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by Do V. COWER
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THE HIGH COMMISSION TERRITORIES
OF BASUTOLAND, BECHUANALAND AND SWAZILAND
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1. INTRODUCTION
The three High Commission Territories of Basutoland, Bechuanaland and Swaziland, have been subject to British authority and control in one form or another since the latter half of the nineteenth century: Basutoland since 1868; Bechuanaland since 1885; Swaziland for a brief period in the 1890's and, thereafter, continuously since 1903. Despite the fact that they are geographically either surrounded by or wedged into the territory of the Republic of South Africa, and are economically closely tied to it; and despite the fact that, with Britain's concurrence, provision was made in the South African constitution more than 50 years ago for their possible incorporation as an integral part of South Africa, they still continue, for good and sufficient reasons, to be governed independently of the Republic. To this day they continue to be administered by Her Majesty the Queen's High Commissioner, who is answerable to the British government through the medium of the Colonial Office in London.
These territories have been described, collectively, as "Naboth's Vineyard" by those who suggest that the Republic of South Africa, through fear or acquisitiveness, desires to assume direct or indirect control over them. On the other hand, some picture the High Commission Territories as the role of a Trojan horse, giving sanctuary and a base for freedom fighters who aim to destroy apartheid in South Africa. Others, again, hope that the territories might act, more pacifically and more persuasively, as a leaven in the
Southern African Imp - potential models of sane government and non-racial democracy, however far from full democracy they may be at the moment.

Let me say immediately that, in my view these similes all fail to bring out the immediate significance of the High Commission Territories. To begin with, despite the fact that these territories are subject to the jurisdiction of a single High Commissioner, and despite the fact that they are often spoken and attan about as a collectivity, each has its own distinctive character and its own distinctive problems, some of which I hope to illustrate in this paper. Secondly, while it is undeniable that these territories have important interests and problems in common, I would suggest that the most striking feature which they have in common, at the present time, is a growing sense of frustration and urgency - a need for each to resolve its own harassing problems, to set its own house in order, and to achieve a firm sense of direction, with maximum deliberate speed. Unless their present malaise is tackled vigorously, imaginatively and, above all, quickly, they may come to be known in history as Britain's lost opportunity in Africa, or the light that failed.

However, before developing these points, it may lead to a better understanding to take a brief look at the territories themselves, their people, their historical background, and their political and economic development.

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2. THE COUNTRIES, THEIR PEOPLES AND POLICIES

Completely surrounded by the Republic of South Africa, and approximately the size of Maryland or Belgium, Basutoland is a mountainous country of rugged beauty. The lowlands, bordering on the Orange Free State and the Cape Province, average some 5,500 feet above sea level, while the highlands, ascending steeply in an easterly direction to the Natal border, stretch along the Drakensberg escarpment and rise to over 10,000 feet. Of the total African population of approximately 800,000, some 650,000 reside in the territory, and the rest (approximately half the adult male population) find employment as migrant labourers in South Africa - in the mines and on the farms, in industry and domestic service. There are some 2,000 white persons resident in Basutoland, of whom half are South African citizens. Among the whites there are about 230 traders, just under 250 missionaries, rather more than 100 school and university teachers, some 60 artisans, and about 200 officials.

In the early decades of last century the mountain fastnesses of Basutoland provided a refuge for the remnants of several tribes broken up in the wars waged by Chaka, King of the Zulus, and later by Moselikatze, Chief of the Matabele. There they were united by the courage and statesmanship of a most remarkable man, Moshoeshoe, the founder of the Basotho nation and of the present line of Basotho chiefs.

For the next 50 years the young Basotho nation had to fight grimly for its existence; first, during the 1840s, against the emigrant Boers of the Great Trek, in 1852 against the British, and then for 12 years from 1856 to 1868 - against the
burghers of the Orange Free State, who, as the years went by, occupied
increasingly large parts of Basotho territory.

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hard p ea, and fearful of losing all, Moshoeshoe sought the protection of the
British Crown; and in 1868, two years before his death, Basutoland was placed
under British jurisdiction. The British Government, however, was not anxious to
keep it, and three years later it was annexed to the Colony of the Cape of Good
Hope. But the Basotho chafed under Cape colonial rule, and, after 13 years of
trouble and disquiet, culminating in a revolt, jurisdiction over the territory was
returned, in 1884, at the request of the Cape Colony, to a reluctant United
Kingdom government, with whom it has remained ever since.
The hard climate and turbulent history of the country have left their mark on
national character. Brave and tenacious, uniting quick intelligence with Judgment
and courtesy, the Basotho are an attractive people. They are also a loyal people
whose regard for Great Britain, often expressed in moving and eloquent words,
has been proved by stern tests In the last war 20,000 of the comparatively small
male population fought against Hitler; 2,000 were killed. A genuine enthusiasm
for education has brought a high standard of literacy
to the population; and among the more advanced Basotho there are engineers,
doctors
of medicine and lawyers, administrative officers, agricultural experts, ministers of
religion and school teachers,
Here, then, is a people who are worthy of sympathetic and warm encouragement.
How have they fared economically and politically?
A poor country by modern standards, with an annual revenue struggling towards
5 million dollars, Basutoland does not quite manage to pay its way; and, at
present, relies, perforce, on the United Kingdom government for the funds needed
to develop its economy and social services.
The land of Basutoland is owned communally by the Basotho people, and is
held in trust for the nation by the Paramount Chief. Rights of user are allocated

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by the chiefs to their subjects; but the area of arable land available to each family is
very small - some six acreso And each year the pressure of a growing population
increases ominously. Industrial development has, as yet, been negligible, and such
mineral wealth as exists including smal deposits of diamonds - is still
undeveloped,
The dominant feature of BsutoliAnms economy is the migrant labour system. As
long as this system prevails, whereby approximately half of the adult male
population is economically obliged to spend years in the Republic a8 & labur
force, augmenting the income they derive from part-time faxming, there will exist
a built-in obstacle to agriculturl. improvement and economic development - to say
nothing ef the diernption of de-event family W.d oil life which the system causes.
But to recognize the evils of the system is one thing, to remedy them another0
A good deal of thought is at present going into the problem of how best to promote secondary industries within Basutoland itself - but progress is painfully slow.

Basutoland's main potential economic asset is water. The territory is a natural reservoir and an obvious source of hydroelectric power for an enormous area of Southern Africa. It is also the source of South Africa's major river, the Orange River. The development of hydro-electric power could galvanize the economy and be Basutoland's salvation. But this would need a capital investment of some 30,000,000 dollars, and would Almost certainly require the cooperation of the Republic of South Africa.

The Basotho have fortunately been spared from the divisiveness of tribalism. Linguistically homogeneous, they have a strong sense of national identity - the Paramount Chieftainship having served powerfully from the days of the great Moshesh to symbolize the unity of the nation. At the same time, tensions are developing between the hereditary chiefs, who are still influential, and the

Until very recently the pattern of administration in all three territories was much the same. Full power to govern by proclamation was vested exclusively in Her Majesty's High Commissioner, the various councils and committees of the inhabitants of the territories being advisory only. The High Commissioner's headquarters were, and they still are - somewhat incongruously in my view estz. 'a and Capet *m. In each territory, however, he appoints, and delegates certain powers to, a Resident Commissioner who works under his direction.

The first stirrings among the indigenous inhabitants for an effective say in their own government took place among the Basotho. Indeed requests by the Basotho for an effective voice in their own affairs have been quite remarkably leg continued and patiently renewed.

As early as 1872, during the troubled days of annexation to the Cape, some of the leading chiefs requested representation in the Cape Parliament. They asked in vain. Some forty years passed by, and then, in 1909, the Basothe asked the heir advisory Council, called the Basutoiland Council, which had been established six years earlier, should be converted into a Legislative Council. Again the response was negative. In 1919 the Paramount Chief prayed for an "extension of steps in the direction of self government, in terms of the expressed wish of Chief Moshesh when he sought the protection of the Government of Great Britain." The Paramount Chief's prayer went unanswered. In 1945, twenty-five years later, the Basutoland Council again broached the question of legislative
powers - again unsuccessfully. Ten more weary years were to elapse and a motion was passed repeating the request for a Legislative Council, this time more aggressively, and including a call for an Executive Council as well. At long last there were signs of movement - however, let me be a little more specific about the background.

In 1938, pursuant to a report by Sir Alan Pin, a Native Authorities Ordinance was introduced following the pattern of the early Indirect Rule Ordinances of Nigeria and Tswana. No good purpose would now be served by recriminations, but it is fair to restate Lord Hailey's measured criticism that there were exceptional features in the Basutoland organization, such as the position attained by the Basutoland (Adriory) Council, which would have justified a more imaginative approach. What was needed was less emphasis on indirect rule and control from above, and more emphasis on encouraging the growth of responsibility and initiative in the hands of Basotho organs of government.

In 1943 the electoral principle was introduced, immediately proved its value, and was gradually extended. Indeed, by 1948 the Basutoland Council had become sufficiently representative in charter to justify the expectation that this would be accompanied by a grant of legislative powers. Until recently, however, such pronouncements as were made by the British Government firmly precluded an intention to give such powers.

Meanwhile, misunderstanding between the representatives of Her Majesty's Government and the Basotho led to growing dissatisfaction, and to what is euphemistically called a condition of "dualism." In 1954 a Government-appointed Commission, under Sir Henry Moore, was set up to consider constitutional reform, but its terms of reference specifically excluded the introduction of a Legislative Council, even though two years earlier this line of development had been indicated as plainly desirable by Lord Hailey.

Finally, in 1955 the Basutoland Council passed Motion 90 requesting that the Council be given power to make laws in all internal matters. In May, 1956, the Secretary of State for Commonwealth Relations said that he was willing to consider proposals along these lines, subject, however, to certain conditions. Among these conditions was one which, inter alia, would, it seemed, have excluded from the law-making power of any proposed Basutoland legislature all competence to make laws affecting the two thousand whites residing in the territory - it being laid down by the Secretary of State that law-making power be limited to matters affecting the Basotho only. Needless to say this condition was rejected by the Basotho.

Then the ministry then proceeded to appoint a committee with power to draw up - in consultation with an independent adviser - comprehensive proposals for a new constitution. In due course specific proposals were published in a lengthy report; they were unanimously accepted by the Basutoland Council; and, in substantial measure, implemented by Her Majesty's Government which, on the basis of these proposals, introduced the present Basutoland Constitution in 1960.
Now let me say immediately that while I fully accept my share of responsibility for that Constitution, I have never been under any illusions about its merits and - more to the point - about its weaknesses. Nor have the Basotho, or I - that matter the British Government, or I under any such illusions.

A few obvious and immediate gains were, however, made. Whereas under the old dispensation, the powers of the Basutoland Council were advisory only, and moreover did not extend to the whole field of government, under the new Constitution the competence of the Legislative Council covers the whole field, being legislative in a wide range of matters, though it remains advisory in an important area reserved to the High Commissioner. Again, any suggestion of a

colour-line in empowering the late - was firmly rejected. Fancy franchises and reserved seats were also rejected, and the principle of democratic common-roll elections for both the Basotho and the -00 whites lawfully resident in the territory, was adopted. The election to the legislature are, however, at present indirect, directly elected lot government bodies serving as the electoral colleges.

In the unicameral legislature the principle was given a rather extension so as to increase the - the other 50% of the members obtaining the - of their chiefly birth, or through nomination by the - I can say quite emphatically that it would not have been possible at the to get approval in the Constitutional Committee (which consisted mainly of in the Basutoland Council itself (which also consisted mainly of vhlF-) for a greater degree of popular representation - and without that approval. L g. tions with the Secretary of State would have been hamstrung.

In the executive field, where the old dispensation decisions were taken without consulting the representatives, this is not possible under the new Constitution.

At the same time, when all this has been said, the new Basutoland Constitution was not anything particular to write about. Under it, it was possible for a political party to win an overwhelming victory at the polls without being able to control either the legislature or the executive - and this is what has in fact happened. The constitutional proposals fully recognised that this sort of divorce between power and responsibility was unhealthy. But there was, for the time being, no alternative. For me 80 years virtually no steps had been taken to establish the foundations of full responsible government; and this could not be x." ed at one stroke.

What was needed was a frame-work which would inevitably set the course in the direction of more democratic and responsible government, which would build up pressures for development, which would not incite too much opposition among the more conservative and influential Basotho, and which would afford, above all, a period of training in modern democratic government - for, let me repeat, one was starting at scratch.
In this regard it is relevant to quote the following passage in the Constitutional Report - which I regard as the keys:

"Sir C. B. Adderley in a well-known review of Earl Grey's Colonial Administration, said that the normal current of Colonial history is perpetual assertion of the right to self-government.' These words were written 80 years ago and history has not yet proved them false. It should be accepted, therefore, that the proposals which we are advocating for Basutoland will gradually evolve in the direction of further advances towards self-government. Indeed, we would say that the value of the present proposals should be judged precisely by the capacity they may have for facilitating sound and steady progress."

Today, after 2 to 3 years' experience of the working of the 1960 Constitution, the Basotho are demanding radical steps forward - full democracy, full responsibility, the establishment of the Paramount Chief's position on a sound basis; and either immediate independence or the fixing of an early date for Independence. A Commission for Constitutional Revision is now working on the subject. It would not be proper for me, as the adviser to that Commission, to go into details - but my general views are on record; and let me say I am delighted that the momentum for reform is strong. The Basotho have had enough of halfmeasures.

Party political development in Basutoland is vigorous. Founded in 1952, Mr. Ntsu Mkhize's Basutoland Congress Party is probably the strongest. Chief Leabua Jonathan's Basutoland National Party, which places more emphasis on integrating the traditional way of life into a modern structure, also has considerable support. Towards the end of 1960, dissensions within the leadership of the Basutoland Congress Party came to a head, and Mr. B. M. Khaketla, then Deputy President of the Congress Party, resigned and formed the Bautoland Freedom Party. This party has recently amalgamated with Chief S.S. Matebes Marema Tlou, which had been formed in 1957, and has the creation of unity between chiefs and commoners as one of its objectives. A Communist Party exists - sniping (as yet ineffectively) at everyone, and especially at the powerful Congress Party. Finally, within the last few months a Labour Party has been formed mainly among the migrant labourers working in the Republic. In its recently published manifesto it seeks - among other objectives - cooperation with the Republic on the basis of good-neighbourliness.

There are some in Basutoland who see in all this proliferation of party activity a danger of weakening the struggle for freedom and independence - and as encouraging a policy of divide and rule. This, for example, is the view of Mr. Josiel Lefela - veteran freedom fighter among Basutoland's politicians who has called for a National Liberation Front. The danger, no doubt, exists; but the Basotho are patriots and not fools, and offsetting the proliferation of parties (which, after all, is not unnatural in a free country in the formative years of democracy), there has recently been formed the Pan African Solidarity Congress (PASCO) - an alliance between the Basutoland Congress Party and likeminded parties in Swaziland and Bechuanaland.
Now let me turn briefly to the background facts of the other two territories.

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Physically, Bechuanaland provides a complete contrast to Basutoland, Bended by the Republic of South Africa, Southern Rhodesia and South West Africa. Bechuanaland is somewhat larger than Texas. It is not a shortage of land but a shortage of water that is the main factor in the life of the 350,900 Africans, 3,000 Europeans, 700 persons of mixed blood and 300 Asians who live there, Cattle rearing and dairying are the slender props of the economy. Though deposits of coal have recently been discovered, this too is a poor and as yet undeveloped economy with an annual revenue of less than 3 million dollars.

Approximately 13,500 square miles of the country have been reserved for occupancy by the African peoples (*here land is allocated by the chief for the use of his subjects much in the same way as in Basutoland). Over 100,000 square miles, much of it desert, is undeveloped Crown land. In addition, there is an area of some 5,000 square miles comprising land owned by the Tati Company, and blocks granted in perpetuity to the British South Africa Company, where Europeans can buy farms with freehold title.

The history of Bechuanaland's association with Great Britain has some points of similarity with that of Basutoland. Thus, it was another great African chief, Khama III of the Bamangwato, who had a good deal to do with bringing Bechuanaland directly under the British Crown.

For some 50 years prior to Khama's succession to the chieftainship of the Bamangwato, the tribes in Bechuanaland quarrelled and fought among themselves, and conditions were chaotic. Khama succeeded to the chieftainship in 1872. A militant Christian, with a small well-disciplined army at his command, he was a firm and progressive administrator, and not only kept order within his domain but helped to bring it to the surrounding region.

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By the riddle resenties contact had been established with the whites as friction developed between the Bechuans and Boars from the Transvaal. Actuated by the same fears as Moshoeshoe for the Integrity of his land and the safety of his people, Khama made representations to the High Commissioner that his contry and people should be taken under the direct protection of the British Crown. In this he received the potent backing of Cecil Rhodes, who shrewdly saw in Bechuana land the essential passage way to what is now Rhodesia. Meanwhile the Germans had occupied South West Africa and Bechuana and was therefore the corridor between German South West Africa and the Boar Republic of the Transvaal. The British Government, reluctant to assume new responsibilities, held back, but Rhodes r-reaid. In 1885, after a expedition through the area, Sir Charles Warren declared the whole of Bachd to be under the protection of Her Majesty the Queen.
The southern part of the area, sometimes known as British Bechuanaland, which included the town of Mafeking, later became part of the Cape Colony and is now an integral part of the Cape Province of the South African Republic. The northern part, with its administrative headquarters at Lobatsi (formerly at Mafking in South African territory), has remained throughout a British Protectorate administered by the High Commissioner and is known as the Bechuanaland Protectorate.

In 1895, ten years after the declaration of protection, the British Government proposed to hand over its administration to Rhodes British South Africa Company. Chief Khama, supported by two other principal tribal chiefs, promptly went to England to protest. Their protest was effective, and it was agreed that, if a strip of land was given up sufficient for the construction of a railway from the southern to the northern border (i.e., the land on which the railway from Mafeking to Bulawayo runs today) they would remain, as they have done ever since, directly under the protection of the British Crown.

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I turn now to the constitutional development of the territory. Despite a long struggle for improvement by great representatives of the Bechuanaland people like the late Tahekedi Khama, constitutional development in Bechuanaland has been painfully slow and hesitant—much slower even than in Basutoland.

In 1920 two Advisory Councils representing respectively the European and African inhabitants of the Protectorate were created; they were to be consulted on certain items of Government policy. The European Advisory Council, which met twice a year under the presidency of the Resident Commissioner, was made up of eight members elected to represent the European inhabitants in the eight electoral areas into which the Protectorate was divided. The African Advisory Council of the chiefs of the eight principal tribes, as permanent members; and thirty-two other members selected by tribal or district councils for thirteen divisions in the Protectorate, with the Resident Commissioner as president, and not more than seven other officials.

The method of selection or appointment to the African Advisory Council varied from area to area; but until very recently the operation of the democratic elective principle was very little in evidence. The Resident Commissioner was authorized to consult the African Advisory Council on a range of matters affecting Africans only, such as matters concerning Chiefs, African Courts, customary law and tribal organization.

In 1950 a Joint Advisory Council was established, consisting of eight members of the African Advisory Council elected by that Council, the eight members of the European Advisory Council, and seven Government officials. In April 1958 the Joint Advisory Council passed a resolution "that in the opinion of this Council the time has come when a Legislative Council should be formed and empowered to assist in the Government of the Territory." Thereupon in April 1959, it was announced that the Secretary of State for Commonwealth Relations was prepared to consider proposals for the establishment of a Legislative Council.
A Committee, consisting of four European and four African unofficial members of the Joint Advisory Council and four Government officials, was appointed to assist the Resident Commissioner in the formulation of proposals. The Committee's report, duly endorsed by the Joint Advisory Council, was published in November 1959. After publication, certain modifications recommended by the Resident Commissioner and the High Commissioner were agreed with the Constitutional Committee. And in July 1960 the Secretary of State announced his approval of the proposed constitution.

The new Constitution came into force in May 1961. It provided for a Legislative Council of 35 members of whom 14 are either government officials or govern. pointees. The 2 elected members consist of 10 Europeans elected directly by Europeans in ten constituencies, 10 Africans elected indirectly by the old African Advisory Council (which continues in existence and now acts, in addition, as an electoral college), and one Asian elected by Asians throughout the territory by postal vote.

If this constitution did nothing else, it spurred the Bechuana immediately into the organization of political parties whose aim is to have it superseded by a more democratic and less racially conscious structure.

The most conspicuous defects of the constitution are, of course, (a) the principle of parity between African and European representatives, the so-called 1150/5, -j principle,” despite the overwhelming majority of Africans in the territory; (b) the absence of common roll elections, and the presence of communal representation - always a canker in the body politic - and (c) the disparity of treatment between Africans and Europeans in regard to the method of election direct elections being favoured for Europeans, indirect elections for Africans.

I shall have occasion presently to refer to some of these features in

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referred to below going on in Swaziland, where a determined attempt is being made by some of the whites to reproduce, substantially, the Bechuanaland Constitution. Suffice it to say that last year in the United Nations, Britaints representative conceded that insofar as Bechuanaland’s constitution was based on the principle of racial parity, it was "essentially of a transitional nature," and there can be no doubt that popular opinion in the territory is becoming increasingly opposed to it.

Slower to get under way than in Basutoland, party political organization in Bechuanaland is now making rapid progress. The Bechuanaland People's Party, founded in December 1960, and led by Mr. K. T0 Motsete and Mr. Po Matante is the Bechuanaland counterpart of the Basutoland Congress Party. A deflectionist section of the Bechuanaland People's Party, with apparently leftist sympathies, led by Mr. M. K. Mpho, also calls itself the Bechuanaland People's Party. Unlike Basutoland, Bechuanaland faces a possible danger of tribal division; for, as we have seen, there are some eight principal tribes in the territory, perhaps the best known being the Bamangwato (the tribe of Tshekedi. Kham and Seretse Khama) and the Bangwaketse under Chief Bathoen II. In 1959 the Bechuanaland Federal Party was formed with aim, U j, of working towards the unity
of the tribes. And recently Seretse Khama, Secretary of the Bto tribe was reported as having formed a new party, the Bechuanaoland Democratic Party and Chief Bathoentse of the Bangwaketse is also active in politics. It is earnestly to be hoped that these developments will not exacerbate tribal differences as has happened in other African territories.

A small and beautiful country about the size of Wales, Swaziland is bounded on the north, west and south by the Republic of South Africa, and on the east by

Portuguese territory. Smallest of the three territories both in size and population, it is economically the most prosperous, and politically the most challenging. Favoured by a good climate, abundant water, fertile soil and considerable mineral wealth, Swaziland's economic viability is assured. Afforestation and irrigation schemes have made possible a valuable and growing export of sugar, wood-pulp and fruit. More than a million tons a year of high-grade iron ore, from the Bonvu Ridge fields, are under contract to two Japanese steel firms; and a 30,000,000 dollar railroad is now under construction from Bonvu Ridge to the Portuguese border, where it will join a railhead to Lourenco Marques.

The European population is the smallest of the three territories, the African population is the largest and, by far, the most influential. About 250,000 Swazi (Africans) live and work in the territory, and an additional 8,000 to 10,000 find employment as migrant labourers in South Africa, principally in the gold and coal mines of the Transvaal. There are approximately 10,000 Europeans in the territory; and, in addition, some 2,500 people of mixed blood (called Eurafricans or Coloured people),

Most of the Swazi still live in a rural environment under a semi-feudal regime of traditional law and custom, and within the framework of a subsistence economy; but a steadily increasing number are becoming modernized and urbanized. And both the speed and range of modernization are likely to increase rapidly as big plans which have been made for the industrialization of Swaziland get under way. For example, trade unionism among the Swazi is a recent and potentially very significant development. And there are, today, at least two modernly conceived political parties in the territory under Swazi leadership (the Swaziland Progressive Party and the Swaziland Democratic Party).

The uAojens in the territory include civil servants, missionaries, teachers, merchants and farmers, and - increasingly - they are providing the initiative for, and assuming control of, the territory's expanding commerce and its industrial and mining activities. It has been estimated that about 75 per cent of the Europeans in Swaziland are South African citizens. A large number of them reside and own property both in the Republic of South Africa and in Swaziland; and, under the existing laws, many of them exercise citizenship and franchise rights in both countries. On the other hand, SWazi living in South Africa are not accorded political rights in that country.

The Eurafrican community of mixed blood is a middle class group consisting
The story of how Swaziland came under European jurisdiction may be shortly told - it reflects little credit upon human nature. In the eighties of the last century, the then Paramount Chief of the Swasi, Mbandzini, granted to acquisitive Europeans, both Boer and Briton, innumerable overlapping concessions, not only for farming and mining, but for almost every imaginable purpose. Quarrels between Boer and Briton over concessions and alleged concessions inevitably developed, and as these threatened to erupt into violence, government intervention took place. In 1890 a form of condominium by the United Kingdom and Transal governments was provisionally established, to be replaced four years later by a convention which gave the Transvaal (South African) Republic powers of protection, legislation, jurisdiction and administration over Swaziland. As a result of the Boer War, these powers passed in 1903 to the Governor of the Trans and, three years later, they were transferred to the High Comissioner, with whom they remain to this day.

The tangle of concessions was gradually unravelled by a commission specially appointed for the purpose; and slowly, and with exemplary singleness of mind, the Swazi began to win back land and mineral rights. It would, however, take me too far afield to go into this involved, technical, yet vitally important subject of land and mineral rights, which lies close to the heart of some of the wrangling going on at this very time in regard to proposed constitutional advance. And it may suffice, for present purposes, if I outline very briefly the present distribution of land rights among the various population groups.

- 15% of the total land area of Swaziland is set apart for occupation by the Swazi.
- The major portion of this land (approximately 38% of the territory) consists of so-called "Swazi areas" set aside by the Concessions Partition Commissioner in 1910, and scattered in blocks throughout the territory. The balance of the land allocated for the Swazi consists, in approximately equal shares, of land purchased over the years by the Swazi people - which is held in trust by the Paramount Chief on behalf of the people - and Native Land Settlement Areas, vested in the Swaziland Government.

Approximately 45% of the land area of the territory is held by private persons in freehold under Roman-Dutch law, or under mining concessions. The major part of this privately owned land (about 43% of the whole of Swaziland) is held by Europeans. The remaining area of the territory consists of government owned freehold land, unallotted Crown land and townships.

In the result, the territory presents a patchwork-quilt appearance, in which African and European land holdings are inextricably mingled.
Turning now to the territory's political and constitutional advance, it is think fair
to say that it presents the most backward and discouraging picture of

all three territories a as a brief review will show.

For some forty years the administration of Swaziland has been based on a
division between "purely European affairs" and "Native (or Swazi) affairs." Thus,
in 1921, an elected European Advisory Council, representative of the European
community, was established "to advise the Administration on purely European
Affairs." At present this Council consists of 10 members (one representing each
of the electoral divisions of the territory), together with the Resident
Commissioner, the Deputy Resident Commissioner, and six other official
members appointed by the Resident Commissioner, who presides over the Council.
The leader of the elected European group is Mr. C. F. Todd, a prominent South
African lawyer and director of companies, who has interests, and is a registered
voter, in both

On the other hand, the focus of the traditional Swazi tribal structure is the
Ngwenyama or Paramount Chief, Sobhuza II. He acts in consultation with two
traditional councils, the Liqoqo, consists of the Ngwenyama's
kinsmen and a few chosen advisers. The larger council, which normally acts only
when matters have been referred to it by the Liqoqo, is known as the Libandla (or
Swazi National Council). In theory, and in its largest extension,
it is a council consisting of all the adult males in the nation. In practice, however,
it is made up of all the chiefs and persons, of whatever rank who have been co-
 opted to it. The Libandla is recomfited, under Swazi custom, as the final body from
which approval for any contemplated act of legislation by the Ngwenyama
should be obtained.
The first serious steps toward constitutional reform were taken in April, 1960, by
the Paramount Chief, Sobhuza II, who invited a small group to hear his views on
the subject, and the general lines which reform should follow. As this statement
was, and remains, an important one, it is relevant to include a summary

of its main points. Indeed, it would seem that the work of constitutional planning
which has taken place in Swaziland has taken place very largely within the
framework of the Paramount Chief's pronouncement.
On the occasion referred to, the Paramount Chief said:
"We regard the European Advisory Council as having a lower
status than our Council. We cannot meet the Advisory Council in its
present stage as an Advisory Council; and in order that we should
join it, let its status be raised to that of a Legislative Council.
Only then can we come together."
The Paramount Chief then stated that inasmuch as Europeans and Africans had
been "brought up on different ideas" a problem arose concerning how they were to
be brought together in a Legislative Council. And he suggested the following solution:
"I think a solution to that would be that the Advisory Council, the European public, should elect their own men under their system of election, and we would get our men, chosen in the way we are wont to do, and then those men will meet and legislate for the country. They join together. I think it would be better to call the method that of federation, where we would not count how many represent so and so and how many represent that unit, but they will merely meet as a federation together."
Elaborating his wish to retain traditional African methods in the selection of African representatives on the proposed Legislative Council, the Paramount Chief said:

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J. sei how we can try to adopt European ways of doing things which we don't know. It is quite true that we should copy those good practices that the Europeans have, but when you come to consider what is this democracy of which they speak you ultimately get lost in the idea. . . When people speak of democracy one wonders what democracy it is they want to maintain because we, the Africans, as a matter of fact, have bigger numbers than the other people, but one cannot understand what is meant by democracy when one thinks on those lines . . . Let us regard this as a European practice. I think it would be a better democracy if people went into it in the e -"y as de Gaulle took up his position in France."

Following upon this pronouncement, in November 1960, the Secretary of State authorized the appointment of a Committee to make proposals for a Swaziland Constitution. A committee was thereupon appointed consisting of representatives of the European Advisory Council, the Ngwenyama in Libandla, and the British Administration, under the chairmanship of the Resident Commissioner of Swaziland, Mr. B. A. Marwick. It appointed a small working committee, invited evidence from interested parties, and proceeded with the work of constitutional planning.

On the constitutional committee - though not on its working committee there were initially three members of the Swaziland Progressive Party, an African nationalist party, and - at the time - the territory's only political party. These were Mr. J. J. Nquku, then the President of the party; Dr. A. P. Zwane, the General Secretary, and Mr. Mabuza, a member of the Executive Committee. They were given their places on the committee in their capacity as members of the Libandla and not as members of a recognized political party,

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The Eurafrican community were not accorded any representation, notwithstanding the fact that they comprised a substantial minority and were treated under the laws of Swaziland as a separate group possessing a separate status.
Soon after the Constitutional Committee began its work, a conflict developed between the Swazi traditionalists and some of the white settlers, on the one hand, and the Swaziland Progressive Party on the other band. The members of the party on the committee were informed that it was expected that discussions for reform would proceed "within the framework of the Paramount Chief's proposals." Thus in the Minutes of the Joint Constitutional Committee held in Mbabane on 17th February, 1961, Mr. C. F. Todd is reported as having said, "The people were willing to carry out the Paramount Chief's proposals not contrary to it." This appears to have been the general opinion. And, in this regard, the party members on the committee were reminded that their views concerning adult suffrage were quite unacceptable to the Paramount Chief, who had stated: "If only we could extricate Africa from this idea of one man, one vote, I am sure we would have achieved our objectives."

In May, 1961, the members of the Progressive Party on the constitutional committee, having failed in a request to have a constitutional adviser appointed for the committee as a whole, decided that their position on the committee was untenable, and approached me to assist them. I agreed to assist, with the following terms of reference:

(i) to advise the party on the whole subject of constitutional reform in Swaziland and to assist in drafting proposals, having due regard to the interests of the traditional tribal structure, the white settlers and all other relevant interests; and

(ii) to advise upon what steps can be taken to achieve the party's goals at an early date with the minimum friction among the various interests in the territories.

Meanwhile dissatisfaction with their position, and with the procedures of the constitutional committee, was being expressed by the Eurafrikan Welfare Association on behalf of the Europafrik community of Swaziland. And, during August, 1961, they too asked me to represent their interests. In the course of a lengthy consultation, the Eurafrikan Welfare Association outlined their grievances to me and made constructive proposals for improvement. They emphasized that they were a substantial minority group, who were in danger of being forgotten. They pointed out that, at present, they pay taxes in the same way as Swaziland's whites, but they have no political representation whatever. They are by law excluded from the vote for the European Advisory Council, and unless they wish to live a tribal life, they are not regarded as part of the country's political structure.

They complained about the lack of adequate financial support for schooling for their children; they resented the fact that there were differential rates of pay for white, Eurafrikan and African artisans; they regretted the fact that they had not been given representation on the constitutional committee, despite the fact that in the laws of Swaziland they are regarded as a separate group; and they reported that when giving evidence to the constitutional committee, they had asked for some special provision to be made, because they feared that under King Sobhuza's
scheme, they would be swamped on a common roll confined to whites and Eurafricans, inasmuch as the whites greatly outnumbered them. They had, however, been summarily informed that they had made no case for additional nominated representation because the committee felt that if they got on the common roll they would have wrong representation on the legislative council.

The spokesmen of the Swaziland Eurafrican community explained to me that they considered themselves to be a group only by rejection, exclusion and legal definition. They did not wish to perpetuate group distinctions on a racial basis and hoped to work for the eradication of all laws which treated them as a separate group with a separate status. For this reason they favoured the introduction of a genuine common voters’ roll on a wide suffrage, which would include Swazi as well as whites and Eurafricans (and which would not be confined merely to whites and Eurafricans). At the same time they expressed the view that until such time as non-racialism developed in practice in Swaziland, as well as in theory, they would have wrong representation on the legislative council.

They made it quite clear that they did not wish to merge their identity with the Swazi, nor with the whites (either to "try to for white" or to "try for black"). On the contrary, they were for submerging their identity as a separate group with a distinct legal status in a wider Swaziland nationhood, a bigger loyalty which would embrace all Swasilanders irrespective of race or colour.

I have dealt with the position of the Eurafricans at some length, because it is difficult, I think, to resist the conclusion that their interests have been neglected, and because there is a danger that, in the clash of more powerful, and serious forces, they may again be forgotten.

On 20th September, 1961, the proposals which I had prepared on behalf of the Swaziland Progressive Party and the Eurafrican community were published, and copies were sent to the constitutional committee. In essence the proposals were for a legislative council consisting of a clear majority of unofficial elected members, who were to be elected on a single common roll with universal adult suffrage. In addition, there was to be provision for ensuring representation
The committee recommended that there should be a Legislative Council consisting, in addition to the Speaker, of four official members (without a vote), twelve zi w.offiaial mtuaaoers elected by the Swazi National Council, serving as an electoral college, and an equal number of unofficial European members, elected separately on "a common roll consisting of Europeans and Eurafrcanso"

Now, it has seemed to the Swaziland Progressive Party, to the Eurafrcan community, and, let me add, to a substantial number of Europeans, officials and others in the territory, that the constitutional committee's proposals are unacceptable, for several reasons:

(i) they are unhealthily racial - communal representation, whereby the Swazi are placed in one group and the whites and Eurafrcans in another, being calculated to perpetuate racial thinking in Swaziland and do harm in souring race relations;

(ii) "the 50/50 principle" of racial parity between whites and Swazi is quite unfair to the Swazi; for it gives the whites at one jump an enormous accession of political power, coupled with their already overwhelming economic power. Numbering barely 10,000, they would...

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(iv) the proposals make no provision whatsoever for democratic elections on a genuine common roll, including Africans as well as whites and Eurafrcans. And unless this principle is implemented, in reasonably substantial measure, it would seem vain to speak of building a non-racial democracy in Swaziland.

More than a year has passed since the committee's proposals were published; they have been heavily and responsibly criticized in leading journals of opinion including the London Times, the Manchester Guardian and the Economist - and an inconclusive conference on the whole subject was recently convened by the Secretary of State, in London. The various interests there represented took up prepared positions, and the Secretary of State and his advisers were left with the difficult task of doing what they could. In due course it was agreed that everyone should go home and re-think the position.

The British Government's attitude at the date of writing (April 7, 1963) has not been published. But it would be surprising if the 50/50 principle of racial...
pariy were Znud a4ceptable, and - above all - deeply disappointing to those who believe in non-racial democracy, if the British Government did not insist upon an i and iii " start being made in Swaziland with democratic common roll elections for Swazi, whites and Eurafricans - without regard to race, colour or creed.

3, OPPORTUNITIES AND CHALLENGES

For some 80 years, as we have seen, Britain has been responsible for the government and well-being of these territories. We have seen, too, that the reasons for her involvement were mixed, Included among them was a good deal of what Sir J.ohe- Zoel-y once called "a fit of absence of mind." There was a substantial measure, too, of genuine philanthropy and compassion, which yielded to the overtures of the Basotho and Bechuana peoples, who turned to Britain for protection against their white neighbours. And there was something, too, of that peculiar compound of economic and political imperialism, tinged with sentimentality, which led Cecil John Rhodes to proclaim, during the scramble for Africa, that "philanthropy was all very well, but philanthropy plus 5% was better," and which enabled him to persuade Britain that Bechuanaland should be taken under protection as the "Suez Canal to the North."

But whatever the reasons might have been for Britain's original assumption of stewardship, the fact of stewardship and viability for it, are hard contemporary realities. There is certainly no compelling economic benefit to be derived by Britain from continued association with these territories. On the contrary they are a financial burden; and manifestly they are a growing source of embarrassment. Last year, for example, as you are aware, Great Britain's stewardship of the High Commission Territories was adversely criticized by the

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General Assembly of the United Nations and, as the months go by, I have little doubt that world attention will increasingly be focussed upon these territories and their problems.

Time and again one hears senior British civil servants in the territories say "We have no other interest here but to seek an honourable discharge," What, then, is the debt that must be honourably discharged?

Throughout the greater part of Britain's period of administration of the High Commission Territories, the character of policy towards them was determined by the expectation that some day they would be incorporated in the South African structure. The British Government was content to adopt the attitude of Mr. Micawber, hoping "i qorthi: would turn up, and be1l6ef1mg it unwise to allow the direction of political and economic development in the territories to get too much out of step with that prevailing in South Africa. Naturally, I am not for one moment suggesting that it was ever the British Government's intention to go back on its oft-repeated pledge that incorporation would not be allowed without first consulting the peoples of the territories as well as the British Parliament. What I am suggesting, and I repeat it, is that for decades
ultimate incorporation was in fact anticipated, and that this expectation had a
decisive influence on the shaping of policy.
In 1948, however, Dr. Malan’s apartheid policy won the South African
general election and put his party in power. This gave the British Government a
jolt, but by no means a decisive one. For the opposition party, the United Party, it
was felt, might - in the tradition of British politics - return to power. The United
Party favoured ultimate incorporation of the territoriesl and, once again, the
Nicawber policy prevailed. The British Government went on hoping for
something to turn up, while the territories and their inhabitants languished*

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Ther)5 ', t ’5-9, when it became obvious that South Africa was determined to
pursue the way of apartheid or separate development, and when it became
equally obvious that the United Party's potential opposition was becoming
increasingly hopeless, Great Britain openly committed herself to bring the High
Commission Territories into the orbit of her general colonial policy; and more
particularly, committed herself to guide them towards non-racial democracy and
the maximum degree of self-government possible in their circumstances.
When Mr. MacMillan came to Capetown in 1960, he said to Dr. Verwoerd in his
famous "Winds of Change" speech:
"What is now on trial is our way of life. Our judgment of right and
wrong and of justice is rooted in the same soil as yours - in Christianity
and in the rule of law as the basis of a free society. It has been our
aim to create a society which respects the rights of individuals - a society
in which men are given an opportunity to grow to their full stature, and
that must in our view include the opportunity of an increasing share in
political power and responsibility; a society finally in which individual merit, and
individual merit alone, is the criterion for a manes advancement, whether political
or economic0"
Then in a very significant passage, he added:
"In countries inhabited by several different races, it has been our
aim to find means by which the community can become more of a community
and fellowship can be fostered between its various parts. This problem
is by no means confined to Africa0 Nor is it always a problem of a
European minority."

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He t this theme by endorsing a declaration made by the British
vop.sontative at the United Nations General Assembly in 1959:
Mhe reject the idea of any inherent superiority of one race over
another*, Our policy is therefore non-racial; it offers a future in which
Africans, Europeans, Asians, the peoples of the Pacific, and others with
*am we are concerned, will all play their full part as citizens in the
eotri.es where they live, and in which feelings of race will be submerged in a
loyalty to now nations."
These were stirring words for those who believe in non-racial democracy; and they were hailed in the High Commission Territories. That they were intended to apply to the High Commission Territories has, moreover, repeatedly been made plain by Sir John Maud, the High Commissioner who has just retired. Now then is the debt of honour acknowledged by Britain. A gauntlet, so to speak, was thrown down; and it was promptly taken up by Dr. Verwoerd, who, in his own turn, proclaims the virtues of his policy of racial differentiation and the development of "Bantu" states. Two ways of life and two philosophies of government now in open competition in Southern Africa.

In a real sense competition is not the right word; for South Africa and the High Commission Territories have mutual need of cooperation; and if open conflict is to be avoided, some modiﬁcation must be found. Whether, given the profound difference between the two ways of life to which I have referred, competition is compatible with mutual cooperation and forbearance, peraps a moot point. Certainly the difficulties of the situation are great, and should compel deep humility and compassion. Plainly there can to * empr* se in the territories themselves on the basic issues, yet open conflict would have grave international implications, which both South Africa and Britain obviously wish to avoid. At the same time there is need for firm and effective action.

If Britain fails in the High Commission Territories; if, for example, she cannot set the course deliberately and decisively towards non-racial democracy among the 10,000 whites and 250,000 Africans in Swaziland, such a failure would give powerful support to Dr. Verwoerd. For he would undoubtedly use it, as he uses the failure of so-called "partnership" in the Central African Federation, as an argument in support of his case that one cannot achieve harmony between whites and non-whites by pious hopes - however eloquently expressed - or by trying to bm the aroatz’ s together by thing fancy constitutional knots in their tails. Nor would there be much comfort, for anyone, to show the flaws in Dr. Verwoerd’s own policies.

The ideals to which Britain is now firmly committed in the High Commission Territories are, everywhere, grudgingly hard to achieve. There is still a chance that they may be achieved in these territories; but this will call for great qualities, not only from the British government but also, and even more emphatically, from the people of the territories themselves - black and white, chiefs and commoners. What then are the prospects? I repeat there is still a chance of success; but there are dangers and unhealthy features which must be squarely faced. There is absolutely no room for complacency and self-deception. Only great damage can be done to these territories by those who would point an accusing finger at Dr. Verwoerd, while expecting a non-racial democracy to spring full-grown from the head of Zeus, and without a great deal of sweat and tears.

Meanwhile, time is running heavily against Great Britain and all concerned.
in Chi Righ i’sion Territories. Real constitutional advance has already been far too long delayed, and each additional month of delay leads to growing frustration, misunderstanding and bitterness.

It is for these reasons that I would ask you to fix your eyes, and maybe your prayers, on what is now happening in Swaziland. From the point of view of race relations and political significance in the overall picture of Southern Africa, Swaziland is very much the key territory; for, in substantial measure it presents South Africa's problems in microcosm. The hour for firm and principled action has now come. It would be a disaster if any new constitution, which may be devised, proved to be just another illustration of superficial and, ultimately,