/22 (ii), f. 185–86
- 24 "Note from Sir L. Kershaw, September 25, 1925," IOR/L/PO/I/22 (ii), f. 171–74; "Telegram from Viceroy, December 19, 1925," IOR/L/PO/I/22 (ii), f. 175–77.
- 25 Tinker, *Separate and Unequal*.
- 26 Lake and Reynolds, *Drawing the Colour Line*.
- 27 See "Note by the Secretary of State to Sir Arthur Hitzel, February 20, 1926," E&O 620/1926, IOR/L/E/7/1411.
- 28 "Scope of the Asiatic Bill. Annexure C: Constitutional Position," E&O 597/1926, IOR/L/E/7/1411.
- 29 "Telegram from the Governor General, South Africa, Pretoria, September 24, 1925," Pro No. 17, In Proceedings Overseas—A., March 1926 (Nos. 1–88), IOR/L/E/7/1411.
- 30 "Telegram from the Governor General, South Africa, to Viceroy, Delhi, November 10, 1925," In Proceedings Overseas—A., March 1926 (Nos. 1–88), IOR/L/E/7/1411.
- 31 See "Telegrams to/from Phiroze Sethna, Raza Ali, Paddison, T. Rangachariar, Pro Nos. 30–44, 60–65," In Proceedings Overseas—A., March 1926 (Nos. 1–88), IOR/L/E/7/1411.
- 32 He would become full Secretary in 1930, within 14 years of service. This was an ICS record.
- 33 "Confidential Memorandum submitted by the Government of India deputation to South Africa," E&O, 3685/1926, IOR/L/E/7/1411, 2.
- 34 "Confidential Memorandum," 3.
- 35 "Confidential Memorandum," 3.
- 36 "Confidential Memorandum," 5.
- 37 "Confidential Memorandum," 5.
- 38 Alexander had indeed sponsored a resolution against the bill on its first reading, which was heavily defeated by 81–10.

- 39 For this, see Bhawani Dayal Sanyasi and Benarasidas Chaturvedi, *A Report on the Emigrants Repatriated to India under the Assisted Emigration Scheme from South Africa and on the Problem of Returned Emigrants from all Colonies* (Pravasi Bhavan, Bihar, May 15, 1931).
- 40 See “Note by J. C. Watson: Indians in South Africa: The Asiatic Bill,” E&O, 1388/26, IOR/L/E/7/1411.
- 41 See summaries of the report in, *Brief of Instructions Issued to the Delegates of the Government of India to the Conference with the Representatives of the Government of the Union of South Africa on the Indian Problem in the Union* (Simla: Government of India Press, 1926), 70.
- 42 *Brief of Instructions*, 66.
- 43 “Confidential Memorandum,” 15–16.
- 44 However, Malan insisted that if the bill were ever to become a law, it would be applied retrospectively, i.e. from August 1, 1925. See “Viceroy to Secretary of State for India, April 9, 1926,” f. 15–19; “Viceroy to Secretary of State for India, April 10, 1926,” f. 20–22, In IOR/L/PO/I/22 (i).
- 45 This is not of course to disregard the works of the South African Indian Congress and other important organizations, in particular the work of C. F. Andrews. Our argument here is focused more on specific diplomatic maneuvers, and less on shaping larger public opinions.
- 46 “Governor General to Viceroy, May 15, 1926,” E&O 5614/926, IOR/L/E/7/1411.
- 47 This was the recommendation of the Paddison deputation.
- 48 “Governor General to Viceroy, June 22, 1926,” E&O 5614/926, IOR/L/E/7/1411.
- 49 “Governor General to Viceroy, July 27, 1926,” E&O 5614/926, IOR/L/E/7/1411.
- 50 “Viceroy to Secretary of State, October 14, 1926,” f. 490–92, IOR/L/PO/I/22 (iv).
- 51 “Irwin to Birkenhead, April 13, 1926,” f. 486–88, IOR/L/PO/I/22 (iv).
- 52 The notes of Bajpai’s two meetings on November 3 and November 18, 1926 are in E&O 7551/26, IOR/L/E/7/1411.
- 53 *Brief of Instructions*, 1–78.
- 54 Admittedly, they were not full citizens, since Indians in Natal and Transvaal did not have political and municipal rights (Cape Town Indians had both).
- 55 The origins of “Assisted Emigration” go back to early nineteenth century when through the Ripon Regulations, the British government allocated funds to send emigrants to the Australian colonies. See Philip Harling, “Assisted Emigration and the Moral Dilemmas of the Mid-Victorian Imperial State,” *The Historical Journal* 59, no. 4 (2016): 1027–49.
- 56 Lindie Kroots, *D. F. Malan and the Rise of Afrikaner Nationalism* (Cape Town: Tafelberg, 2014), 229.
- 57 “Memorandum by the Government of India, Delegation to South Africa,” E&O 1601/27, IOR/L/E/7/1411, 5.
- 58 “Indian Delegation’s Arrival. Great Welcome to the City,” *Cape Times*, December 23, 1927.
- 59 “Memorandum,” 5.



- 60 “Memorandum,” 9.
- 61 “Memorandum,” 9; also see “G.L. Corbett to Athlone, December 24, 1926,’ Asiatics: Conference on Indian Question—Confidential Reports Furnished to His Excellency Mr. G. I. Corbett,” SAB GG 916, 15/1377, National Archives, Pretoria.
- 62 This was also Gandhi’s main objection to how voluntary repatriation was implemented.
- 63 Rao, V.S. *Srinivasa Sastri*, 222; “Corbett to Athlone, December 24, 1926.”
- 64 “Statement of Union Delegation on Item B,” Asiatics: Conference on Indian Question, SAB GG 916, 15/1377.
- 65 For more on this, see Mesthrie, “Reducing the Indian Population.”
- 66 Although we do not explore this adequately above, it also brought to light India’s own double standards on issues of race, colour, and class so as to be part of the European international society on equal terms.
- 67 “Note by Arthur Hirtzel,” January 20, 1927.
- 68 Gerrit Gong, *The Standard of Civilization in International Society* (Oxford: Clarendon Press, 1984).
- 69 “Motion reappreciation of the results achieved by the Government of India Delegation to South Africa,” Council of State Debates, February 23, 1927, 268, E&O 2384/1927.
- 70 P. 275.
- 71 “Solving South Africa’s Indian Problem,” E&O 2063/1927.
- 72 Indian Opinion, 116, no. 15: 105–6.  
On Sastri’s suggestion, the Viceroy agreed to taking Gandhi’s approval before the Agreement was made public. The success of the Agreement indeed depended as much on Gandhi’s assent as much as of the Governments of India and South Africa. Gandhi—the staunch opponent of the British rule, considered an “extremist” in bureaucratic circles—was on a whirlwind campaign of noncooperation. Sastri chased him at Bhusawal and took his approval on a moving train.
- 73 “From C.F. Andrews to the Viceroy, October 12, 1926,” IOR/L/PO/I/22, f. 304–8.
- 74 “From C.F. Andrews to the Viceroy, October 12, 1926,” f. 304–8.
- 75 “A New Era in Africa? The Union-Indian Agreement,” *Manchester Guardian*, March 2, 1927.