

# BASUTOLAND IN TRANSITION

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ON Thursday, 18 December, 1958, the British Secretary of State for Commonwealth Relations, Lord Home, made a statement in the House of Lords announcing that "agreement has been reached on all the essential features of a new Constitution with the object of placing more power and greater responsibility in the hands of the Basuto nation." This agreement was "largely based" on a Report, "a historic document in the relations between" the British Government and the Basuto nation.

The Report was a product of the Basuto people themselves, worked out by their own National Council, in consultation with a South African jurist, Professor Denis V. Cowen, of Cape Town University.

The Secretary of State said that "in accordance with the proposals in the Report, I intend to recommend to Her Majesty, the Queen that, subject to certain legislative and reserve powers remaining with the High Commissioner, the Constitution should establish a Legislative Council for Basutoland. . . . This Council would be given power to legislate for all persons in Basutoland and would have the right in addition to discuss those matters which remain in the High Commissioner's legislative sphere. Its financial powers would include the right to vote the estimates on Council matters and to discuss those relating to the High Commissioner's matters. . . ."

"There would be an Executive Council, established broadly along the lines of the Report, comprising four unofficial members and four official members, of whom one would be the Resident Commissioner who would preside.

"Both delegations are satisfied that the best solution is to establish a single roll for Basuto and non-Basuto British subjects. . . ."

The astonishing thing about this Report is that it is an *African* document. It is true that in the drafting of it the Basuto had the very great assistance of a most gifted South African, Professor Cowen. But the initiative for the writing of it was purely Basuto, emanating from a resolution of the National Council. The choice of Professor Cowen was a choice of the Basuto;

all expenses involved were found by the Basuto from their National Treasury. And Committees of the Basuto National Council were responsible for every stage in the progress of the Report.

The local British Administration had little to do with the drafting of the document. On each Committee there sat one representative of the Administration. Each representative was probably the most sympathetic and tactful man available. Each was an experienced administrator. Neither quality helped with the initiating of ideas, but both did the essential job of keeping the Committees' view and that of the Administration close together. Clearly, the Administration has changed its policy radically during the past two years, and the people have succeeded, at last, in getting what they have been busy demanding for some eighty years.

Chapter 2 of the Report is entitled "Historical Introduction," and is an admirable short conspectus of events from 1868, 90 years ago, when Basutoland first became British territory. The Report divides these years into three periods:

- (1) 1868-1910, or the formative period;
- (2) 1910-1938, or period of economic and social changes;
- (3) 1938-1955, or period in which successive attempts at administrative reform took place.

Shortly after annexing Basutoland in 1868, the British Government handed it over to the Parliament of the Cape Colony. And, in accordance with its general policy, the Cape attempted progressively to substitute "the jurisdiction of Magistrates for that of the Chiefs," as Lord Hailey has phrased it.

This policy was not acceptable to the Basuto, and the regulations passed to implement it proved to be unworkable. Its failure was made plain in the Gun War of 1881, and the Cape asked Britain in 1883 to take the territory back and administer it itself. This was done, and the foundation was laid for the present division between the Union and the High Commission Territories.

Britain reversed the Cape policy of direct magisterial government, and laid down a new policy. Lagden records that the instructions to Colonel (Sir) Marshall Clarke, the first Resident Commissioner, were brief:

"Her Majesty's Government were of opinion that nothing more could be attempted at first than the protection of life and property and the maintenance of order on the border;

but the Basuto were to be encouraged to establish internal self-government sufficient to repress crime and settle any tribal disputes."<sup>1</sup>

These instructions were faithfully carried out in the beginning, and easy-going relations existed between the British and the Basuto. The first Resident Commissioners honoured Moshoeshoe's request,

"that the Queen should send a man to live with me who will be her ear and eye and also her hand to work with me in political matters. . . . The Queen rules my people only through me. The man whom I ask from the Queen to live with me will guide and direct me. . . . When the agent and I agree as to what is right I shall carry it out."<sup>2</sup>

But for many reasons the settlement, though admirably wise at the time, did not have sufficient flexibility. It entrenched the chiefs, who became secure in their rights and tended to neglect the welfare of the people. It offered the progressive Basuto little possibility of influencing their own country. Accordingly, after about 1920, the signs began to multiply that the system had outlived its maximum usefulness. A "Basutoland Progressive Association" sprang up, to represent the up-and-coming middle classes. The "Lekhotla la Bafo" (League of Commoners) arose under the able leadership of the prophetic Josiel Lefela, which sought to end British influence in Basutoland, and to reunite chiefs and people, who, they said, had been parted by the British.

The British noticed these signs, and occasionally tried to patch the system. In the 'twenties they tried to reform the courts system. The chiefs of those days financed themselves largely from court fines, and they opposed any idea of reform, and so this attempt failed. In 1938 the Colonial Empire was sold on the idea of "indirect rule", i.e., that government could continue for a long period through the chiefs—and in 1938 the British Administration introduced reforms to the Basuto court system and tried (most unsuccessfully) to tabulate and regulate the chieftainship. Still, little had been done to make a place for the rising middle classes, and in 1946 a further attempt was made to settle dissatisfaction. A "National Treasury" was set up to finance the chieftainship and the court system. But the root of the matter had not been touched.

<sup>1</sup> "The Basutos" page 560.

<sup>2</sup> "The Basutos" page 315.

What was necessary was for the rising middle-classes and literate people to be brought into the machinery of government; for the people's voice to be heard there; and for the way to be opened for the Basuto to enter the modern world as equals. The earlier reforms had not really touched these essentials, and dissatisfaction persisted.

Then, in January, 1953, occurred an important event. Under the Presidency of Mr. Ntsu C. Mokhehle, the Basutoland African Congress was set up. It collected the sort of people who had been left out by the earlier settlements. Under its wing a small group began to produce a monthly journal called '*Mohlabani*' (the warrior). Its editor, Mr. B. M. Khaketla, was and is a close friend of Mr. Mokhehle, and it had instantaneous and devastating effects. It slated government officials for their sins of omission and commission. I can testify to the shocked trauma suffered by the small white community of Maseru when it appeared. Accustomed to learning from their Basuto interpreters that they were angels of light rescuing the Basuto from indigenous darkness, they discovered from '*Mohlabani*' that they were regarded as obstacles to the Basuto in the struggle for freedom and equality. They also read of the unmentionable—how Mr. A. of the Agricultural Department had sworn at a teacher; how Mr. B. had used government transport to attend a polo match; how Bishop C. had written to his flock; and how Trader D. had done down his customers. Basutoland has never been the same since.

The Administration was shocked, but did not react with prison camps, and set up only a *small* Special Branch. Its composition is reported in the latest (1957) Annual Report as follows: "This Branch is commanded by an Assistant Superintendent of Police, and the establishment consists of one Staff Sergeant, two Corporals, ten Troopers and one Lady Clerk."

What they did do was to invite an ex-Governor-General of Ceylon, Sir Henry Moore, to head a committee to make recommendations for a new establishment that would satisfy more of the Basuto.

Although at this time I was no longer in the service, the thinking of the Administration was clear for me, or for anyone else, to see. Britain believed that if it gave the Basuto real local government but kept the central government under its own close control, enough Basuto would either be satisfied or employed for the tide of criticism to ebb. This thinking was

clearly reflected in the Moore Report, which was indeed written in close collaboration with the Administration.

But the Basuto are canny, and the report unleashed a tremendous volume of criticism. For months the debate raged. The Administration was assured by its interpreters that the criticism was the work of "just a few agitators"; the people, so they assured their employers, would vote for the Moore Report.

This did not happen, and the Report was rejected almost unanimously by the National Council in 1955.

A year later, the Administration surrendered and agreed to set up the Committees responsible for the latest Report and Constitutional proposals.

The balance of power is now with the Basuto. Although in the Constitution there is a division between "Council matters" and "High Commissioner's matters", this division is more apparent than real, for the High Commissioner will be obliged to consult the Council on all matters, including those reserved for his own decision. Now, with the powers of the Council increased to the extent that they have been, this consultation will, in practice, give the Council a practical veto over the "High Commissioner's matters." This has been shown by the manner in which the British have never interfered in Southern Rhodesia, although they were specifically given the right to do so in the 'twenties. It has also been shown by the manner in which even in the past the Basutoland Council, although in name merely advisory, has been able to prevent the passing of legislation of which it did not approve.

This is a fact of immense importance to the Basuto, who will now have the responsibility of making the new Constitution work. It will call for the highest degree of enthusiasm, efficiency and responsibility. My view is that the necessary men and qualities will be forthcoming, even if some of the able Basuto now in the Union have to return home to help. But if they are to succeed, they will have to maintain unity and build strength.

It is also a fact of importance to the Union and other Southern African States. For many are the "Native Reserves" south of the Zambesi. In each there will be responsible men watching the Basuto experiment. The Swazis and Bechuana can be expected to follow suit in the near future.

For how long can the structure of white supremacy continue intact under pressures like these?